

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. 2146

9 H. P. 2384 House of Representatives, April 28, 1982
Reference to the Committee on Audit and Program Review suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Rolde of York.

Cosponsor: Senator McBreairty of Aroostook.

11
12 STATE OF MAINE
13

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

17 AN ACT Relating to Periodic Justifica-
18 tion of Departments and Agencies of State
19 Government under the Maine Sunset Law.
20

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

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

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

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

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

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

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

1 be dedicated to the Department of Human Services to defray
2 the cost of these services.

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

5 It shall also include the Committee on Children and Youth,
6 the Maine Committee on Aging and the Maine Human Services
7 Council.

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

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

11 **Sec. 7. 22 MRSA §451, first ¶, last sentence is**
12 **repealed.**

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

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

15 **Sec. 10. 22 MRSA c. 254, as enacted by PL 1973, c.**
16 **582, §1 and as amended, is repealed.**

17 **Sec. 11. 22 MRSA §1602, sub-§3, as enacted by PL 1977,**
18 **c. 347, §3, is amended by adding at the end a new sentence**
19 **to read:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and, upon 2nd or subsequent conviction, shall be punished by
2 a fine of not less than \$100.

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

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

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

9 §2602-A. Fees for testing private water supplies

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

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

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

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

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

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

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

29 §3173-C. Copayments

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

35 1. Prescription drug services. A payment of 50¢ is to
36 be collected from the Medicaid recipient for each drug pre-

1 scription which is an approved Medicaid service, except pre-
2 scriptions utilized for family planning services, unless the
3 Medicaid recipient is in the custody of the State or unless
4 that recipient's income is assessed and applied to reduce
5 the cost of his medical care, or unless the prescription is
6 to correct or ameliorate defects and chronic conditions dis-
7 covered through the early and periodic screening and diagno-
8 sis of individuals who are under the age of 21.

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

11 If a recipient of assistance under this chapter who
12 resides in an intermediate care facility or a skilled nurs-
13 ing facility has a spouse dependent on that recipient for
14 support, the department shall permit the recipient to trans-
15 fer \$210 a month, ~~or \$2,520 a year,~~ from his income to that
16 spouse.

17 Sec. 30. 22 MRSA §3500-A, as enacted by PL 1973, c.
18 307, §1, is amended to read:

19 §3500-A. Jurisdiction of Director of Division of Eye Care,
20 defined

21 Jurisdiction of director means having direct adminis-
22 trative responsibility for all programs and personnel under
23 Division of Eye Care, section 3500 to 3512, except section
24 3501-A.

25 Sec. 31. 22 MRSA §3501, as amended by PL 1973, c. 307,
26 §2, is further amended to read:

27 §3501. Program established

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

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

37 §3501-A. Medical eye care program

38 The department shall provide medical eye services,
39 including corrective glasses, to individuals who have an

1 annual income not exceeding 80% of the state's median income
2 adjusted for family size and who have:

3 1. Eye disorder. A significant eye disorder which, if
4 untreated, may progress to blindness;

5 2. Visual acuity of 20/200 or worse. A visual acuity
6 after correction of 20/200 or worse in the better eye; or

7 3. Vision related problems. Other vision related
8 problems which would severely impair their ability to engage
9 in normal daily activities.

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

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

16 **Sec. 34.** 22 MRSA §5108, as last amended by PL 1975, c.
17 771, §231-A, is repealed and the following enacted in its
18 place:

19 §5108. Committee

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

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

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

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

1 1. Administrative preparations. Effective March 16,
2 1973, the department may immediately commence administrative
3 preparations for initiation of the program no later than
4 July 1, 1973.

5 Sec. 37. 22 MRSA §6113, sub-§3, as enacted by P&SL
6 1973, c. 38, §1, is repealed.

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

9 The office shall establish in accord with the purposes
10 and intent of this chapter, and with the advice of the coun-
11 cil and the cooperation of the coordinating committee, the
12 overall planning, policy, objectives and priorities for all
13 drug abuse prevention functions, except prevention of drug
14 traffic, which are conducted or supported in the State of
15 Maine.

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

18 Assist, with the advice of the council and cooperation of
19 the coordinating committee, the Legislature and executive
20 branches and Judicial Council of State Government, espe-
21 cially the Governor, commissioner, and Bureau of the Budget,
22 to coordinate all state government efforts dealing with drug
23 abuse prevention and control, including alcoholism, by:

24 Sec. 40. 22 MRSA §7106, sub-§3, ¶A, as enacted by PL
25 1973, c. 566, §1, is amended to read:

26 A. Submitting to each branch of State Government no
27 later than September 1st of each year an annual report
28 covering its activities for the immediate past fiscal
29 year and future plans, including recommendations for
30 changes in state and federal laws, and including
31 ~~reports~~ the report of the council and coordinating com-
32 mittee;

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

35 Prepare and administer a comprehensive state plan mutually
36 developed by the office, and the council and coordinating
37 committee, relating to all drug abuse prevention and treat-
38 ment of alcoholics and intoxicated persons and control of
39 drug abuse.

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

1 Function as the organizational unit of Maine State Govern-
2 ment with sole responsibility for conducting and coordi-
3 nating, with the advice of the council and the cooperation
4 of the coordinating committee, state programs and activities
5 authorized by this chapter, and by the Comprehensive Alcohol
6 Abuse and Alcoholism Prevention, Treatment and Rehabilita-
7 tion Act of 1970, as amended, and by the Drug Abuse Office
8 and Treatment Act of 1972, as amended; and other programs or
9 Acts of the State of Maine or United States related to drug
10 abuse prevention which are not the specific responsibility
11 of another state agency under federal or state law.

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

14 Statements at variance or in addition to those of the office
15 or the coordination committee shall be attached to the plan
16 or reports upon submission by the office to agencies of the
17 United States Government and to state agencies;

18 Sec. 44. 22 MRSA §7111, as amended by PL 1975, c. 293,
19 §4, is repealed.

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

21 §7125. Criminal law limitations

22 1. Laws. No county, municipality or other political
23 subdivision may adopt or enforce a local law, ordinance,
24 resolution or rule having the force of law that includes
25 drinking, being a common drunkard or being found in an
26 intoxicated condition as one of the elements of the offense
27 giving rise to a criminal or civil penalty or sanction.

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

31 3. Affect. Nothing in this Act affects any law, ordi-
32 nance, resolution or rule against drunken driving, driving
33 under the influence of alcohol, or other similar offense
34 involving the operation of a vehicle, snowmobile, aircraft,
35 boat, machinery or other equipment, or regarding the sale,
36 purchase, dispensing, possessing or use of alcoholic bever-
37 ages at stated times and places or by a particular class of
38 persons.

39 Sec. 46. 30 MRSA §3551, as amended by PL 1975, c. 293,
40 §4, is repealed.

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

4 §1243. Inspections

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

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

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

13 Sec. 49. 32 MRSA §1451, first ¶, as last amended by PL
14 1975, c. 771, §343, is further amended to read:

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

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

34 The board shall keep a record containing the names and
35 residences of all persons licensed and a record of all
36 moneys received and disbursed by said the board, and said
37 the records, or duplicates thereof, shall always be open to
38 inspection in the office of the Director of Health commis-
39 sioner during regular office hours.

40 Sec. 51. 32 MRSA §1452-B, as enacted by PL 1977, c.
41 604, §16, is amended to read:

1 §1452-B. Budget

2 The board shall submit to the ~~Commissioner~~ of Human
3 Services commissioner its budgetary requirements in the same
4 manner as is provided in Title 5, section 1665, and the com-
5 missioner shall in turn transmit these requirements to the
6 Bureau of the Budget without any revision, alteration or
7 change.

8 **Sec. 52. 32 MRSA §1503**, as last amended by PL 1975, c.
9 293, §4, is further amended to read:

10 §1503. Blanks and forms of procedure; lists of licensees
11 and examinations

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

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

19 2-A. Commissioner. "Commissioner" means the Commis-
20 sioner of Business Regulation.

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

24 4. Department. "Department" means the Department of
25 Business Regulation.

26 **Sec. 55. 32 MRSA 1658-A, sub-§1**, as amended by PL
27 1977, c. 696, §240, is further amended to read:

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

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

3 **2. License for business organization.** Any corpora-
4 tion, partnership, trust, association or other like orga-
5 nization engaged in the business of selling or offering for
6 sale hearing aids at retail in the State shall apply to the
7 department board for a license to engage in said that busi-
8 ness. No business entity shall may so engage in the busi-
9 ness of selling or offering for sale hearing aids without a
10 license to do so. The department board shall issue a li-
11 cense signed by the Director of Health commissioner upon
12 payment by the business entity of a fee of \$100 up to \$150
13 and upon filing of a sworn statement from a person with
14 authority from the business entity. Such That sworn state-
15 ment shall list the names and addresses of all hearing aid
16 dealers and fitters directly or indirectly employed by said
17 the entity and shall certify that the entity employs only
18 hearing aid dealers and fitters who are duly licensed by the
19 State. The license shall be effective for 24 12 months fol-
20 lowing the date of issuance. Each such business engaged in
21 the fitting and sale of hearing aids shall biennially annu-
22 ally submit to the department board an application for a
23 renewal of its license accompanied by a fee of \$50 up to
24 \$150. A 30-day grace period shall be allowed after the date
25 of expiration, during which time licenses may be renewed on
26 payment of \$100 up to \$200 to the department board. After
27 expiration of the grace period, the department board may
28 renew such those certificates upon the payment of \$200 up to
29 \$250 to the department board. The license required by this
30 chapter shall be conspicuously posted in the licensee's
31 office or place of business. Notwithstanding the provisions
32 of this subsection, the department board may, whenever it
33 deems necessary, extend existing licenses so that an equal
34 number expire each month to allow for the equal distribution
35 of relicensure throughout the year.

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

39 The department board shall prepare a model notice containing
40 all the requirements of this section, and shall furnish
41 copies upon request.

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

44 **9. Rules.** The department board may promulgate rules
45 and regulations to define further the requirements of this

1 section in order to provide the purchaser with additional
2 information to be contained in the notice provisions.

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

6 The department board shall by regulation list and define
7 certain medical conditions affecting hearing.

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

11 The department board shall keep an individual record for
12 each licensed hearing aid dealer.

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

15 C. The department board, upon written request, will
16 furnish copies of forms for calibration posting and
17 forms for the annual collection of information regard-
18 ing numbers of individuals tested and numbers of hear-
19 ing aids sold, which information shall remain confiden-
20 tial.

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

23 Each audiometer used in the measurement of hearing when
24 testing and fitting a hearing aid must meet calibration
25 standards which shall be defined in the department's board's
26 rules and regulations.

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

29 The department board will supply forms for the reporting of
30 calibration and keep a copy of the statement of calibration
31 in each file of each licensee.

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

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

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

4 Whenever the board determines that another state or
5 jurisdiction has requirements equivalent to or higher than
6 those in effect pursuant to this chapter for the practice to
7 fit and sell hearing aids, and that such that state or
8 jurisdiction has a program equivalent to or stricter than
9 the program for determining whether applicants pursuant to
10 this chapter are qualified to dispense and fit hearing aids,
11 the ~~department board~~ may issue certificates of equivalent
12 license to applicants who have current, unsuspended and
13 unrevoked certificates or licenses to fit and sell hearing
14 aids in such other state or jurisdiction.

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

18 The ~~department or~~ board may require letters of reference,
19 physician's statements of applicant's good health, verifica-
20 tion of age or other supportive documents as may be re-
21 quired.

22 The ~~department board~~ may promulgate rules and regulations to
23 further define the qualifications in this section in order
24 to insure that only properly qualified persons take the
25 licensing examination.

26 Sec. 67. 32 MRSA §1658-1, sub-§§2 and 3, as repealed
27 and replaced by PL 1975, c. 463, §3, are amended to read:

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

1 3. Time. The department board shall give examinations
2 at least twice a year, with additional dates for examination
3 set at the discretion of the board. The department board
4 will give 30 days' public notice of the date, time and place
5 of examination.

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

8 §1658-J. Temporary trainee permit

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

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

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

24 If such holder of a trainee permit fails the examina-
25 tion, he may apply for and be issued a new trainee permit
26 upon payment of an additional fee of ~~\$25~~ \$50. Not more than
27 3 trainee permits may be issued to any applicant.

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

30 3. Rules. The department board may promulgate rules
31 ~~and regulations~~ which further define additional areas to be
32 tested in the qualifying examination in order to promote
33 more knowledgeable practitioners in this field.

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

36 §1658-L. Notice to board of place of business; notice to
37 holders of licenses; how given by board

38 A person who holds a license shall notify the depart-
39 ment board in writing of the regular address of the place or

1 places where he engages or intends to engage in the fitting
2 or the sale of hearing aids.

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

5 Any notice required to be given by the department board
6 to a person who holds a license shall be mailed to him by
7 certified mail at the address of the last place of business
8 of which he has notified the department board.

9 **Sec. 71. 32 MRSA §1658-M**, as amended by PL 1981, c.
10 191, §1, is further amended to read:

11 §1658-M. Annual renewal of license; fees; effect of failure
12 to renew

13 Each person, who engages in the fitting and sale of
14 hearing aids, shall ~~biennially~~ annually according to regula-
15 tions established by the department board submit to the
16 department board an application for a renewal of his li-
17 cense, accompanied by a fee of \$50 up to \$100. The licensee
18 shall keep ~~such~~ the certificate conspicuously posted in his
19 office or place of business at all times. Where more than
20 one office is operated by the licensee, duplicate certifi-
21 cates shall be issued by the department board for posting in
22 each location. A 30-day grace period shall be allowed after
23 the date of expiration, during which time licenses may be
24 renewed on payment of a fee of \$100 \$150 to the department
25 board. After expiration of the grace period, the department
26 board may renew ~~such those~~ certificates upon the payment of
27 \$200 to the department board. No person who applies for
28 renewal, whose license has expired, shall may be required to
29 submit to any examination as a condition to renewal, pro-
30 vided ~~such that~~ the renewal application is made within 2
31 years from the date of ~~such that~~ expiration. If more than 2
32 years have passed since the expiration of license, the
33 applicant shall apply for a temporary trainee permit and
34 shall take the examination.

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

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

3 The department board may amend, modify or refuse to
4 issue or refuse to renew any license; ~~however, any.~~ Any
5 aggrieved party shall be entitled to a hearing in conformity
6 with the Maine Administrative Procedure Act, Title 5, chap-
7 ter 375. The department board may suspend or revoke any li-
8 cense by filing a complaint with the Administrative Court,
9 pursuant to the Maine Administrative Procedure Act, for any
10 one of the following causes:

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

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

15 2. Unethical conduct. The department board shall
16 promulgate rules and regulations in conjunction with the
17 ~~board~~ and define unethical conduct for the purposes of this
18 chapter in order to protect the public from unfair or decep-
19 tive practices and to effectively promote a high standard of
20 ethics in the hearing aid industry;

21 Sec. 74. 32 MRSA §1659, as amended by PL 1977, c. 696,
22 §241, is further amended to read:

23 §1659. Hearings

24 Any conflict between this section and the State of
25 Maine Administrative Procedure Act, Title 5, chapter 375,
26 shall be resolved by the provisions of the State of Maine
27 Administrative Procedure Act.

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

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

34 B. To refuse to issue a license after examination for
35 any cause other than failure to pass the examination;
36 or

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

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

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

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

10 C. That the applicant may secure a hearing before the
11 department board by depositing in the mail, within 10
12 days after service of said the notice, a registered
13 letter addressed to the department board containing a
14 request for a hearing.

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

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

24 A. That the department board has received sufficient
25 evidence which, if not rebutted or explained, may just-
26 ify the department board in taking the contemplated
27 action under a section of the law;

28 B. Indication factually of the nature of the evidence;
29 and

30 C. That the applicant may secure a hearing before the
31 department board by depositing in the mail, within 10
32 days after the serving of said the notice, a registered
33 letter addressed to the department board requesting a
34 hearing on the matter, provided, however, that, where
35 it is mutually agreeable to the department board and
36 the license holder, the license holder may elect to
37 voluntarily waive the minimum time limit of such the
38 hearing.

39 4. Procedure upon board refusal to issue or renew li-
40 cence. In any hearing before the department board involving
41 the refusal to issue or the refusal of the department board

1 to renew a license other than for failure to pay the statu-
2 tory fee, the department board shall present competent evi-
3 dence to justify the action taken or proposed by the depart-
4 ment board unless an admission of guilt is entered.

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

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

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

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

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

31 A. To be represented by counsel;

32 B. To cross-examine witnesses;

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

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

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

39 A. To administer oaths or affirmation of witnesses;

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

11 10. Other powers. The department board shall have the
12 power to require the production of books, papers or other
13 documents and may issue subpoenas to compel the defendants
14 or witnesses to testify and produce such those books, papers
15 or other documents. The defendant shall also have the same
16 power to issue subpoenas.

17 11. Rules of evidence not applicable. In all hearings
18 before the department board, the rules of evidence shall not
19 apply.

20 12. Per diem and mileage; witnesses. Witnesses shall
21 be entitled to the same per diem and mileage as witnesses
22 appearing before the District Court.

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

31 14. Copy of decision. Within 5 days after the deci-
32 sion is rendered, a copy of the same decision shall be
33 served by registered mail upon the person whose license is
34 involved. It shall be deemed as served on the date borne on
35 the return receipt.

36 15. Failure to appear. If a person who has requested
37 a hearing does not appear, and no continuance has been
38 granted, the department board may hear the evidence of such
39 witnesses as may have appeared, and the department board may

1 proceed to consider the matter and dispose of it on the
2 basis of the evidence before it.

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

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

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

27 Sec. 75. 32 MRSA §1660, as last amended by PL 1981, c.
28 191, §2, is repealed.

29 Sec. 76. 32 MRSA §1660-A, sub-§1, as enacted by PL
30 1975, c. 463, §3, is repealed and the following enacted in
31 its place:

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

34 Sec. 77. 32 MRSA §1660-B, as enacted by PL 1975, c.
35 463, §3, is repealed and the following enacted in its place:

36 §1660-B. Powers and duties of the board

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

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

- 1 2. Supervise issuance of licenses. To supervise issuance of licenses by experience and to administer qualifying examinations to test the knowledge and proficiency of applicants licensed by examination;
- 2
3
4
- 5 3. Registration. To register persons who apply to the board and who are qualified to engage in the fitting and sale of hearing aids;
- 6
7
- 8 4. Audiometric equipment. To purchase and maintain or rent audiometric equipment and other facilities necessary to carry out the examination of applicants in section 1658-1;
- 9
10
- 11 5. Issue and renew licenses. To issue and renew licenses;
- 12
- 13 6. Suspension or revocation of licenses. To take action before the Administrative Court in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, for the suspension or revocation of licenses when there is indication that suspension or revocation is proper;
- 14
15
16
17
- 18 7. Designation of examination. To designate the time and place for examining applicants;
- 19
- 20 8. Conduct or supervise examinations. To appoint representatives to conduct or supervise the examination;
- 21
- 22 9. Adopt rules. Following a public hearing, to promulgate, adopt, amend and publish rules not inconsistent with the laws of this State, which are necessary to carry out this chapter. The rules shall serve to protect the consumer from unethical practices, shall serve to explain or define terms and words contained within this chapter and shall add to the general understanding of both consumer and practitioner of this chapter. The board shall promulgate rules where specifically authorized in this chapter;
- 23
24
25
26
27
28
29
30
- 31 10. Appoint employees. To appoint or employ subordinate employees, subject to the Personnel Law;
- 32
- 33 11. Redistribute expiration dates. To, during a 2-year period beginning in January, 1982, redistribute the expiration dates of the existing licenses so that an equal number expire in each month of even-numbered years, so that all license renewals will occur in the same year; and
- 34
35
36
37
- 38 12. Educational programs. To provide or make available opportunity for lectures, courses or workshops which will be useful and educational to licensees or trainees and may use its funds to sponsor those educational programs.
- 39
40
41

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

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

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

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

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

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

21 **Sec. 81.** 34 MRSA §14 is enacted to read:

22 §14. Developmental day care services

23 The Department of Mental Health and Mental Retardation
24 shall provide and establish a sliding fee scale for the
25 provision of center-based developmental day care services
26 for preschool children with developmental disabilities.

27 Services provided pursuant to this section shall be
28 available to all eligible preschool children, regardless of
29 their family income.

30 Services to eligible children of individuals and fam-
31 ilies whose adjusted gross income is at or below 80% of the
32 median personal income for residents of this State shall be
33 made available at no cost to the individual or family.

34 A sliding fee scale no higher than the applicable scale
35 under Title 22, section 9, subsection 3, shall be applied to
36 eligible children of individuals and families whose adjusted
37 gross income is between 80% and 115% of the median personal
38 income for residents of this State.

1 For eligible children of individuals and families whose
2 adjusted gross income is over 115% of the median personal
3 income for residents of this State, a sliding fee scale that
4 is proportionately related to the applicable scale under
5 Title 22, section 9, subsection 3, shall be developed and
6 applied.

7 The department shall coordinate these services with
8 other state agencies so as to ensure that no unnecessary
9 duplication of services will occur.

10 **Sec. 82. Medicaid copayments.** The Commissioner of
11 Human Services shall present to the 111th Legislature a plan
12 for implementing user copayments for selected Medicaid ser-
13 vices. The plan shall include an analysis of the impact of
14 implementing the 50¢-drug copayment and estimated savings
15 from the imposition of a \$2 copayment for each of the fol-
16 lowing services: Ambulance services, audiology services,
17 chiropractic services, dental services, hearing aids, hospi-
18 tal out-patient services, mental health clinic services,
19 optometric services, physicians' services, podiatric ser-
20 vices, psychologists' services, speech and hearing services
21 and speech pathology services. The plan shall also include
22 a discussion of administrative problems and of reductions in
23 utilization of services as a result of copayments, the com-
24 missioner's recommendation with respect to copayments for
25 each of these services and the reasons behind each recom-
26 mendation.

27 **Sec. 83. Transition clause.**

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

42 2. Board of Hearing Aid Dealers and Fitters. The
43 transfer of the Board of Hearing Aid Dealers and Fitters
44 from the Department of Human Services to the Department of
45 Business Regulation shall not affect the terms of the cur-

1 rent board members. All current regulations of the Depart-
2 ment of Human Services pertaining to the fitting and selling
3 of hearing aids shall continue in effect until replaced by
4 the Board of Hearing Aid Dealers and Fitters. All equipment
5 and supplies acquired with board funds shall be transferred
6 to the Department of Business Regulation. Notwithstanding
7 any other provision of law, all accrued expenditures,
8 assets, liabilities, balances of funds, transfers, revenues
9 or other available funds of the board shall be reallocated
10 to the proper place in the Department of Business Regulation
11 by the State Controller.

12 **PART B**

13 **Adjustments to General Fund.** In order to provide for
14 necessary adjustments of the General Fund to implement the
15 recommendations of the Joint Standing Committee on Audit and
16 Program Review, appropriations are adjusted by the amounts
17 designated in the following tabulations.

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

1	recommended reduction in	
2	department publications.	
3	Medical Care Administration	
4	All Other	(2,000)
5	Reduces the bureau's Gen-	
6	eral Fund appropriation to	
7	implement a recommended	
8	reduction in department	
9	publications.	
10	Administration - Income maintenance	
11	All Other	(3,000)
12	Reduces the bureau's Gen-	
13	eral Fund appropriation to	
14	implement a recommended	
15	reduction in department	
16	publications.	
17	Administration - Social Services	
18	All Other	(2,000)
19	Reduces the bureau's Gen-	
20	eral Fund appropriation to	
21	implement a recommended	
22	reduction in department	
23	publications.	
24	Day Care, Homemaker Services,	
25	Transportation Services,	
26	State Seed - Social Services	
27	Positions	(-2)
28	Personal Services	(39,000)
29	All Other	(4,000)
30	Total	(43,000)
31	Eliminates 2 General Fund	
32	positions associated with	
33	the administration of	
34	social services' con-	
35	tracts.	
36	Day Care, Homemaker Services,	
37	Transportation Services,	
38	State Seed - Social Services	
39	All Other	(130,000)

1 Eliminates a portion of
 2 the General Fund appropri-
 3 ation for social services.
 4 These funds are replaced
 5 with allocations from the
 6 Social Services Block
 7 Grant funds in Part E.

8 Day Care, Mental Retardation
 9 Developmental - Social Services
 10 All Other (86,000)

11 Eliminates the General
 12 Fund appropriation for
 13 mental retardation devel-
 14 opmental day care services
 15 from the Department of
 16 Human Services. \$37,000
 17 of this appropriation is
 18 transferred to the Depart-
 19 ment of Mental Health and
 20 Mental Retardation in Part
 21 C.

22 Rehabilitation - Vocational Rehabilitation,
 23 Bureau of
 24 Positions (-3)
 25 Personal Services (31,300)

26 Provides for the elimina-
 27 tion of the General Fund
 28 portion of 14 clerical
 29 positions within the
 30 bureau. These funds will
 31 be redirected to provide
 32 direct services for voca-
 33 tional rehabilitation
 34 clients. The remaining
 35 \$140,700 to be shifted to
 36 direct services shall be
 37 from federal vocational
 38 rehabilitation funds.

39 Elderly, Bureau of Maine's
 40 All Other (20,000)

41 Deappropriates \$20,000
 42 which shall instead be
 43 taken from excess funds in
 44 the bureau's special reve-
 45 nue account.

1	Elderly, Bureau of Maine's	
2	Positions	(-3)
3	Personal Services	(62,200)
4	All Other	(35,800)
5		<u>(98,000)</u>
		Total

6 Provides for the transfer
7 of the Maine Committee on
8 Aging from the Bureau of
9 Maine's Elderly, Depart-
10 ment of Human Services to
11 an independent agency.

12 MAINE HUMAN SERVICES COUNCIL

13	Positions	(-1)
14	Personal Services	\$(19,622)

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

24	Total Part B - General Fund	\$(466,122)
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25 PART C

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

31	DEPARTMENT OR AGENCY	APPROPRIATIONS
32		FROM GENERAL FUND
33		1982-83
34	HUMAN SERVICES,	
35	DEPARTMENT OF	
36	Administration - Human Services	
37	All Other	\$ 40,000

1 Provides funds to allow
 2 the department to fund 50%
 3 of the administration of
 4 the food stamp program
 5 beginning January 1, 1983.
 6 This will maintain program
 7 administration at the cur-
 8 rent level, while elimi-
 9 nating all county expendi-
 10 tures for the food stamp
 11 program.

12 Legal Services - Human Services
 13 All Other 520

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

25 Administration - Regional - Human Services
 26 All Other 107,000

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

38 Bureau of Health - Health Engineering
 39 Positions (7)
 40 Personal Services 115,840
 41 All Other 64,800
 42 Total 180,640

43 Provides for the transfer
 44 of 5 Sanitarian II and 2

1	clerical positions and	
2	funds from a dedicated ac-	
3	count to the General Fund.	
4	Administration - Income Maintenance	
5	All Other	10,350
6	Provides funds to allow	
7	the department to fund 50%	
8	of the administration of	
9	the food stamp program	
10	beginning January 1, 1983.	
11	This will maintain program	
12	administration at the cur-	
13	rent level while eliminat-	
14	ing all county expendi-	
15	tures for the food stamp	
16	program.	
17	Food Stamp Program	
18	Positions	(32)
19	Personal Services	211,270
20	All Other	105,960
21		Total <u>317,230</u>
22	Provides positions and	
23	funds to allow the depart-	
24	ment to fund 50% of the	
25	administration of the Food	
26	Stamp Program beginning	
27	January 1, 1983. Federal	
28	position count is	
29	decreased and General Fund	
30	count is increased so that	
31	in total there will be 83	
32	authorized state posi-	
33	tions, matched by 83 fed-	
34	eral positions. This	
35	appropriation will main-	
36	tain program administra-	
37	tion at the current level,	
38	while eliminating all	
39	county expenditures for	
40	the food stamp program.	
41	Rehabilitation - Vocational Rehabilitation,	
42	Bureau of	
43	All Other	31,300

1 Reflects the General Fund
 2 share of the elimination
 3 of 14 clerical positions
 4 within the bureau and the
 5 redirection of these funds
 6 to direct services for
 7 vocational rehabilitation
 8 clients. The remaining
 9 \$140,700 to be shifted to
 10 direct services shall be
 11 from federal vocational
 12 rehabilitation funds.

13 MAINE HUMAN SERVICES COUNCIL

14	Unallocated	\$9,522
15	Reappropriates to the	
16	Maine Human Services Coun-	
17	cil personal services'	
18	funds deappropriated in	
19	Part B.	

20 MAINE COMMITTEE ON AGING

21	Positions	(3)
22	Personal Services	\$68,200
23	All Other	<u>29,800</u>
24	Total	<u>\$98,000</u>

25 Establishes the Maine Com-
 26 mittee on Aging as an
 27 independent agency outside
 28 the Department of Human
 29 Services.

30 MENTAL HEALTH AND MENTAL RETARDATION,
 31 DEPARTMENT OF

32	Community Mental Retardation Services	
33	All Other	\$86,000

34 Reappropriates \$86,000 for
 35 Mental Retardation Devel-
 36 opmental Day-Care ser-
 37 vices.

38	Total Part C - General Fund	\$880,562
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39 PART D

1 Adjustments to federal block grant allocations. In
 2 order to provide for necessary adjustment of the social ser-
 3 vices block grant to implement the recommendations of the
 4 Joint Standing Committee on Audit and Program Review, allo-
 5 cations are adjusted by the amounts designated in the fol-
 6 lowing tabulations.

7 DEPARTMENT OR AGENCY	8 ALLOCATIONS
	9 STATE FISCAL YEAR
	10 1982-83
11 HUMAN SERVICES, DEPARTMENT OF	
12 SOCIAL SERVICES BLOCK GRANT	
13 Education and Training Unit	
14 Positions	(-2)
15 Personal Services	\$(35,000)
16 All Other	<u>(30,000)</u>
	Total (65,000)
17 Eliminates social services	
18 block grant funds for 2	
19 positions within the Staff	
20 Education and Training	
21 Unit and eliminates fund-	
22 ing for low priority	
23 training.	
24 Social Services, Bureau of	
25 Positions	(-2)
26 Personal Services	(36,000)
27 All Other	<u>(16,000)</u>
28	Total (52,000)
29 Eliminates social services	
30 block funds for 2 posi-	
31 tions associated with the	
32 administration of contract	
33 social services within the	
34 Bureau of Social Services.	
35 Also eliminates All Other	
36 funding for 6 additional	
37 positions already termi-	
38 nated.	
39 Homemaker Services	
40 All Other	(2,000)

1 Eliminates social services
2 block grant funding for
3 the All Other associated
4 with a homemaker position
5 which is already termi-
6 nated.

7 Maine Human Services Council
8 Unallocated (11,000)

9 Eliminates social services
10 block grant funding asso-
11 ciated with the elimina-
12 tion of one professional
13 staff position. The coun-
14 cil is authorized to have
15 3 positions from all
16 remaining federal funds.

17 Total Part D - Social services block grant \$(130,000)

18 PART E

19 Adjustments to federal block grant allocations. In
20 order to provide for necessary adjustments of the social
21 services block grant to implement the recommendations of the
22 Joint Standing Committee on Audit and Program Review, allo-
23 cations are adjusted by the amounts designated in the fol-
24 lowing tabulations.

25 DEPARTMENT OR AGENCY	ALLOCATION
26	STATE FISCAL YEAR
27	1982-83
28 HUMAN SERVICES, DEPARTMENT OF	
29 SOCIAL SERVICES BLOCK GRANT	

30 Social Services - Bureau of Social Services	
31 All Other	\$130,000

32 Allocates funds for pur-
33 chase of social services
34 to replace those that have
35 been deappropriated from
36 the State Seed account in
37 Part B. This allocation

1 of \$130,000 is the equiva-
2 lent of the total
3 deallocation in Part D.

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

5 **Emergency clause.** This Act shall become effective on
6 July 1, 1982, except that Part A, section 29, and those sec-
7 tions in Part C which relate to the Food Stamp Program shall
8 become effective on January 1, 1983.

9 STATEMENT OF FACT

10 This bill adopts the provisions of the engrossed copy
11 of LD 2098 with the following exceptions:

12 1. Licensing of mobile home parks by the Department of
13 Human Services is deleted;

14 2. Transfer of the Plumbers' Examining Board from the
15 Department of Human Services to the Department of Business
16 Regulation has been deleted; and

17 3. Funding for low income persons with serious eye
18 diseases has been restored.

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