

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY
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1971

PRIVATE and SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

One Hundred and Fifth Legislature

1971

benefits and privileges of other towns in the State. The first full subsidy payment under the General Purpose Educational Aid Law shall be due and payable December, 1972, said subsidy to be based on expenditures made by the State for the unorganized territory of Township 3, Range 2, B.K.P.; W.K.R. in Franklin County, as described in the Revised Statutes, Title 20, chapter 119, it being the intent to base subsidy on expenditures Township 3, Range 2, B.K.P.; W.K.R. in Franklin County would have made had it been an organized municipality.

Sec. 7. Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters within the unorganized territory of Township 3, Range 2, B.K.P.; W.K.R. in Franklin County at an election to be called and held in said territory on the 4th Tuesday in October, 1971. Such election shall be called, held and conducted by the Secretary of State in the same manner as local option elections in unorganized territory are conducted in accordance with the Revised Statutes, Title 28, section 103, except that no petition for said election shall be required.

This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election, provided the total number of votes cast for and against the acceptance of this Act equals or exceeds 50% of the total number of qualified voters in said unorganized territory.

The result of the vote shall be declared by the Secretary of State and certificate thereof filed by him in his office.

Effective September 23, 1971

Chapter 105

AN ACT to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies, Furnishings, Studies, Histories and Amendments for the Fiscal Years Ending June 30, 1972 and June 30, 1973.

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

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

Whereas, certain obligations and expenses incident to the operation of departments and institutions will become due and payable on or immediately after July 1, 1971; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the fol-

lowing legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Appropriations for necessary expenditures of government. In order to provide for necessary expenditures of government and for other purposes for the next 2 fiscal years—from July 1, 1971 to June 30, 1972 and from July 1, 1972 to June 30, 1973—the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulation, are appropriated out of any moneys in the General Fund not otherwise appropriated. Upon receipt of allotments duly approved by the Governor and Council based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these appropriations and revenues accruing thereto, together with expenditures for other purposes necessary to the conduct of State Government on the basis of such allotments and not otherwise.

Allotments for personal services, capital expenditures and amounts for all other departmental expenses shall not exceed the amount shown in the budget document or as they may be revised by the Committee on Appropriations and Financial Affairs unless recommended by the State Budget Officer and approved by the Governor and Council.

The Governor and Executive Council shall not approve any allocation of funds for a department by which funds are transferred from one quarter to another, when the transfer will result in a request for a deficiency appropriation at a special or regular session of the Legislature.

The figures in parentheses shown just before each dollar amount provided for Personal Services in this Act, or as adjusted by legislative action, shall represent the total number of persons employable on a permanent basis at any one time. The appropriations made for Personal Services are made with the provision that the total number of permanent positions in any account shall not be increased during either year of the biennium over the total numbers shown in parentheses and used by the Legislature in computing the total dollars to be made available for Personal Services. Savings accruing within appropriations made for permanent positions may be used for other non-recurring personal services when recommended by the department head and the Budget Officer, and approved by the Governor and Council. To provide some degree of flexibility, each department, institution or agency may apply to the Personnel Board for an exchange between job classifications, and such action may be approved if by so doing the total amount determined to be made available for Personal Services, in such account, for any one year is not exceeded and also providing that certification is made, in writing, that such action will not result in an increased request for Personal Service moneys from the next Legislature. Copies of all Personnel Board action relating to such changes shall be furnished to the Legislative Finance Office.

The Budget Office, during the next biennium, shall continually review with all departments the status of their personnel with the purpose of determining that all departments are expending Personal Service moneys within the intent of the Legislature, and shall report any expenditures contrary to such intent to the Governor and Council and the Legislative Finance Officer.

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The Personnel Board is directed to require merit ratings on each individual who is recommended for a salary increase on a form prescribed by the board. Department heads are directed that the granting of merit increases be scrutinized and documented carefully. It is the intent of the Legislature that in instances where merit increases are not earned and warranted they should be denied.

The Governor and the Budget Officer when next preparing a Budget Document may at their discretion adjust the figures in parentheses, representing numbers of permanent employees to reflect the number of employees which in their opinion is necessary to the proper operation of each department, institution or agency.

The State Purchasing Agent is directed to require that requisitions for replacement motor vehicles include the age and total mileage of the motor vehicles being replaced. For the purposes of this paragraph, motor vehicles are defined as passenger cars, panel and pickup trucks, excluding those vehicles operated by the State Police. It is the intent of the Legislature that motor vehicles shall have been in service for at least 5 years or 50,000 miles before they are replaced. This policy shall also be adopted by the Budget Officer when next preparing a Budget Document. Exceptions to the established replacement policy shall require the prior approval of the Governor and Council.

No state department, institution or agency shall establish new programs or expand existing programs beyond the scope of those programs already established, recognized and approved by the Legislature, until such program and the method of financing shall be submitted to the Department of Finance and Administration—Budget Office—for evaluation and recommendation to the Legislature, and until funds are made available therefor by the Legislature.

It is the intent of the Legislature that out-of-state travel be limited. Any State employee who travels out-of-state on State business (such as law enforcement, collecting, bidding, industrial or recreational development, loans, etc.) may continue to do so.

However, the Legislature is concerned about the increase in out-of-state travel and because of the State's financial circumstances, the Legislature directs that department heads hold down cost of all travel where it is not absolutely needed.

The Budget Office shall inform the Committee on Appropriations and Financial Affairs through the Legislative Finance Office of significant action recommended by it in the performance of the budget responsibilities hereby assigned.

It is further provided that the Controller is authorized to close his books as soon as practicable after the close of the fiscal years ending June 30, 1972 and June 30, 1973. Any bills presented after those dates may be paid from appropriations for the ensuing year on recommendation of the Controller if within the amounts of approved allotments.

Whenever it appears to the Commissioner of Finance and Administration that the anticipated income of the State will not be sufficient to meet the

expenditures authorized by the Legislature, he shall so report to the Governor and Council and they may temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income.

The Commissioner of Finance and Administration through the State Purchasing Agent or such other agent as he may choose, shall conduct a thorough review of all types of equipment, owned, leased or otherwise available to the several departments and agencies of the State, regardless of the source of supporting funds, with the intent of combining their use, providing centralized facilities, or of eliminating existing equipment and facilities, as he believes to be in the most economical, most efficient and best interests of the State.

At the end of each fiscal year of the biennium, all unencumbered appropriation balances representing state moneys, except those that carry forward as provided by law, shall be lapsed to Unappropriated Surplus as provided by the Revised Statutes of 1964, Title 5, section 1544. At the end of each fiscal year of the biennium, all encumbered appropriation balances shall be carried forward to the next fiscal year, but in no event shall encumbered appropriation balances be carried more than once.

There shall be paid from the General Highway Fund the cost of accounting, auditing, purchasing and legal services furnished from the General Fund appropriations. This revenue shall be credited to the General Fund.

It is the intent of the Legislature that in the event matching federal funds are not available as anticipated for programs in this Act, there is no obligation to provide state funds in excess of the appropriations listed in this Act.

Personnel employed by programs partially funded by federal funds shall be considered limited appointment employees, notwithstanding the figures in parentheses representing numbers of employees, should federal funds be withdrawn or reduced.

It is intended that the language in this section shall apply to all other appropriation measures enacted by the Legislature.

GENERAL FUND

APPROPRIATIONS FROM UNAPPROPRIATED SURPLUS

Section A

Department	1971-72	1972-73
AGRICULTURE		
Administration (Electrostatic Copier)	\$ —	\$ 1,000
Promotion of Agriculture (Electric Typewriter, Heavy Duty Band Saw, Paint Sprayer and Compressor and Shop Vacuum, Heavy Duty)	\$ 2,240	\$ 200

Department	1971-72	1972-73
AGRICULTURE—continued		
Animal Industry (Station Wagon, and Typewriters)	—	2,800
Consumer Protection (Oil Meter Testing Chassis, Ranch Wagon, Truck and Tank, Fork Lift Loader and a Calculator)	25,525	3,900
Plant Industry (Station Wagon)	2,500	—
ADJUTANT GENERAL (Motor Vehicle ¾ ton)	3,000	—
ATTORNEY GENERAL		
Administration (Motor Vehicle)	—	2,300
EDUCATION		
Administration (Electric Typewriters and Adding Machines)	2,350	3,200
School Nutrition (Electric Typewriter)	—	500
Donated Commodity (Electric Typewriters and Photocopier)	1,430	—
Northern Maine Vocational Technical Institute (Offset Duplicator, Mimeograph, Electric Typewriters, Calculators, ½ Ton Pick-up, Water Coolers, Riding Lawn Mowers and Floor Machines)	11,395	8,830
Eastern Maine Vocational Technical Institute (Adding Machine, Typewriters, Photocopier and Food Mixer)	3,000	750
Washington County Vocational Technical Institute (Engine Analyzer, Hydraulic Test Set, Lathe, Woodturning, Electric Can Closer, Retort and a Calculator)	4,000	1,000
Central Maine Vocational Technical Institute (Paragon Levels w/Tripods, 12" Radial Arm Saw, Overhead Projectors, Offset Press — 350 A. B. Dick, Shelving, Die Filing Machine, Vacuum Cleaner, Port-	6,430	3,230

Department	1971-72	1972-73
EDUCATION—continued		
able Conductivity Resistivity Indicator and Universal Laboratory Type Relative Humidity System)		
Southern Maine Vocational Technical Institute (20' x 50' Float and 25' Gangway; Recording Fathometer Simulator, Flo-Prorer with Accessories, Radar Set, Gyrd Compress, Decca Navigator, Automatic Pilot, Proof Cabinet, 80 Qt. Mixer w/Attachments, Dishwasher Machine (Conveyor Type), Upright Freezer, Model "EE" Monarch Lathe, Rathborne Chucking Machine, South Bend Lathes and a ¾ Ton Power Wagon and Snow Plow)	\$ 68,266	\$ 12,400
ENVIRONMENTAL IMPROVEMENT COMMISSION	31,275	18,275
(Capital Equipment left out of Part I. Budget)		
FINANCE AND ADMINISTRATION		
Accounts and Control (Electric Typewriters)	1,000	1,000
Bureau of the Budget (Calculator)	900	—
Property Management (Battery Operated Floor Machines, Steam Recording Meter, Gang Mower Unit (1959 Model), Locke Reel Mower 30" (1953), 4 x 4 Trucks w/dump and plow Units, Battery Operated Floor Machines, Closed Circuit Television Cameras and Monitors, G.E. Messagemate Radio Receivers and Chargers and a Rug Shampoo Machine)	18,750	9,500
Purchases—Administration (Electric Typewriters)	1,458	972
Central Mail Room (Postage Meter)	—	1,850

Department	1971-72	1972-73
FINANCE AND ADMINISTRATION—continued		
Taxation (Electric Adding Machines, Adding and Listing Machine, Addressograph, Model 900, Calculators, Electric Typewriters, Manual Typewriters, Portable Adding Machines, Desk Model Adding Machines and Steel Files—5 drawer)	12,305	10,860
FORESTRY		
Forest Fire Control—Organized Towns (½ Ton Trucks 4 x 2, ½ Ton Trucks 4 x 4, Trucks, Rack and Radio Pak Sets)	\$ 31,200	\$ 73,100
Entomology (Station Wagons, Radio Mobile Units and Snowmobiles)	8,400	8,400
HEALTH AND WELFARE		
Bureau of Health (LeKtreiver, Remington; Microscope and Centrifuge)	5,000	1,000
Administrative Services (Adding Machines, Calculators, Electric Typewriters, Manual Typewriters, Photocopy Machines, Addressing Machine, Chevrolet Carryall and a Dodge Truck)	8,310	860
INDUSTRIAL ACCIDENT COMMISSION		
(Typewriters—Electric)	2,400	—
STATE LIBRARY		
(Bookmobiles)	17,000	17,000
MAINE MINING COMMISSION		
(Drafting Table, Stool and Machine and a Calculator)	1,600	—
MENTAL HEALTH AND CORRECTIONS		
Maine State Prison (Long Wheel Base Dump Truck, 4x4 International; ¾ Ton Pick-up, Bulldozer ED, 450)	8,500	14,000

Department	1971-72	1972-73
MENTAL HEALTH AND CORRECTIONS—continued.		
Men's Correctional Center (Steam Cooker—4 Compartment, Blodget Bake Oven—Gas, Steam Serving Table—Stainless Steel, 100# Commercial Washer, Passenger Suburban Vehicle, Dump Truck 2 Ton Cab Chassis Q/5-6 Yd. Dump Body (Replaces 1965 Ford), Base Radio Unit 200 Watt Transmitter, Mobile Radio Units 60 Watt - 2 Channel, Photo I.D. Camera Unit, Close Circuit T.V. Cameras, Close Circuit T.V. Monitors)	16,400	6,000
Women's Correctional Institute (Automobile)	2,500	—
Boys Training Center (Printing Calculators, Floor Maint. Machines, Tractor Lawnmowers, Passenger Cars, Mobile Transmitters, Movie Projectors, Folding Chairs, Chrome Chairs, Folding Tables, Electric Toasters, Electric Typewriters and Tape Recorders)	10,450	10,450
Stevens School (Pick-up Truck and Automobile)	\$ 4,500	\$ 2,500
Augusta State Hospital (Manual Lift Ventilating Canopy for Ironer, Vehicles—Replace two (2) vehicles and a bus)	6,650	5,000
Bangor State Hospital (File Cabinets, Hot Food Carts, Dormitory Beds, Mattresses, Portable Electric Welder, Ambulance, Station Wagon, Sedan, Pick-up Trucks, Bus—66 Passenger, Van Type Truck, Hospital Beds, and Mattresses)	36,375	36,075
Pineland Hospital and Training Center (Stainless Steel Shelving, 80 Gallon Steam Kettle, Psychiatric Beds, Adult Crib Beds, Patient Bed Mattresses, Space-Saver Beds, Easy Chairs, Wheel Chairs, Metal Chairs, Electric Typewriters, Dictation Units and Transcriber, Refrigerators, Printing Calculator, Vehicles, Televisions, Floor Machines, Tailoring Sewing Machines, Rocking Chairs and Settees)	33,706	20,230

DEPARTMENT	1971-72	1972-73
MENTAL HEALTH AND CORRECTIONS—continued		
Governor Baxter State School for the Deaf (Auditory Training Units)	3,300	3,300
PARK AND RECREATION COMMISSION		
(Station Wagon, Pick-ups, Travel-All, Sedans, Electric Typewriters, Tractor Mower, Tractors, Cash Registers, Snow- mobiles, Picnic Tables, Two-way Ra- dios, Picnic Stoves and a Garden Trac- tor)	39,940	16,320
Keep Maine Scenic (Sedan)	2,000	—
Allagash Wilderness Waterways (New Camp Sites, Motor, Outboard 50 H.P., Motor, Outboard 6 H.P., Antenna, Hy-Gain, Canoes, Aluminum)	6,050	850
STATE POLICE		
Fingerprinting of School Children (Three Hundred Linedex Panel)	1,350	1,350
PUBLIC UTILITIES COMMISSION		
(Transcribing Equipment)	\$ 1,000	\$ —
SEA AND SHORE FISHERIES		
Administration (Electric Typewriters, Radios, Porta- mobiles, Radar, Guardian, Generating Plant, Guardian, Boats, 16' with Motors, Truck 4 wd Pick-up and a Truck 1½ Ton)	22,785	13,875
TOTAL SECTION A	<u>\$ 465,240</u>	<u>\$ 312,877</u>
Section B		
UNIVERSITY OF MAINE		
All Other (Capital Expenditures)	\$ 600,000	\$ 600,000
TOTAL SECTION B	<u>\$ 600,000</u>	<u>\$ 600,000</u>

Department	1971-72	1972-73
Section C		
FINANCE AND ADMINISTRATION, DEPARTMENT OF		
Bureau of Public Improvements		
Repairs and Minor Improvements—		
State-Wide	\$1,356,900	—
FIRE AND PREVENTION AND SAFETY PROJECTS		
Augusta State Hospital	73,000	—
Bangor State Hospital	101,000	—
Boys Training Center	37,000	—
Maine Maritime Academy	2,000	—
Pineland Hospital and Training Center	30,000	—
Stevens School	27,000	—
Bureau of Public Improvements	25,000	—
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TOTAL	295,000	—
TOTAL SECTION C	<u>\$1,651,900</u>	<u>—</u>
Section D		
ADJUTANT GENERAL		
New Roofs—Various Armories	\$ 109,600	—
Extend Storm Drain—Camp Keyes	10,000	—
Security Fence—Various Armories	4,000	—
Combine Electric Service—Caribou	1,700	—
Stainless Steel Sinks—Various Armories	5,700	—
FORESTRY		
Norridgewock Storehouse	18,000	—
Ossipee Watchman's Camp	3,000	—
Pole Barns—Various Locations	13,000	—
GOVERNOR BAXTER STATE SCHOOL FOR THE DEAF		
Sewage Disposal Facilities	\$ 104,000	\$ —
HEALTH AND WELFARE, DEPARTMENT OF		
All Other	50,000	—
One time systems and programming cost		
for district offices		
INDIAN AFFAIRS		
House Connections—Indian Reservations	76,800	—

Department	1971-72	1972-73
LIBRARY, STATE		
All Other	6,000	—
The State Librarian is authorized to purchase any number of the following histories that she will need for distribution throughout the State. Lisbon - Clinton - Winslow - Three Corners - Albion - Cape Elizabeth - History of District of Maine - Survey of the State of Maine and Tidewater Ice of the Kennebec.		
MAINE STATE POLICE		
Garage Addition—Houlton	12,600	—
Motor Vehicle Lift—Augusta	3,500	—
PARK AND RECREATION COMMISSION		
Preliminary Planning and Engineering	15,000	—
PINELAND HOSPITAL AND TRAINING CENTER		
Continuation of Electrical Transmission System	49,800	—
PORT AUTHORITY		
Rehabilitation of State Pier and Casco Bay Line	150,000	—
TOTAL SECTION D	<u>\$ 632,700</u>	<u>—</u>
Total Appropriations from Unappropriated Surplus	\$3,349,840	\$ 912,877

Amounting to \$3,349,840 for the Fiscal Year Ending June 30, 1972 and \$912,877 for the Fiscal Year Ending June 30, 1973.

Section E

Sec. 1. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "Attorney General" is repealed and the following enacted in place thereof:

ATTORNEY GENERAL

Administration			
Personal Services	(34)	401,303	(34) 419,885
All Other		52,835	52,940
Capital Expenditures		750	300

Department	1971-72	1972-73
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ATTORNEY GENERAL—continued

County Attorneys' Salaries

Personal Services	(31)	216,000	(31)	216,000
Total Attorney General		\$670,888		\$689,125

Sec. 2. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "Economic Development, Department of" is repealed and the following enacted in place thereof:

ECONOMIC DEVELOPMENT, DEPARTMENT OF

Administration

Personal Services	(33)	321,567	(33)	326,711
All Other		472,053		475,661
Capital Expenditures		1,000		1,000
Removes from Activity 045, \$15,000 each year from All Other. Transfers 3 positions plus \$29,215 in 1971-72 and \$29,450 in 1972-73 abolishing 2 positions plus \$44,003 All Other each year to Forestry.				

Sec. 3. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "Forestry, Department of" which pertains to "Science Technology and Mineral Resources" is amended to read as follows:

Science Technology and
Mineral Resources

Personal Services	(5) (4)	43,886 36,866	(5) (4)	44,474 37,454
All Other		44,003		44,003

Sec. 4. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "Forestry, Department of" which pertains to the Total for that department is repealed and the following enacted in place thereof:

Total Forestry Department	1,188,653	1,279,451
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Sec. 4-A. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "INDIAN AFFAIRS, DEPARTMENT OF" is amended to read as follows:

INDIAN AFFAIRS, DEPARTMENT OF

Administration

Personal Services	(10)	56,348 66,046	(10)	56,743 67,489
All Other		275,700		277,860
Capital Expenditures		1,300		1,300

Department	1971-72	1972-73
INDIAN AFFAIRS, DEPARTMENT OF—continued		
Schooling of Indian Children— see Education		
Penobscot Tribal Reservation Housing Authority		
All Other	8,432	8,012
Pleasant Point Passamaquoddy Reservation Housing Authority		
All Other	\$12,622	\$13,234
Indian Township Passamaquoddy Reservation Housing Authority		
All Other	<u>15,969</u>	<u>16,921</u>
Total Department of Indian Affairs	\$370,377 380,069	\$374,070 384,816

Sec. 5. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "Mental Health & Corrections, Department of" which pertains to "Women's Correctional Center" is amended to read as follows:

Women's Correctional Center			
Personal Services	(43)	316,039	(41) 300,509
All Other		71,989	71,849
Capital Expenditures		500	—

Sec. 6. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "Mental Health & Corrections, Department of" which pertains to the Total for that department is repealed and the following enacted in place thereof:

Total Dept. of Mental Health & Corrections	\$ 24,166,040	\$ 24,123,285
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Sec. 7. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "Planning Office, State" is amended to read as follows:

PLANNING OFFICE, STATE

Administration			
Personal Services	(9)(8)	100,370 92,370	(9)(8) 103,790 95,790
All Other		20,991	21,491
Capital Expenditures ...		2,000	2,500
General Planning Fund			
All Other		53,000	56,000
Unallocated		70,000	75,000

Department	1971-72	1972-73
PLANNING OFFICE, STATE—continued		
Water Resources Planning		
Personal Services	20,000	20,000
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Total State		
Planning Office	\$266,361 258,361	\$278,781 270,781

Sec. 8. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act under the caption "University of Maine" is amended to read as follows:

UNIVERSITY OF MAINE

All Other	25,594,994	26,507,961
<p>The University of Maine appropriation, as herein provided for, reflects a legislative determination that average student enrollment during the 1971-72 and 1972-73 years will be as near as may be, the average enrollment, system wide, during the 1970-71 college year</p>		
University of Maine—TRIGOM		
All Other	50,000	55,000

Sec. 9. P. & S. L., 1971, c. 91, Section A, amended. That portion of the Act which relates to the "Total, All Appropriations" and the last paragraph of section A are repealed and the following enacted in place thereof:

TOTAL —		
ALL APPROPRIATIONS	\$182,967,993	\$189,010,556

Amounting to \$182,967,993 for the fiscal year ending June 30, 1972 and \$189,010,556 for the fiscal year ending June 30, 1973.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1971.

Effective July 1, 1971

Chapter 106

AN ACT Relating to the Annual Division of the Interest Arising from the Ministerial Fund of Turner, Maine.

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

P. & S. L., 1840, c. 69, repealed and replaced. Chapter 69 of the private and special laws of 1840 is repealed and the following enacted in place thereof: