

# MAINE STATE LEGISLATURE

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



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

LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

---

PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

---

---

PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

of the  
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

---

---

## CHAPTER 41

### AN ACT to Suspend Certain Municipal Charter Provisions to Fiscal Year Transitions.

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

Whereas, the provisions of the certain municipal charters limit municipal fiscal years in a manner that creates severe difficulties in a transition to a new fiscal year; and

Whereas, certain municipal charter restrictions are more restrictive than the general law; and

Whereas, municipalities may desire to change fiscal years to conform to the fiscal years of the local schools during the present year; and

Whereas, amendments to municipal charters could not be adopted in time to allow the transition this year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following 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:*

30 MRSA § 5110, as enacted by PL 1975, c. 651, § 3, is amended by adding at the end the following new sentence:

From January 1, 1977, to July 1, 1978, any municipal charter provision that requires a minimum period for a municipal fiscal year may be suspended, by majority vote of the municipal legislative body, in order to allow a change in municipal fiscal years under this section. During the same period, any municipal charter provision requiring a period for tax anticipatory borrowing not to exceed the municipal fiscal year may also be suspended, by majority vote of the municipal legislative body, provided that the period for tax anticipatory borrowing during this period shall not exceed one year.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 23, 1977

---

## CHAPTER 42

### AN ACT to Allocate Money from Title II of the Public Works Employment Act of 1976 for the Expenditures of State Government for the Fiscal Year Ending June 30, 1977, and for the Fiscal Year Ending June 30, 1978.

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

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

Whereas, certain obligations and expenses incident to the Federal Anti-Recession Fiscal Assistance Funds will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following 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:*

Sec. 1. 22 MRSA c. 1051-A is enacted to read:

#### CHAPTER 1051-A

### INTERIM CHILDREN'S SERVICES ACT

#### § 3711. Short title

This Act shall be known as the "Interim Children's Services Act of 1977."

#### § 3712. Purpose

It is the intent of the Legislature:

1. Improve existing services. To improve existing protective care services available to all Maine children and families, including certain emergency services available on a 24-hour basis, protective services maintained at an average caseload of 25 cases per worker, and substitute care services maintained at an average of one worker for 30 children placed, through the use of money provided under Title II of the U. S. Public Works Employment Act of 1976;

2. Interim services. That these improved services shall be provided on an interim basis during a period to end June 30, 1978, and that long-term funding sources shall be identified to pay for any services deemed necessary after June 30, 1978;

3. Provision of services. That these services shall be provided directly by the Department of Human Services and through contracts between the department and private, nonprofit agencies; and

4. Comprehensive policy. That prior to the end of the second regular session of the 108th Legislature, a thorough evaluation of all protective and substitute care services provided by the State shall be completed and a comprehensive and coordinated policy for children and families shall be prepared.

### § 3713. Authorization

The Department of Human Services is authorized to utilize staff and to make contracts with private, nonprofit agencies to provide improved protective and substitute care services through the use of money allocated under Title II of the Public Works Employment Act of 1976.

Services purchased on a contract basis under this chapter shall include the following: Emergency foster care; care in emergency juvenile facilities; respite care; shelter care; long-term adolescent shelter care and emergency home-based services, including, but not limited to, home health homemaker and caretaker services.

### § 3714. Plan

Within 30 days after the effective date of this Act, the department shall present to the Joint Standing Committee on Health and Institutional Services a plan for the expenditure of money for services authorized under this chapter. The plan shall be submitted in such detail as the committee may request.

### § 3715. Reports

Reports shall be presented in such detail as the Joint Standing Committee on Health and Institutional Services may request as follows:

1. Periodic reports. A report describing the implementation and progress of the plan required under section 3714, and the use of money for protective, substitute care and other children's services under Title XX of the Social Security Act shall be submitted to the Joint Standing Committee on Health and Institutional Services by the Department of Human Services at least quarterly, beginning on July 1, 1977.

2. Policy report. Prior to January 1, 1978, a report shall be presented to the Legislature and the Governor which shall include, but not be limited to, the following:

A. A description of a proposed long-term coordinated policy for the provision of services for children and families;

B. An assessment of the impact of children's services as presently provided by the Department of Human Services and the Department of Mental Health and Corrections; and

C. Recommendations for any legislation necessary to establish the policy described in paragraph A.

This report shall be compiled and presented jointly by the Department of Human Services and the Department of Mental Health and Corrections.

### § 3716. Limitations

Moneys provided under this chapter shall not be expended for the purpose of capital construction. Moneys allocated for purchased services under this

chapter shall be expended only on the basis of contracts with private, non-profit agencies. Each contract shall, among other things, specify the types of services to be provided, the method of payment to the agency and the requirements to be used for evaluating the provision of services.

§ 3717. Balances and transfers

Notwithstanding any other provision of law, funds appropriated to carry out this chapter shall not be transferred or used for other purposes and shall not lapse at the end of a fiscal year, but shall be carried forward from year to year to be expended for the same purpose.

Sec. 2. Department of Human Services' allocation. \$1,250,000 of the revenue available pursuant to Title II of the U. S. Public Works Employment Act is allocated to carry out this Act and shall be segregated, apportioned and expended as follows:

HUMAN SERVICES, DEPARTMENT OF

	1976-1977	1977-1978
Child Protective Services	(10)	(30)
Personnel	\$ 39,000	\$416,000
All Other	5,000	60,000
Substitute Care	(4)	(12)
Personnel	11,000	119,000
All Other	2,000	24,000
Family Crisis Services		(22)
Personnel		270,000
All Other		44,000
Purchased Services		
All Other		260,000

Sec. 3. Department of Mental Health and Corrections' allocation. \$1,100,000 of the revenue available pursuant to Title II of the U. S. Public Works Employment Act is allocated to carry out this Act and shall be segregated, apportioned and expended as follows:

MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF

	1976-1977	1977-1978
Community Mental Retardation Services		
Unallocated	\$250,000	
Community Mental Health Services		
All Other		\$765,000

Maine State Prison	(10)
Personnel	79,200
All Other	5,800

1. Funds for the Mental Retardation Component shall be used for community based group homes; day activity services in Sheltered Workshops and Adult Activity Centers; the utilization of 5 Child Development Home Trainers; and 2 evaluation teams, each composed of 14 personnel, to review, screen and develop individual treatment programs for the clients of Pineland Center who are currently residing in community placements under the supervision and responsibility of Pineland Center. In addition, the funds allocated will allow the Department of Mental Health and Corrections to maintain its obligations of providing for public guardianship of 450 mentally retarded individuals determined by the probate court to be in need of financial and guardianship services.

2. Funds for the Community Mental Health Development Component will allow the Department of Mental Health and Corrections to provide for the continuation of community-based services to mentally ill citizens in 8 mental health catchment areas.

Any of these funds which are expended for services which are not provided directly by the department shall be disbursed by contracts between the department and individual private nonprofit agencies. Each contract shall specify the services to be provided, the method of payments to agencies, and the criteria for monitoring and evaluating performance. These contracts shall be reviewed by the Maine Human Services Council pursuant to Title 22, chapter 1475. No moneys shall be disbursed as block grants except for establishment of group homes.

3. Ten additional security officers are provided at the Maine State Prison, which has had a marked increase in inmate population. The security personnel will provide for the continuation of proper security protection and supervision of the inmates at the Maine State Prison.

**Sec. 4. Other allocations.** Revenue available pursuant to Title II of the U. S. Public Works Employment Act is allocated to carry out this Act and shall be segregated, apportioned and expended as follows:

**PUBLIC UTILITIES COMMISSION**

Personal Services	(8) \$ 20,000
All Other	10,000

Provide for the maintenance of the existing level of services and enhancement of professional staff to address pending rate cases as evidenced by the current PUC docket. Funds will allow for field inspections and audits that will improve the capability of the agency to be more responsive to the demands of both the utilities and the rate payers.

**PERSONNEL, DEPARTMENT OF**

Personal Services	\$ 90,000
-------------------	-----------



Provide for more efficient and effective department operation through the elimination of backlogs and the development of functional job analysis system of classification to address the complete implementation of ungraded classification and performance appraisal systems. Funds will allow final implementation of computerization of State Personnel System. Funds provide for 12 temporary or project employees and there shall be no obligation on the State to maintain the positions after the funds in this account have been expended.

#### CONSERVATION, DEPARTMENT OF

##### Bureau of Parks and Recreation

Personal Services	\$ 8,000
All Other	102,000

Funds will provide deferred repairs and maintenance to a variety of buildings and other structures at 12 state parks and historical sites.

#### FINANCE AND ADMINISTRATION, DEPARTMENT OF

##### Bureau of Public Improvements

Capital	\$225,000
Unallocated	90,000

Funds will provide for winterization and energy conservation projects within the State House Complex and for an energy efficiency survey of public school buildings and other state-owned buildings throughout the State and to evaluate the cost effectiveness of energy conservation measures. It is estimated that 50% of the public buildings can be surveyed under Phase I. It is further the intent that the remaining 50% of this study will be accomplished in Phase II if the Title II Act is extended by Congress.

#### ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Personal Services	\$ 33,700
All Other	1,300

Funds will provide direct support and technical assistance to municipalities in fulfilling requirements of solid waste management regulations. Funds provide for 3 temporary or project employees and there shall be no obligation on the State to maintain the positions after the funds in this account have been expended.

Total sec. 2	\$1,250,000
“ sec. 3	1,100,000
“ sec. 4	580,000
TOTAL	\$2,930,000

Sec. 5. Allotments required. Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditure of these allocations, together with expenditures for other purposes necessary to the conduct of State Government on the basis of such allotments and not otherwise.

Sec. 6. Interest credited to the fund. Notwithstanding any other legal provision, interest earned by the Title II fund shall be credited to the Title II fund.

Sec. 7. State requirements shall be followed. Accounting and budgeting requirements of the fund shall conform to those applicable to the expenditure of the state's own revenue.

Sec. 8. Federal requirements shall be followed. Provisions of federal laws and regulations governing the use of these funds shall be complied with. In the event that an authorization for additional funds occurs when the Legislature is not in session, the Governor shall issue an order which recognizes the receipt of the funds and indicates that they will be allocated as expeditiously as possible.

Sec. 9. Legislative intent. It is the intent of the Legislature that these funds shall be used for the maintenance of the highest priority basic services and jobs.

Sec. 10. Balances. Any balances at June 30, 1977, shall not lapse but shall be a continuous carrying account until the purposes of this Act have been accomplished.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved. Sections 1 to 3 shall be effective until June 30, 1978.

Effective March 28, 1977 unless otherwise indicated

---

---

## CHAPTER 43

**AN ACT to Provide that the Saturday Preceding the Open Deer Season shall be for Maine Residents Only.**

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

12 MRSA § 2353, next to last paragraph, as enacted by PL 1971, c. 403, § 17, is amended to read:

It is provided that the commissioner is authorized to shorten the open season on deer in any area of the State, providing such determination is made and published prior to September 1st of any year and provided that in every county, the Saturday preceding the first day of the open season on deer shall be an open day for residents of this State only.

Effective October 24, 1977