

# MAINE STATE LEGISLATURE

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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

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PUBLIC LAWS  
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**STATE OF MAINE**

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28 MRSA § 2, sub-§ 8, ¶ I, as repealed and replaced by PL 1975, c. 741, § 1, is repealed and the following enacted in its place:

I. Indoor tennis club. "Indoor tennis club" shall mean any commercially-operated indoor facility with 4 or more courts or areas designed or used for the playing of any racquet sport, which is open to the general public, which charges a fee and which has adequate facilities for the sale and consumption of alcoholic beverages. Racquet sports shall include tennis, squash, handball, paddleball and badminton.

Effective October 24, 1977

## CHAPTER 57

### AN ACT to Adjust Allocation of Funds from Certain Public Lands.

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

Sec. 1. 12 MRSA § 557, sub-§ 3, last sentence, as enacted by PL 1975, c. 770, § 63, is repealed and the following enacted in its place:

With respect to those public reserved lands which were located in townships or tracts organized into plantations as of March 1, 1974, when any such plantation, subsequent to that date, becomes incorporated into a town, 75% of any income from residential leasehold camps and 25% of any other income from such public reserved land shall be returned by the Treasurer of State to the municipality wherein such public reserved land is located, to be used for municipal purposes.

Sec. 2. 30 MRSA § 4166, 6th sentence, as last amended by PL 1973, c. 797, § 2, is repealed and the following enacted in its place:

Notwithstanding the foregoing, 75% of any income from residential leasehold camps and 25% of any other income arising from activities under section 4162, subsection 4, on public reserved lands located in townships or tracts organized into plantations as of March 1, 1974, shall be held by the Treasurer of State in the Organized Townships Fund.

Sec. 3. 30 MRSA § 4166, 8th sentence, as enacted by PL 1973, c. 797, § 2, is repealed.

Effective October 24, 1977

## CHAPTER 58

### AN ACT Creating a Mental Health Advisory Council.

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

Whereas, the Federal Department of Health, Education and Welfare requires that the present Maine Interim Mental Health Advisory Council be given formal legislative or executive stature by April 1, 1977; and

Whereas, subsequent action to release or approve the expenditure of federal funds for mental health services in Maine will be jeopardized if such legislative or executive mandate is not effective on or before April 1, 1977; and

Whereas, federal regulations require that the membership of the State Mental Health Advisory Council be representative of both those who understand the need for services and those who are responsible for program implementation, and of the social, economic, linguistic and racial groups residing in the State, as well as its geographic areas; 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.** 34 MRSA § 2002, first sentence, as repealed and replaced by PL 1975, c. 755, § 9, is amended to read:

The commissioner shall, with the advice of the ~~Committee on Mental Health~~ **Mental Health Advisory Council**, appoint and set the salary subject to the approval of the Governor ~~and Council~~, for a Director of Mental Health who shall be a person with training and experience in mental health program administration or who has had satisfactory experience in the direction of work of a comparable nature.

**Sec. 2.** 34 MRSA § 2003 is repealed and the following enacted in its place:

**§ 2003. Mental Health Advisory Council; membership; duties**

The Governor, with the advice of the Commissioner of Mental Health and Corrections, shall establish a Mental Health Advisory Council and appoint its membership. The membership shall consist of 30 persons, including representatives of consumers of mental health services, including clients and their families, providers of such services; and those who are concerned with the planning, operation, or use of such services and facilities who are representatives of nongovernment organizations or groups; and representatives of agencies of State Government.

A majority, but no more than 60% of the members, shall be neither direct nor indirect providers of mental health services, and no less than 40% shall be direct or indirect services providers. Consumers who are identified as nonprovider members of community mental health center boards may be considered as nonproviders for the purpose of serving on the Mental Health Advisory Council. The nonprovider consumer class of membership shall include, where possible, but not be limited to, persons who have been beneficiaries of the services of a public mental hospital or community mental health center, as well as representatives of patient organizations and patient advocacy groups. The

provider class of membership shall include persons from both governmental and nongovernmental mental health service agencies. Both provider and consumer members shall be representative of the social, economic, linguistic and racial groups residing in the State, as well as its geographic areas.

Members shall be appointed for a term of 3 years, except that of the members first appointed,  $\frac{1}{3}$  shall be appointed for a term of 3 years,  $\frac{1}{3}$  shall be appointed for a term of 2 years and  $\frac{1}{3}$  shall be appointed for a term of one year, as designated by the Governor at the time of appointment; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any vacancy in the council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made. The membership shall elect a chairman.

The duties of the Mental Health Advisory Council shall include, but not necessarily be limited to, acting in an advisory capacity to the commissioner in the development of the state mental health plan and in the appointment of a Director of Mental Health. The council shall meet at least quarterly.

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

Effective April 6, 1977

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## CHAPTER 59

### AN ACT Concerning the Administration of the Office of the Chief Medical Examiner.

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

Sec. 1. 22 MRSA § 3022, as last amended by PL 1975, c. 771, § 219, is further amended by adding at the end the following new paragraph to read:

The Chief Medical Examiner is authorized to select one or more of the medical examiners to serve as deputy chief medical examiners. In the event of his temporary absence, the Chief Medical Examiner, or if he is unavailable, the Attorney General, may designate one of the deputy chief medical examiners to serve as Acting Chief Medical Examiner. The Acting Chief Medical Examiner shall have all of the powers and responsibilities of the Chief Medical Examiner.

Sec. 2. 22 MRSA § 3024, as last amended by PL 1975, c. 771, § 220, is repealed and the following enacted in its place:

§ 3024. Salaries; fees; expenses