

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

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

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5. Carpools and vanpools. "Carpools and vanpools" shall mean any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 12 persons or less for travel between their places of residence and their place of employment and who share the cost of transportation. Carpooling and vanpooling exempted under this section shall only include transportation services that are incidental to the primary occupation, trade or business of carpools and vanpools.

Effective October 24, 1977

CHAPTER 307

AN ACT Providing for Improved Accountability of Funds Expended by the Department of Human Services and by the Department of Mental Health and Corrections.

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

Sec. 1. 22 MRSA § 5306 is enacted to read:

§ 5306. Agreements with community agencies

All funds disbursed by the department to a community agency for the purpose of financially supporting a human service shall be covered by a written agreement, pursuant to the same provisions specified for the Department of Mental Health and Corrections in Title 34, section 12.

Sec. 2. 34 MRSA § 12 is enacted to read:

§ 12. Agreements with community agencies

1. Definitions. For the purposes of this section, unless the content otherwise indicates, the following words shall have the following meanings.

A. "Agreement" means a legally binding document between 2 parties, including such documents as are commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement, purchase or service or state aid.

B. "Community agency" means any person; any public or private non-profit organization; or any firm, partnership or business corporation operated for profit, which:

- (1) Operates a human service program at the community level; and
- (2) Is not an administrative unit of the Federal or State Government.

C. "Department" means the Department of Mental Health and Corrections and any administrative unit or institution of the department.

D. "Funds" means any and all general funds, dedicated funds, fees, special revenue funds, 3rd party reimbursements, vendor payments or other funds available for expenditure by the department in support of the provision of a human service.

E. "Human service" means any alcoholism, children's community action, corrections, criminal justice, developmental disability, education, elderly, health, income supplementation, juvenile, law enforcement, legal, medical care, mental health, mental retardation, poverty, rehabilitation, services to older people, social service, substance abuse, transportation or youth service operated by a community agency under an agreement financially supporting the service, wholly or in part, by funds authorized by expenditure by the department.

F. "Income supplementation" means any donated food, food stamp, income maintenance, public assistance or welfare operated by a community private nonprofit organization under an agreement financially supporting the program, wholly or in part, by funds authorized for expenditure by the department.

G. "Nonprofit organization" means any agency, institution or organization which is, or is owned and operated by, one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood, community, region or the State.

H. "Public" means municipal, county and other governmental bodies which are political subdivisions within the State.

2. Rules. The department shall adopt principles, policies, rules and regulations consistent with and necessary for the effective administration of this section.

3. Agreements.

A. All funds to be disbursed by the department to a community agency for the purpose of financially supporting a human service shall be covered by a written agreement between the department and the community agency. Each agreement shall specify, but shall not be limited to specifying:

(1) The human service to be provided by the community agency;

(2) The method of payment by the department to the community agency; and

(3) The criteria for monitoring and evaluating the performance of the community agency in the provision of the human service.

No funds shall be disbursed by the department in the form of a block grant, unless there has been such a written agreement.

B. When making agreements with community agencies for the purpose of financially supporting the provision of a human service, the department

shall utilize agreement forms and shall develop procedures which are uniform. When disbursing funds pursuant to an agreement, the department shall require accounts payable forms or supporting documentation and information which are uniform. When accounting for funds disbursed pursuant to an agreement, the department shall utilize accounting principles, policies and procedures which are uniform.

Sec. 3. Effective date. This Act shall become effective on January 1, 1978.

Effective January 1, 1978

CHAPTER 308

AN ACT to Implement a "Product of Maine" Designation.

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

5 MRSA § 7002, sub-§ 2, ¶ G is enacted to read:

G. The director shall implement a program to identify goods manufactured in the State under a "Product of Maine" designation. This program shall also include agricultural, marine, mineral and forestry products processed in the State, but shall remain separate and distinct from the blue, white and red identification promulgated by the Commissioner of Agriculture.

A product shall qualify for this designation upon submission by the manufacturer or final processor of a signed affidavit which attests that the product is in fact manufactured in the State or receives final assembly or processing in the State. This affidavit shall be submitted to the director who shall then grant permission for use of the "Product of Maine" designation, who shall withdraw the permission upon finding that the contents of the affidavit are false. The director may also withdraw the permission if it comes to his attention that the product is mislabeled in a manner which is deceiving to the purchaser.

The mere packaging of a product within the State shall not be deemed sufficient for inclusion under the "Product of Maine" label.

The director shall, as the funds become available, promote consumer recognition of the "Product of Maine" designation and shall encourage the use of this designation by manufacturers.

Effective October 24, 1977