

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE
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1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

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

Sec. 1. 22 MRSA § 2012, first sentence, as repealed and replaced by PL 1975, c. 218, is amended to read:

The proper operation of medical laboratories within the State of Maine is a matter of vital concern, since they provide essential health services by aiding other medical practitioners in the diagnosis and treatment of disease.

Sec. 2. 22 MRSA § 2029, sub-§ 1, as repealed and replaced by PL 1975, c. 218, is amended to read:

1. **Certification.** He is a physician licensed to practice medicine in the State of Maine, certified by the American Board of Pathology or the American Osteopathic Board of Pathology, or who possesses qualifications acceptable to the department and the commission and equivalent to such certification; or

Sec. 3. 22 MRSA § 2029, sub-§ 2, as repealed and replaced by PL 1975, c. 218, is amended to read:

2. **Special qualifications.** He is a physician licensed to practice medicine with special qualifications acceptable to the department and the commission; or

Sec. 4. 22 MRSA § 2029, sub-§ 3 is enacted to read:

3. **Qualified persons other than physicians.** He has an earned doctorate degree in a chemical, physical or biological science from an accredited institution and either is certified in at least one laboratory specialty by the American Board of Clinical Chemistry, American Board of Medical Microbiology or other national accrediting board acceptable to the department and the commission. Medical laboratories directed by persons qualified under this subsection shall only perform those examinations within the scientific area in which members of the staff are trained and certified.

Effective September 18, 1981

CHAPTER 67

H. P. 816 — L. D. 940

AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government.

Emergency preamble. Whereas, Acts of 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 operation of departments and institutions will become due and payable before July 1, 1981; 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:

PART A

Appropriations from General Fund. In order to provide for necessary expenditures of government and other purposes for the fiscal year ending June 30, 1981, the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated.

APPROPRIATIONS FROM GENERAL FUND 1980-81

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

Harness Racing Commission	
Personal Services	\$13,000
All Other	12,000
Provides funds for additional racing dates.	

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

Total Current Services	\$25,000
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DEPARTMENT OF ATTORNEY GENERAL

Operations	
All Other	\$20,000
Provides funds for the final legal costs related to the Indian land claims.	

Investigative and Prosecutorial Fund	
Unallocated	10,000
Provides funds to establish a nonlapsing, revolving special revenue account to be used by the Attorney	

**APPROPRIATIONS FROM
GENERAL FUND
1980-81**

General to provide funds for investigations and prosecution and extradition expenses. The State Controller is authorized to credit revenues and reimbursements received for these expenses to the fund.

Operations		
Unallocated		30,000
	Provides funds for relocation and consolidation of the department; Includes modern office landscaping and a telephone system.	

DEPARTMENT OF ATTORNEY GENERAL

	\$60,000
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DEPARTMENT OF BUSINESS REGULATION

Maine Athletic Commission		
All Other		\$2,000
	Provides funds for additional travel costs.	

Securities Division		
Personal Services		8,800
	Provides funds to pay the costs for reinstatement of the director.	

**DEPARTMENT OF BUSINESS
REGULATION**

	\$10,800
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**DEPARTMENT OF DEFENSE AND
VETERANS SERVICES**

Veterans Memorial Cemetery		
Capital Expenditures		\$100,000
	Provides funds to develop additional areas at the cemetery. Funds shall be expended only if federal funds are available at a ratio of at least 50% federal to 50% state. Any balance from this appropriation shall not lapse June 30, 1981, but shall be carried forward until June 30, 1982, to be expended for the same purpose.	

**APPROPRIATIONS FROM
GENERAL FUND
1980-81**

**DEPARTMENT OF DEFENSE AND
VETERANS SERVICES**

Total Current Services \$100,000

**DEPARTMENT OF EDUCATIONAL AND
CULTURAL SERVICES**

Maine Historic Preservation Commission
Personal Services \$2,917
Provides funds for the General Fund
share of range changes for 2 positions
already approved by the Department of
Personnel.

**DEPARTMENT OF EDUCATIONAL AND
CULTURAL SERVICES**

Total Current Services \$2,917

EXECUTIVE DEPARTMENT

Office of Employee Relations
Positions - (1)
Personal Services \$4,678
Capital Expenditures 550
Provides funds for a Labor Research
Specialist.

Blaine House
All Other 7,000
Provides funds for increased operating
costs.

EXECUTIVE DEPARTMENT

Total Current Services \$12,228

**DEPARTMENT OF FINANCE AND
ADMINISTRATION**

Bureau of the Budget
Personal Services \$2,621
Provides funds for the reclassification
of Budget Examiners approved by the
Department of Personnel.

**APPROPRIATIONS FROM
GENERAL FUND
1980-81**

Bureau of Public Improvements — Energy Audit Program	
Personal Services	\$8,000
Provides funds to continue 6 limited period positions in the Energy Audit Program currently funded by a federal grant.	
 Bureau of Public Improvements — Capital Constructions, Repairs and Improvements	
Capital Expenditures	187,500
Provides funds to renovate the 6th floor of the State Office Building and for office renovations in the State House. Any balance shall not lapse June 30, 1981, but shall be carried forward until June 30, 1983, to be expended for the same purpose.	

DEPARTMENT OF FINANCE AND
ADMINISTRATION

Total Current Services	\$198,121
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DEPARTMENT OF HUMAN SERVICES

Payment to Providers of Medical Care	
All Other	\$4,300,000
General Assistance	
All Other	750,000
Child Welfare Services	
All Other	231,000
Bureau of Health	
All Other	125,000

DEPARTMENT OF HUMAN SERVICES

Total Current Services	\$5,406,000
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LEGISLATIVE DEPARTMENT

Legislature	
Personal Services	\$150,000
All Other	93,750
Legislative Research	
Personal Services	49,482
All Other	10,237

**APPROPRIATIONS FROM
GENERAL FUND
1980-81**

Law and Legislative Reference Library	
Personal Services	9,727
Maine-Canadian Legislative Advisory Office	
Personal Services	1,600
All Other	400
Commission on Interstate Cooperation	
All Other	2,500
Commission on Uniform State Laws	
All Other	\$500
Provides funds for increased operating cost already approved by the Legislative Council, additional sets of the Maine Revised Statutes Annotated and increased dues.	

LEGISLATIVE DEPARTMENT

Total Current Services	\$318,196
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DEPARTMENT OF MANPOWER AFFAIRS

Bureau of Labor - Administration

Personal Services	\$2,072
Provides funds to share in the costs of the commissioner's salary.	

Personal Services	1,728
Provides funds for reclassification of a statistician and a clerk typist.	

All Other	4,500
Provides funds for Maine State Apprenticeship and Training Council.	

Maine Labor Relations Board

All Other	5,000
Provides funds for increased costs of travel.	

Personal Services	365
Provides funds to share in the costs of the commissioner's salary.	

DEPARTMENT OF MANPOWER AFFAIRS

Total Current Services	\$13,665
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**APPROPRIATIONS FROM
GENERAL FUND
1980-81**

DEPARTMENT OF MARINE RESOURCES

Bureau of Marine Patrol	
All Other	\$30,000
Provides funds for increased costs.	

DEPARTMENT OF MARINE RESOURCES

Total Current Services	\$30,000
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**DEPARTMENT OF MENTAL HEALTH AND
CORRECTIONS**

Food for Institutions	
All Other	\$225,000
Provides for increased costs.	

Maine State Prison

Personal Services	\$ 200,000
All Other	375,000
Provides additional operating funds.	

Positions	(12)
Personal Services	77,750
All Other	365
Provides funds to change 12 limited period positions to permanent.	

Positions	(30)
Personal Services	203,313
All Other	3,422
Provides funds and positions to maintain current level of security now being provided by overtime.	

Community Mental Retardation Services	
All Other	300,000
Provides additional funds necessary for clients in these programs.	

Maine Correctional Center	
All Other	150,000
Provides additional operating costs.	

**DEPARTMENT OF MENTAL HEALTH AND
CORRECTIONS**

Total Current Services	\$1,534,850
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**APPROPRIATIONS FROM
GENERAL FUND
1980-81**

DEPARTMENT OF PERSONNEL

Operations
 Personal Services \$1,590
 Provides funds to correct an error in
 range assignment.

DEPARTMENT OF PERSONNEL

Total Current Services

\$1,590

**DEPARTMENT OF THE SECRETARY OF
STATE**

Administration
 All Other \$118,000
 Provides additional funds for referenda
 costs.

**DEPARTMENT OF THE SECRETARY OF
STATE**

Total Current Services

\$118,000

TREASURY DEPARTMENT

Departmental Operations
 All Other \$40,000
 Provides funds for additional costs of
 postage, mini bonds and 2 temporary
 sales.

TREASURY DEPARTMENT

Total Current Services

\$40,000

TOTAL PART A \$7,871,367

PART B

Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1981, the following sums.

1980-81

**DEPARTMENT OF EDUCATIONAL AND
CULTURAL SERVICES**

General Purpose Aid for Local Schools
 All Other (\$3,000,000)

**APPROPRIATIONS FROM
GENERAL FUND
1980-81**

**DEPARTMENT OF FINANCE AND
ADMINISTRATION**

Unemployment Compensation	
All Other	(700,000)
Estimates indicate that the full amount of the current appropriation is not required.	

TREASURY DEPARTMENT

Debt Service	
All Other	(2,500,000)
Funds in the Bond Interest Account will be sufficient to allow an increase in transfer of \$2,500,000 and will permit the decrease in appropriation.	

TOTAL PART B	(\$6,200,000)
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PART C

Sec. 1. Allocation. There is allocated from the Federal Revenue Sharing Fund for the fiscal year ending June 30, 1981, the following sums.

**DEPARTMENT OF EDUCATIONAL AND
CULTURAL SERVICES**

1980-81

Teachers' Retirement	
All Other	(\$6,616,180)
Loss of Federal Revenue Sharing Funds.	

Sec. 2. Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1981, the following sum.

**DEPARTMENT OF EDUCATIONAL AND
CULTURAL SERVICES**

1980-81

Teachers' Retirement	
All Other	\$6,616,180
Replaces loss of Federal Revenue Sharing Funds with a General Fund appropriation.	

PART D

Sec. 1. 5 MRSA § 3355, as amended by PL 1975, c. 425, § 5, is further amended by adding at the end a new sentence to read:

Funds appropriated to carry out the purpose of this chapter shall not lapse, but shall carry from year to year.

Sec. 2. PL 1979, c. 542, Pt. A, § 17, under the caption "EXECUTIVE DEPARTMENT" is amended by striking out all of that part relating to "Division of Community Services" and inserting in its place the following:

	1979-80	1980-81
Division of Community Services		
All Other	\$200,000	\$200,000
Provides funds for the home winterization program.		
All Other	50,000	50,000
Provides funds for the Young Adult Conservation Corps program. Any balance of General Fund appropriations shall not lapse June 30, 1980, but shall be carried forward until June 30, 1981, to be expended for the same purpose.		

Sec. 3. Appropriations for salary increases. Any unexpended balance in the General Fund Salary Fund on June 30, 1981, shall not lapse, but shall carry forward to June 30, 1983, to be expended for state employee salary increases. The Commissioner of Finance and Administration shall not later than April 15th of each year certify to the Joint Standing Committee on Appropriations and Financial Affairs as to the total balance available in the General Fund Salary Fund.

PART E

Additional allocation of Fund. In order to provide for necessary expenses for operation and administration of the Bureau of Alcoholic Beverages, the following amount is allocated from the revenues derived from operations of the fund.

	1980-81
DEPARTMENT OF FINANCE AND ADMINISTRATION	
Bureau of Alcoholic Beverages - General Operations	
All Other	\$178,565
Provides funds to continue current levels of operations. Major cost increases are being found in computer billings, travel costs, operation of vehicles and lease renewals. Also, funds are needed for general operating costs, fuel and supplies' costs and disability compensation payments.	

PART F

Sec. 1. 5 MRSA § 196, 5th sentence, as repealed and replaced by PL 1973, c. 711, § 4, is amended to read:

The Notwithstanding any other provisions of law, the compensation of research assistants and deputy attorneys general shall be fixed by the Attorney General.

Sec. 2. 5 MRSA § 196, last sentence, as last amended by PL 1977, c. 380, Pt. B, § 1, is further amended to read:

The compensations of the ~~deputy attorneys general~~ staff attorneys, assistant attorneys general and secretary to the Attorney General shall be fixed by the Attorney General with the approval of the Governor, but such compensations shall not in the aggregate exceed the amount appropriated therefor and shall not result in an increased request to future Legislatures.

PART G

PL 1979, c. 542, PT. D, § 3, as amended by PL 1979, c. 711, Pt. E, is further amended to read:

Sec. 3. Reimbursement of working capital advance from the Department of Educational and Cultural Services. Notwithstanding the provisions for reimbursement in the resolves of 1977, chapter 36, the Department of Educational and Cultural Services shall reimburse the working capital advance authorized in the resolves of 1977, chapter 36, not later than December 31, ~~1980~~ 1981.

PART H

19 MRSA § 514, as enacted by PL 1975, c. 532, § 3, is repealed and the following enacted in its place:

§ 514. Dedicated funds

All collections, fees and incentive payments received by the department from child support collections shall be dedicated to reduce the state's general fund share of Aid for Families with Dependent Children and to cover the costs of making such collections. The department shall not expend more than \$250,000 of incentive payment revenue in any fiscal year for the purpose of covering the costs of making child support collections.

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