

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1744

S. P. 714

In Senate, June 30, 1967

Reported by Majority from Committee on Appropriations and Financial Affairs. Printed under Joint Rule No. 18. Pursuant to Joint Order (S. P. 713)

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Appropriate Additional Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969.

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

Appropriations. There is appropriated the following:

GENERAL FUND

APPROPRIATIONS FROM GENERAL FUND

Section A

	1967-68	1968-69
EDUCATION, DEPARTMENT OF		
General Purpose Subsidy		
All Other	\$ —	\$ 9,731,250
HEALTH AND WELFARE,		
DEPARTMENT OF		
Aid to Dependent Children		
All Other	—	900,000
INTEREST ON BONDS		
General Fund Bonds		
All Other	—	1,000,000
UNIVERSITY OF MAINE		
Oceanography		
All Other	200,000	200,000

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Section B

Relating to Automobile Mileage Allowance for State Employees.

R. S., T. 5, § 8, amended. The first sentence of section 8 of Title 5 of the Revised Statutes is amended to read as follows:

The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State not more than 9c per mile for the first 5,000 miles actually travelled by such employees on such business in any one fiscal year, and 7c for each mile exceeding 5,000 miles, except that the State shall pay inspectors of seed potatoes or table stock potatoes 9c for every mile so travelled.

\$25,000

\$25,000

Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service.

Appropriation. There is appropriated from the General Fund the sum of \$5,000 for the fiscal year ending June 30, 1968, for the purpose of providing uniforms for employees of the Maine State Ferry Service.

\$5,000

Appropriating Moneys to Provide for Night Pay Differentials for State Employees.

Sec. 1. Appropriation for night pay differentials for state employees. There is appropriated from the General Fund the sum of \$125,000 for the fiscal year ending June 30, 1969 for the purpose of placing into effect, as of the first pay period after the effective date of this Act, a 10c per hour increase under the State Personnel Board's Compensation Plan for Classified Positions, such pay increase for those who, for the year or any part thereof, are regularly employed on night shifts.

Said pay differential shall be applied at the direction of the State Personnel Board, with the right to appeal by the employee or his representative.

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The same provisions and standards shall be applied to those employees who are employed by departments which are supported wholly, or in part, by the General Highway Fund, special revenue funds or other funds.

—

125,000

Sec. 2. Effective date. This Act as it relates to providing for night pay differentials for state employees shall become effective July 1, 1968.

Increasing Pay for State Employees.

Sec. 1. Appropriation. There is appropriated from the General Fund the sum of \$1,100,000 for the fiscal year ending June 30, 1969, to effectuate, as of the first pay period in July, 1968, a one-step pay adjustment plan for state employees to be incorporated into the official State Pay Plan, adopted by the State Personnel Board.

Sec. 2. Unclassified employees subject to Governor and Council determination. With respect to unclassified employees whose wage rates are subject to Governor and Council determination, the Governor and Council shall grant similar and equitable treatment.

Sec. 3. Unclassified employees not subject to Governor and Council determination. With respect to unclassified employees whose wage rates are not subject to determination by the Governor and Council, the authorities responsible for determining the wage rates of such employees shall grant similar and equitable treatment.

Sec. 4. Utilization by other funds. Wages of employees in departments supported by the General Highway Fund, Special Revenue Funds or other funds shall not be adjusted from moneys provided for the General Fund Pay Plan, but shall be adjusted from funds available from other sources.

\$1,100,000

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Providing Hospital Insurance Benefits under Social Security Act for State Employees.

R. S., T. 5, c. 101, sub-c. VI-A, additional. Chapter 101 of Title 5 of the Revised Statutes is amended by adding a new subchapter VI-A, to read as follows:

SUBCHAPTER VI-A

HOSPITAL INSURANCE

§ 1161. Hospital insurance

Each state employee and teacher shall be entitled to participate in hospital insurance benefits when provided in Title II of the Federal Social Security Act.

Each state employee and teacher shall pay, in a manner prescribed by the board of trustees, and the State shall contribute a like amount which would be required of each state employee and teacher as prescribed in Title II of the Federal Social Security Act when so amended.

The board upon receipt of such contributions shall verify them in accordance with applicable federal regulations and shall forward such contributions to the Secretary of Treasury.

\$100,000

\$250,000

Changing the Foundation Program Per Pupil Allowances.

Sec. 1. R. S., T. 20, § 3721, sub-§ 2, amended. The last paragraph of subsection 2 of section 3721 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 320 of the public laws of 1965, is repealed.

Sec. 2. R. S., T. 20, § 3721, sub-§ 3, ¶ B, repealed and replaced. Paragraph B of subsection 3 of section 3721 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 266 of the public laws of 1965, is repealed and the following enacted in place thereof:

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B. Employ at least one teacher for each 30 elementary school pupils in average daily membership, except in the kindergarten where the ratio shall not exceed one teacher to 60 pupils, and at least one teacher for each 25 high school pupils. The pupil-teacher ratio shall be determined by dividing the average daily membership of the school by the number of classroom teachers, excluding supervisors, principals, guidance directors and other nonteaching personnel. Any unit maintaining a school with a pupil-teacher ratio higher than that authorized by this section shall have its operational subsidy allocation for the next succeeding biennium reduced by 5%, except that the State Board may waive the requirement of the law and this penalty if the local unit gives sufficient evidence that such a waiver is warranted.

Sec. 3. R. S., T. 20, §§ 3722 - 3723, repealed and replaced. Sections 3722 and 3723 of Title 20 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

§ 3722. Allowance

The foundation program allowance for each administrative unit shall be determined as follows:

The average of the 2 preceding years' adjusted resident average daily membership of the pupils attending school in the unit shall be multiplied by the applicable dollar allowance in Table I below. To this amount shall be added the average of the unit's 2 preceding years' expenditure for tuition and board; the allowable tuition expenditure shall be 90% of the average of the 2 preceding years. To this amount shall be added 90% of the average of the 2 preceding years' expenditures for pupil transportation. The total of these items will be the total foundation program. From this total foundation program shall be sub-

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tracted the average of the 2 preceding years' school maintenance incidental receipts, not including tuition receipts, except that income received from a ministerial and school fund shall not be subtracted. A portion of the receipts from Public Law 874 or any penalties applied for illegal expenditures or uncertified teachers shall be deducted from the foundation program allocation in the same proportion as the unit's local effort toward the foundation program was to the total sum of the foundation program in the previous biennium. The board may adjust the effect of the penalties if evidence is submitted that undue hardship or unusual gain would occur in the subsidy of any unit. The net cost thus obtained represents the net foundation program allowance on which state subsidy shall be computed biennially in accordance with this section.

Resident average daily membership, as used in this section, shall represent the sum of the days present and absent of all resident pupils in the schools under consideration divided by the number of days school is maintained. Pupils attending school on a part-time basis shall be counted as .2 of a pupil for each class period which they attend.

TABLE I

The per pupil allowance used in computing the foundation program shall be \$320.

The resident average daily membership in the elementary schools enrolling fewer than 26 pupils shall be adjusted as follows:

Multiply resident average
daily membership by

1.50	If the elementary school enrolls from	1	to	10	pupils
1.40	"	"	"	"	" 11 to 15 pupils
1.33	"	"	"	"	" 16 to 20 pupils
1.27	"	"	"	"	" 21 to 25 pupils

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The resident average daily membership thus determined and the resident average daily membership in all other units shall be adjusted as follows before multiplying by the fixed per pupil allowance. The pupils in grades kindergarten through grade 6 shall be multiplied by 1; the pupils in grades 7 and 8 shall be multiplied by 1.2. The adjusted resident average daily memberships in grades kindergarten through 8 shall be added together before multiplying by the per pupil allowance. The resident average daily membership in grades 9 through 12 shall be multiplied by 1.4 before multiplying by the per pupil allowance.

It is the intent of the Legislature that Table I of this section should be revised each biennium to the end that amendments may be enacted consistent with the changes in the educational expenditures of the towns. On or before October 1st of each year prior to the convening of the Legislature, it shall be the duty of the commissioner to make recommendations to the Governor for such revision which may be used as the basis for budget needs and recommendation for state school subsidies for appropriation by the subsequent session of the Legislature.

§ 3723. State support of

On the basis of information available in the office of the commissioner on September 1st for the 2 years next preceding the biennial convening of the Legislature, as provided in returns of education statistics required by him, the commissioner shall apportion subsidies to the school administrative units of the State for each of the next 2 years according to the following plan.

From each unit's foundation program, as defined in sections 3721 and 3722, shall be subtracted the yield of 20 mills times the unit's state valuation. The result shall be the amount of state aid, on the foundation program that the unit is entitled to receive,

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provided that no unit shall receive less than 20% state aid on its foundation program. The aid to School Administrative Districts shall be computed as follows: The net foundation program of the district shall be distributed among the member municipalities of the district in the same ratio as the average resident pupils of the member municipalities bears to the total average number of resident pupils in the School Administrative District. From the foundation program thus distributed shall be subtracted the yield of 20 mills times the member municipality's state valuation provided that no member municipality shall be required to raise more than 80% of its foundation program. The aid thus computed for the member municipalities shall be added together and shall be paid to the School Administrative District. In addition, School Administrative Districts shall receive the supplemental aid as provided in section 3456. The valuation used shall be as determined by the Board of Equalization in the statement filed by it, as provided in Title 36, section 381. The computation of state aid for each unit shall be subject to correction in accordance with the final statement filed by the Board of Equalization on December 1st.

The subsidy allocation for a newly formed School Administrative District shall be the sum of the amounts that the towns would have received plus 10% supplemental aid as provided in section 3456. During the succeeding bienniums the School Administrative District aid shall be computed in accordance with this section.

Any administrative unit in which the elementary operating expenditure or secondary operating expenditure, not including debt retirement, capital outlay items, transportation, tuition or community services, exceeded the amount of the foundation program per pupil allowance multiplied by the adjusted pupil count of the previous biennium shall be entitled to an additional sub-

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sidy allocation on that part of its average elementary or secondary operational expenditure which exceeded the elementary or secondary foundation program amount of the previous biennium. The amount that the average elementary or secondary operational expenditure exceeded the average elementary or secondary foundation program of the previous biennium shall be multiplied by 4%. The result shall be added to the subsidy allocation.

Whenever any administrative unit's fiscal reports show that the average expenditure for foundation program items during the 2 years preceding the convening of the Legislature was less than the foundation program requirements of the same 2-year period for either elementary or secondary education programs, the unit shall have a portion of the average amount by which it failed to meet the foundation program requirements deducted from its foundation program for the 2 years of the succeeding biennium. If a unit fails to meet the elementary or secondary foundation program requirements as set out in the statutes, the percentage of the amount to be deducted shall be in the same ratio as the ratio of the unit's local contribution toward the net cost of the foundation program in the previous biennium was to the net cost of the foundation program during the same period of time.

The allowable aid earned by community school districts shall be paid directly to those units.

When a School Administrative District has taken over the operation of the public schools within its jurisdiction, the subsidy payment that would normally be paid to the subordinate administrative units which operated the public schools within the confines of the School Administrative District prior to the formation of said district shall be paid directly to the School Administrative District.

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The total salary paid to a superintendent of schools including state and local portions shall be used when computing the general purpose aid of a unit. From the subsidy allocation of each unit shall be deducted that portion of the subsidy that was earned because of the salary of a superintendent of schools. The amount thus deducted shall be paid to the superintendent of schools under section 154.

The subsidy allocation to any unit in 1968 shall not exceed a 35% increase over the subsidy allocation that was scheduled for payment to that unit in 1968, under the provisions of the statutes that were in force at the time the budget was submitted by the Governor for legislative consideration. Every unit in the State shall receive a subsidy allocation in 1968 which is no less than the amount originally allocated for the unit in 1968 by the budget document which was recommended for legislative consideration. Thereafter, the subsidy allocation to any unit may not increase in any one year, more than 25% over the subsidy allocation paid to that unit during the previous year.

Sec. 4. R. S., T. 20, § 154, amended. The 3rd, 4th and 5th sentences of section 154 of Title 20 of the Revised Statutes are repealed and the following enacted in place thereof :

Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for general purpose aid for the unit an amount in accordance with section 3723. Whenever a superintendent of schools serves as a supervising principal as authorized in section 151, subsection 5, the sum paid to such superintendent of schools shall not exceed the amount earned under section 3723 which is attributable to his duties as superintendent of schools.

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Sec. 5. R. S., T. 20, § 3455, amended.
The first sentence of section 3455 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

All apportionments to administrative units, academies and institutes under this Title, unless specifically directed by statute, shall be made annually in the following manner:

An amount not to exceed 2/3 of the estimated subsidy shall be paid on or after August 15th, or as much thereof as is available, and the balance shall be due and payable in the month of December.

Sec. 6. Effective date. This Act as it relates to changing the foundation program per pupil allowances shall become effective July 1, 1968.

Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants.

Sec. 1. R. S., T. 22, § 3750, repealed.
Section 3750 of Title 22 of the Revised Statutes, as amended by chapter 468 of the public laws of 1965, is repealed.

Sec. 2. Effective date. This Act as it relates to repealing law requiring assessment of municipalities in aid to dependent children grants shall become effective July 1, 1968.

Section C

There is appropriated the following:

APPROPRIATION FROM GENERAL FUND AND FROM UNAPPROPRIATED SURPLUS

An Act to Provide Funds for Blind Children's Education, Inc. (L. D. 1)

Blind Children's Education, Inc.; appropriation for. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$200,000 to the Blind Children's Education, Inc. for construction of facilities for the training and instruction of blind children.

Resolve, in Favor of the City of Augusta. (L. D. 19)

City of Augusta, reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$28,000 to be paid to the City of Augusta as reimbursement for loss of tax revenue on the Internal Revenue Building for the years 1964, 1965 and 1966.

Resolve, Providing Moneys for Cerebral Palsy Clinics for Home Care Programs.
(L. D. 44)

Cerebral Palsy Clinics; appropriation. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund to the Cerebral Palsy Clinics the sum of \$3,000 for the fiscal year ending June 30, 1968 and the sum of \$3,000 for the fiscal year ending June 30, 1969 to be used to help support a program of home care on a visiting basis; said sum to be allocated as follows: \$1,000 to the Northeastern Maine Clinic at Bangor; \$1,000 to the Central Clinic at Augusta and \$1,000 to the Portland Clinic at Portland.

An Act Providing for Voluntary Foster Home Placement of Children.
(L. D. 273)

Appropriation; voluntary foster home care. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$115,000 for the fiscal year ending June 30, 1969 for the purpose of providing an expanded voluntary foster home placement program. The breakdown shall be as follows:

HEALTH AND WELFARE, DEPARTMENT OF		1968-69
Personal Services	(2)	\$ 15,000
All Other		100,000
		<hr/>
		\$115,000

An Act Relating to the Guardianship of Mentally Retarded Persons.
(L. D. 574)

Sec. 1. R. S., T. 18, c. 501, sub-c. III-A, additional. Chapter 501 of Title 18 of the Revised Statutes is amended by adding a new subchapter III-A, to read as follows:

SUBCHAPTER III-A**GUARDIANSHIP OF MENTALLY RETARDED PERSONS****§ 3621. Public Guardian; appointment and qualification**

There is created the office of Public Guardian. The Public Guardian shall be appointed by the Governor for a term of 7 years, and until his successor is appointed and qualified, or during the pleasure of the Governor. Said appointment shall be from a list of 4 persons nominated jointly by the Commissioner of Health and Welfare and by the Commissioner of Mental Health and Corrections, which nominees shall be persons who by reason of education and experience are cognizant of the social problems of the mentally retarded. Any vacancy shall be filled by appointment for a like term.

§ 3622. Purpose

The Public Guardian is a state official who may be nominated and appointed as guardian of the person and estate of those mentally retarded persons who have been determined under this subchapter to be legally incompetent and in need of guardianship.

§ 3623. Definition

For the purpose of eligibility for guardianship under this subchapter, the phrase "a mentally retarded person" shall mean a person of any age who is certified to be mentally retarded either by a licensed physician or a certified psychologist, and who, in addition, is mentally retarded to the degree that he is incapable of managing himself and his affairs independently and requires supervision, control and care.

§ 3624. Nomination

The Public Guardian shall be nominated in writing to act as guardian, by:

1. Relative or friend. A parent, relative or friend; or
2. Guardian or conservator. The guardian or the conservator for the mentally retarded person; or
3. Government officials. The commissioner of any state department, the head of any state institution, the overseers of the poor, welfare director or health officer of any municipality.

Such nomination may provide that the Public Guardian shall file a petition for his appointment to take effect at some date or occurrence in the future that may be fixed in the nomination and shall be accompanied by the certificate set forth in section 3623.

The Public Guardian shall accept or reject such nomination in writing. His acceptance shall be binding upon him and his successors to file the petition either forthwith, or immediately following such date or occurrence for the appointment of the Public Guardian. Any such nomination to take effect in the future may be withdrawn by the nominator before such date or occurrence.

§ 3625. Petition

Pursuant to his nomination the Public Guardian shall, or in his discretion in any other case may, petition for his appointment to act as guardian of the person and estate of an alleged mentally retarded person by filing a written petition in the probate court for the county in which the alleged mentally retarded person resides, or in which his estate is located. Said petition shall be accompanied by the certificate set forth in section 3623, and by a detailed written guardianship plan prepared in accordance with the individual and specific needs of the alleged mentally retarded person.

§ 3626. Notice and hearing

The probate court shall appoint a time and place for hearing and shall order that notice of the proceedings be given by serving the alleged mentally retarded

person for whom a guardian is sought to be appointed with a copy of the petition and order of the court at least 14 days before the day of hearing. Like notice in hand, or by certified mail, shall be served upon the Public Guardian and upon the parent, spouse or next of kin and upon such other persons as the court may direct.

At such hearing the burden shall be on the petitioner to establish that the person for whom a guardian is sought to be appointed is mentally retarded to the degree that he is incapable of managing himself and his affairs independently, and requires supervision, control and care, of his person and estate.

§ 3627. Findings of probate court

Upon petition and hearing, as provided in this subchapter, the probate court shall appoint the Public Guardian as guardian of the person and estate if it shall find that:

1. Resident. The proposed ward is a resident of this State;
2. Retarded. The proposed ward is mentally retarded;
3. Incompetent. By reason of such mental retardation the proposed ward is incapable of managing himself and his affairs independently and requires supervision, care and control of his person and estate and is, therefore, legally incompetent.

In every case in which the Public Guardian is appointed the court shall adopt the guardianship plan as submitted or modified, under which the Public Guardian shall act.

§ 3628. General duties of Public Guardian

It is the responsibility of the Public Guardian to care for, and maintain his ward from his ward's income, and if insufficient for the purpose, from the principal of his ward's estate, and to obtain for his ward insofar as is practicable, education, training, treatment or employment, utilizing all available resources, services and facilities suited to the needs of the ward. The Public Guardian shall have custody of the person of the ward and shall determine the ward's place of residence. The Public Guardian may apply for, and effect the placement of, any ward in accordance with law, in an appropriate home, hospital or institution having facilities and staff adequate to provide care and supervision consistent with the needs of the ward. Any placement, if in a facility, described in Title 22, sections 5, 1811, 3797 or Title 30, subchapter V, article 2, shall only be made if such facility is properly licensed. In the event that the license of any such facility shall be suspended or revoked, the Public Guardian, having any ward placed therein, shall remove such ward and effect an appropriate placement or other disposition of the ward as soon as practicable after knowledge of suspension or revocation of the license. Except as otherwise specifically provided in this subchapter, the general provisions of this chapter relating to the powers and duties of guardians of adult persons are applicable to the Public Guardian acting under this subchapter. The Public Guardian may apply for, and receive on behalf of any ward, any benefits, grants or public aid to which such ward is entitled. The Public Guardian shall keep books of account or other records show-

ing separately the principal amount received, increments thereto, and disbursements therefrom for the benefit of any ward, together with the name of such ward, and the name and address, if known, of the source from which such money was received and the purpose for which the money was expended. The Public Guardian shall settle the accounts of his ward in accordance with section 3901. Upon the termination of the guardianship, the Public Guardian shall file with the court his final accounting, and shall make disposition of any assets of any such ward then in his hands as ordered by the court. This section shall not abrogate any powers or duties vested by law in the head of any public institution.

§ 3629. Bond and compensation

The Public Guardian shall not be required to file bonds in individual guardianships, but shall give a surety bond for the joint benefit of the wards placed under the guardianship of the Public Guardian and for the State of Maine, with a surety company or companies, authorized to transact business within the State of Maine, in an amount not less than the total value of all assets held by the Public Guardian, which amount shall be computed at the end of each fiscal year and approved by the judge of the probate court for Kennebec County. At no time shall the bond of the Public Guardian be less than \$5,000.

The Public Guardian shall receive such reasonable fees for his services as guardian as the probate court may allow. The fees so allowed shall be allocated to a trust account from which may be drawn expenses for filing fees, bond premiums, court costs and other expenses required in the administration of the functions of the Public Guardian. Any balance in the trust account at the end of a fiscal year shall not lapse but shall be carried forward from year to year and used for the purposes provided for in this section.

§ 3630. Special guardian

Pending any proceeding under this subchapter, the probate court may appoint the Public Guardian as special guardian for the alleged mentally retarded person as provided in section 3510, and may order guardianship of the person as well as of the estate.

§ 3631. Grounds for removal

The appointing probate court shall have exclusive power to remove the Public Guardian when:

1. Failure to perform. He has failed to perform any duties imposed by law; or
2. Interests jeopardized. For any reason the interests of the person for whom he has been appointed guardian under this subchapter are likely to be jeopardized by a continuance in office.

§ 3632. Removal of Public Guardian

The probate court on its own motion may, or on the petition of any interested persons alleging adequate grounds for removal shall, order the Public Guardian to appear and show cause why he should not be removed, or when necessary to protect the ward, may summarily remove him. Upon removal, the court may

appoint a new guardian for the ward. The Public Guardian summarily removed may apply by petition to have the decree of removal vacated and to be reinstated, and if the court vacates the removal and reinstates him, it shall make any order appropriate to accomplish the reinstatement.

§ 3633. Discharge of guardian

The appointing court shall have exclusive power to discharge, by appropriate order, the Public Guardian as follows:

1. Ward or guardian. Upon petition by the ward or the Public Guardian after receiving evidence that the ward no longer requires a guardian; or

2. Public Guardian. Upon petition of the Public Guardian, while the ward still requires guardianship, accompanied by a petition for the appointment of a new guardian.

The Public Guardian shall not be discharged on his own petition until the court appoints a substitute guardian or determines that no new guardian is required.

§ 3634. Review

The Public Guardian at least annually, and at any time when ordered by the probate court, shall review the case of every person for whom the Public Guardian is acting as guardian under this subchapter. A report of each review shall be filed with the probate court.

§ 3635. Delegation

The Public Guardian may delegate supervision of any ward to any one or more members of a staff of competent social workers appointed by him, subject to the Personnel Laws, and serving under his direction.

§ 3636. Determination of need for guardianship of persons in institutions and residence facilities

Whenever a mentally retarded minor has been admitted to the Pineland Hospital and Training Center or to any other state operated institution or residence facility for the mentally retarded, and has not been discharged therefrom, the head thereof shall, within 6 months prior to the 21st birthday of such mentally retarded person, cause him to be examined to ascertain whether such person will by reason of mental retardation be in need of guardianship on attainment of his majority. If, in the opinion of the examiner such need will exist, the institutional or residence facility head shall advise in writing the parent, next of kin, or guardian of such minor of the need to institute proceedings for appointment of a guardian. In the event no guardian has been appointed when such minor has attained age 21, such institutional or residence facility head shall nominate the Public Guardian to serve as guardian of such mentally retarded person as provided in this subchapter.

Prior to release of any mentally retarded person from the Pineland Hospital and Training Center, or from any other state operated institution, or residence facility for the mentally retarded, the head thereof shall cause such person to

be examined to ascertain whether such person will, by reason of mental retardation be in need of guardianship upon release from such institution or residence facility, and if in the opinion of such examiner such need will exist upon release, the institutional or residence facility head shall advise in writing the parent or next of kin of such mentally retarded person of the need to institute proceedings for appointment of guardian. If neither the parent nor next of kin is willing to institute proceedings for the appointment of a guardian for such mentally retarded person, the institutional or residence facility head shall, prior to the release of such mentally retarded person, nominate the Public Guardian as provided in this subchapter.

§ 3637. Exclusiveness

When the probate court has appointed the Public Guardian under this subchapter no other guardian shall be appointed during the continuation of such guardianship.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$50,232 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act, as it relates to guardianship of mentally retarded persons, according to the following schedule:

	1968-69
OFFICE OF PUBLIC GUARDIAN	
Personal Services	(6) \$35,802
All Other	14,000
Capital Expenditures	430
Total	\$50,232

Resolve, Authorizing Construction of a Ferry Boat for the Maine State Ferry Service. (L. D. 678)

Construction of an additional ferry boat authorized. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$350,000 to be expended by the Maine Port Authority for the construction of one additional ferry boat for the Maine State Ferry Service.

An Act to Provide State-wide Education Service for the Blind. (L. D. 694)

State-wide education service for the blind. In order to enable the Division of Eye Care and Special Services to provide adult education specialists for the blind on a state-wide basis, there is appropriated from the General Fund to the Department of Health and Welfare the sum of \$15,600 for the fiscal year ending June 30, 1969. The breakdown shall be as follows:

	1968-69
HEALTH AND WELFARE, DEPARTMENT OF	
Division of Eye Care and Special Services	
Personal Services	(2) \$14,400
All Other	1,200
	<hr style="width: 100%; border: 0.5px solid black;"/>
	\$15,600

An Act Providing for Associate Degree in Nursing at Aroostook State College.
(L. D. 735)

Sec. 1. Associate degree in nursing at Aroostook State College. The State Board of Education at Aroostook State College shall establish courses of study which will result in a 2-year associate degree in nursing and shall confer upon those who satisfactorily complete such courses of study such associate degree in nursing. Such courses of study shall be sufficient to enable the holder of such degree to qualify to take the examination prescribed by the State Board of Nursing for applicants to practice professional nursing.

Sec. 2. Appropriation. There is appropriated to the Department of Education from the Unappropriated Surplus of the General Fund the sum of \$30,500 for the fiscal year ending June 30, 1968 for capital expenditures under this Act, as it relates to associate degree in nursing at Aroostook State College.

There is also appropriated to the Department of Education from the General Fund the sum of \$76,215 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act, as it relates to associate degree in nursing at Aroostook State College. The breakdown shall be as follows:

Department	1968-69
EDUCATION, DEPARTMENT OF	
Personal Services	(9) \$57,215
All Other	19,000
	<hr/> \$76,215

An Act Increasing Salaries of the Several County Attorneys and Their Assistants. (L. D. 981)

Sec. 1. R. S., T. 30, § 2, amended. Those parts of the 2nd paragraph of section 2 of Title 30 of the Revised Statutes which relate to the salaries of the county attorney, first assistant county attorney and second assistant county attorney of Androscoggin County, as last repealed and replaced by section 58 of chapter 513 of the public laws of 1965, are amended to read as follows:

county attorney, ~~\$6,500~~ \$7,500; first assistant county attorney, ~~\$4,500~~ \$5,500; second assistant county attorney, ~~\$3,500~~ \$4,500;

Sec. 2. R. S., T. 30, § 2, amended. Those parts of the 3rd paragraph of section 2 of Title 30 of the Revised Statutes which relate to the salaries of the county attorney and assistant county attorney of Aroostook County, as amended by section 1 of chapter 397 of the public laws of 1965, are further amended to read as follows:

county attorney, ~~\$6,500~~ \$7,500; assistant county attorney, ~~\$4,500~~ \$5,500;

Sec. 3. R. S., T. 30, § 2, amended. Those parts of the 4th paragraph of section 2 of Title 30 of the Revised Statutes which relate to the salaries of the county attorney, first assistant county attorney, second assistant county attorney and third assistant county attorney of Cumberland County, as amended, are further amended to read as follows:

county attorney, ~~\$8,000~~ \$9,000; first assistant county attorney, ~~\$6,000~~ \$7,000; second assistant county attorney, ~~\$5,000~~ \$6,000; third assistant county attorney, ~~\$4,000~~ \$5,000;

Sec. 4. R. S., T. 30, § 2, amended. That part of the 5th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Franklin County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 5. R. S., T. 30, § 2, amended. That part of the 6th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Hancock County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 6. R. S., T. 30, § 2, amended. Those parts of the 7th paragraph of section 2 of Title 30 of the Revised Statutes which relate to the salaries of the county attorney and assistant county attorney of Kennebec County, as amended by section 1 of chapter 397 of the public laws of 1965, are further amended to read as follows:

county attorney, ~~\$6,500~~ \$7,500; assistant county attorney, ~~\$4,500~~ \$5,000;

Sec. 7. R. S., T. 30, § 2, amended. That part of the 8th paragraph of section 2 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 397 of the public laws of 1965, which relates to the salary of the county attorney of Knox County, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 8. R. S., T. 30, § 2, amended. That part of the 9th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Lincoln County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 9. R. S., T. 30, § 2, amended. That part of the 10th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Oxford County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 10. R. S., T. 30, § 2, amended. Those parts of the 11th paragraph of section 2 of Title 30 of the Revised Statutes which relate to the salaries of the county attorney, first assistant county attorney and second assistant county attorney of Penobscot County, as last repealed and replaced by section 59 of chapter 513 of the public laws of 1965, are amended to read as follows:

county attorney, ~~\$6,000~~ \$7,500; first assistant county attorney, ~~\$5,000~~ \$6,000; second assistant county attorney, ~~\$4,000~~ \$5,000;

Sec. 11. R. S., T. 30, § 2, amended. That part of section 2 of Title 30 of the Revised Statutes, 12th paragraph, which relates to the salary of the county attorney of Piscataquis County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 12. R. S., T. 30, § 2, amended. That part of the 13th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Sagadahoc County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,200~~ \$6,200;

Sec. 13. R. S., T. 30, § 2, amended. That part of the 14th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Somerset County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 14. R. S., T. 30, § 2, amended. That part of the 15th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Waldo County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 15. R. S., T. 30, § 2, amended. That part of the 16th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the salary of the county attorney of Washington County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

county attorney, ~~\$5,000~~ \$6,000;

Sec. 16. R. S., T. 30, § 2, amended. Those parts of the 17th paragraph of section 2 of Title 30 of the Revised Statutes which relate to the salaries of the county attorney and assistant county attorney of York County, as amended by section 1 of chapter 397 of the public laws of 1965, are further amended to read as follows:

county attorney, ~~\$6,500~~ \$7,500; assistant county attorney, ~~\$4,500~~ \$5,500;

Sec. 17. Effective date. This Act as it relates to increasing salaries of the several county attorneys and their assistants shall take effect on July 1, 1968.

Sec. 18. Appropriation. There is appropriated from the General Fund to the Office of the Attorney General the sum of \$26,500 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act as it relates to increasing salaries of the several county attorneys and their assistants. The breakdown shall be as follows:

OFFICE OF ATTORNEY GENERAL.	1968-69
County Attorneys' Salaries	
Personal Services	\$26,500

An Act Providing Vocational Education Loan Funds. (L. D. 1294)

Sec. 1. R. S., T. 20, c. 307, sub-c. II, additional. Chapter 307 of Title 20 of the Revised Statutes is amended by adding a new subchapter II to read as follows:

SUBCHAPTER II**LOAN FUNDS****§ 2371. Statement of purpose**

The Legislature recognizes that financial assistance to Maine students who wish to attend institutions of higher education has heretofore been available to students attending 4-year colleges of the academic variety to a much greater extent than to those wishing to attend vocational schools, technical schools, junior colleges and similar institutions specializing in career preparation and recognizes that this lack of financial assistance has kept many Maine students from obtaining an education which would be highly valuable to them and to the economy of Maine.

It is the purpose of this subchapter to make loans available to Maine students for the purpose of pursuing programs of vocational or technical education of less than 4 years' duration, in accordance with the National Vocational Student Loan Insurance Act of 1965, through the agency of the Maine Higher Education Assistance Foundation.

§ 2372. Reserve fund

Funds appropriated under this subchapter shall constitute a reserve fund for the insurance of loans to eligible borrowers. Priority shall be given to eligible students for the purpose of pursuing vocational or technical courses as indicated in section 2371. Should the applications from such eligible students not require the commitment of the full reserve fund, the balance in any year up to 50% of the total may be used to support loans for eligible students in 4-year college programs who would not otherwise be able to secure such loans.

Sec. 2. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to the Maine Higher Education Assistance Foundation the sum of \$100,000 for the fiscal year ending June 30, 1968 and the sum of \$37,000 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act as it relates to vocational education loan funds.

An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine. (L. D. 1586)

Sec. 1. R. S., T. 22, c. 155, repealed. Chapter 155 of Title 22 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 22, c. 711, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 711, to read as follows:

CHAPTER 711
MEDICAL EXAMINER ACT

§ 3021. Title

This chapter shall be referred to as the Medical Examiner Act.

§ 3022. Office of Chief Medical Examiner

There is created the Office of Chief Medical Examiner for the State of Maine. The Chief Medical Examiner of the State of Maine shall be appointed by the Governor, with the advice and consent of the Council, for a term of 7 years and until his successor is appointed and qualified. The Chief Medical Examiner shall possess a degree of doctor of medicine or doctor of osteopathy, be licensed to practice in the State of Maine and be certified in the specialty of forensic pathology by either the American Board of Pathology or the American Osteopathic Board of Pathology. Any vacancy in the Office of the Chief Medical Examiner shall be filled by appointment by the Governor for a full term of 7 years. The Chief Medical Examiner is authorized to hire, subject to the Personnel Law, necessary office and laboratory personnel in order to carry out the proper functioning of his office.

§ 3023. Medical examiners; appointment; jurisdiction

The Chief Medical Examiner shall appoint medical examiners, who shall have state-wide jurisdiction and shall serve at the pleasure of the Chief Medical Examiner and subject to his control and the regulations promulgated by him. The Chief Medical Examiner may in his discretion make temporary appointments when he deems it in the public interest. The medical examiners shall be learned in the science of medicine and anatomy, licensed as physicians in the State of Maine and bona fide residents of the State of Maine. Each medical examiner before entering upon the duties of his office shall be duly sworn to the faithful performance of his duty.

§ 3024. Salaries; fees; expenses

The salary of the Chief Medical Examiner of the State of Maine shall be set by the Governor and Council. All other medical examiners shall be paid fees on the basis of the following schedule:

Investigation and view	\$ 30;
Travel expense	as in the case of other state employees;
Fees for autopsies performed by pathologists ..	\$100.

The Chief Medical Examiner, using his discretion, may in an unusual circumstance, to be determined by him, prescribe a special fee for the service of a medical examiner or a pathologist.

All compensation and expenses authorized by this chapter shall be paid from the funds of the State appropriated by the Legislature for the purpose.

§ 3025. Reports of deaths

It shall be the duty of any citizen who becomes aware of the violent, suspicious or unnatural death of any person or who finds a dead body to report such death forthwith to the law enforcement department nearest to which the death occurs or a dead body is found. It shall be the duty of any police officer or doctor who

becomes aware of any violent, suspicious or unnatural death of any person or the finding of a dead body to report such death forthwith to the nearest medical examiner unless the death occurred in a hospital and is certified by a physician in attendance to be due to natural causes. Such person finding said body or first arriving on the scene shall immediately take charge of such body and retain custody thereof without moving the same, except as otherwise provided until the arrival of a medical examiner. If the body, where found, is in danger of being destroyed or damaged by fire, vehicular traffic or otherwise, or of being lost in any body of water, any person may take steps as may seem necessary for its preservation or retention prior to the arrival of the medical examiner. Photographs, measurements or drawings may be made to record the physical facts relative to the location and position of the body, under the supervision of the medical examiner unless he waives such requirements. After the medical examiner has completed his duties as required of him in section 3027, the body may be removed to a convenient place. The body shall not be finally released for embalming or burial, except by order of the medical examiner. If and when it shall appear to the medical examiner or county attorney that the case is one of probable homicide, the latter shall immediately notify the Attorney General.

§ 3026. Death without medical attendance

When any person shall die without the attendance of a physician, the head of the household in which such death occurred, the person finding the body, any funeral director called to remove the dead body or any physician called to examine the dead body shall call the medical examiner to examine the body and shall give him all information which they may have concerning the death.

§ 3027. Duties of medical examiners upon receipt of notice

Upon receipt of notice, as stated in sections 3025 and 3026, the medical examiner shall take charge of the dead body, making inquiries regarding the cause and manner of death, reduce his findings to writing, and promptly make a full report thereof to the Chief Medical Examiner on forms prescribed for such purpose retaining one copy of such report for his own.

§ 3028. When autopsies made; reports made and prepared

If, in the opinion of the medical examiner, the Chief Medical Examiner, the county attorney or the Attorney General, it is advisable and in the public interest that an autopsy be made, such autopsy shall be made by the Chief Medical Examiner, or by such pathologist as may be designated by the Chief Medical Examiner for the purpose. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be properly made and filed with the medical examiner and in the Office of the Chief Medical Examiner. If, in the opinion of the Chief Medical Examiner, it is proper or if requested by the county attorney for the county in which said body was found or the Attorney General, a copy of the report of the autopsy shall be furnished to such county attorney or the Attorney General by the Chief Medical Examiner.

§ 3029. Body buried without inquiry

If, in any case of sudden, violent, suspicious or unattended death, the body is buried without any inquiry by the medical examiner as to the cause and manner

of death, or without any autopsy being held or performed, or in other circumstances where justice requires, it shall be the duty of the medical examiner upon being advised of such fact to notify the county attorney for the county in which said body was found, or the Attorney General, who in turn shall petition a Justice of the Superior Court and such justice may, by appropriate order, require that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner or by a pathologist designated by him for the purpose, and the pertinent facts disclosed by the autopsy shall be communicated to the justice who ordered it and the Chief Medical Examiner.

§ 3030. Victims of crime

The Chief Medical Examiner may, upon request of the county attorney, the Attorney General or a law enforcement officer, direct a medical examiner to make such medical examinations of victims of crimes of violence as he may deem appropriate.

§ 3031. Facilities and services available to medical examiners

The facilities of all laboratories, under the control of any state agency or department and the services of the professional staffs thereof, shall be made available to the Chief Medical Examiner with the cooperation of the head of the agency involved.

§ 3032. Rules and regulations

The Chief Medical Examiner is authorized and empowered to carry into effect this chapter, and in pursuance thereof, to make and enforce such reasonable rules and regulations consistent with this chapter as he may deem necessary. A copy of such regulations and any amendments thereto shall be filed in the office of the Secretary of State. Complete directions as to the nature, character and extent of the investigation to be made, in cases where medical examiners are involved, together with appropriate forms for the required reports and instructions for the medical examiners' use shall be promulgated by the Chief Medical Examiner by proper rule and regulation.

Sec. 3. Application. Medical examiners holding office on the effective date of this Act shall serve until the expiration of their term of office, but, in such case, shall have state-wide jurisdiction.

Sec. 4. Appropriation. There is appropriated from the General Fund the sum of \$116,693 for the fiscal year ending June 30, 1969 to the Chief Medical Examiner to be expended in the promotion and carrying out the objectives of this Act as it relates to Medical Examiners. The breakdown shall be as follows:

1968-69

OFFICE OF CHIEF MEDICAL EXAMINER

Personal Services	(2) \$ 36,193
All Other	80,000
Capital Expenditures	500
	<hr/>
	\$116,693

Resolve, Reimbursing Certain Municipalities for the Control of Dutch Elm Disease. (L. D. 1629)

Certain municipalities reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund to Appropriation 4150 the sum of \$34,694.42 to reimburse the following municipalities for funds expended by them for the control of Dutch elm disease:

Portland	\$ 4,873.07
South Portland	471.82
Yarmouth	1,371.00
Falmouth	1,088.10
Biddeford	676.79
Topsham	225.02
Brownville	300.40
Rumford	541.50
New Gloucester	112.50
Milo	413.00
Freeport	256.64
Woodstock	196.50
Richmond	243.00
Houlton	10,639.58
Bangor	1,209.45
Limerick	230.20
Unity	11.00
Raymond	437.50
Kennebunk	1,020.21
Bridgton	645.84
Thomaston	400.00
Bath	155.70
Rockland	269.40
Hollis	118.33
Old Town	852.00
Damariscotta	164.25
Cumberland	347.13

Fryeburg	381.54
Harrison	893.69
Augusta	710.31
Brewer	655.90
Skowhegan	553.50
Newcastle	277.00
Brunswick	381.05
Castine	128.00
Vienna	157.50
Westbrook	2,541.75
Scarboro	744.25
	<hr/>
	\$34,694.42

An Act to Establish the Maine Law Enforcement Training Council. (L. D. 1639)

Sec. 1. R. S., T. 30, c. 244, additional. Title 30 of the Revised Statutes is amended by adding a new chapter 244, as follows:

CHAPTER 244

MAINE LAW ENFORCEMENT TRAINING COUNCIL

§ 5360. Purposes

The Legislature finds that the administration of justice is of statewide concern, and that police work is important to the health, safety and welfare of the people of this State and is of such a nature as to require education and training of a professional character. It is necessary and in the public interest to provide for the creation of the "Maine Law Enforcement Training Council" for the purpose of encouraging and aiding municipalities and other local government agencies of the State in their efforts to raise the level of local law enforcement.

§ 5361. Definitions

As used in this chapter, "police officer" means any full-time employee of a police department of a political subdivision who is responsible for the prevention and detection of crime and the enforcement of the penal traffic or highway laws and ordinances of Maine and any political subdivision.

§ 5362. Maine Law Enforcement Training Council

1. Membership. The Maine Law Enforcement Training Council shall be composed of 10 members selected as follows: The Chief of the Maine State Police, the special agent in charge of the Federal Bureau of Investigation for Maine, a representative appointed by the Maine Municipal Association, the director of the Bureau of Public Administration at the University of Maine, the

Attorney General and the following to be appointed by the Governor with the approval of the Executive Council: Three municipal police chiefs, a county sheriff and a member of the Maine Bar.

2. Tenure. Except for the Chief of the Maine State Police, the special agent in charge of the Federal Bureau of Investigation and the director of the Bureau of Public Administration at the University of Maine, who shall serve during their continuance in those offices, members shall be appointed by the Governor for terms of 4 years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was originally eligible for appointment. The terms of members initially appointed by the Governor shall be 2 for 4 years, 2 for 3 years and one for 2 years. The representative appointed by the Maine Municipal Association shall serve a 4-year term. Any vacancy on the Maine Law Enforcement Training Council shall be filled in the same manner as the original appointment, but for the unexpired term.

3. Chairman and vice-chairman. The chairman and vice-chairman of the Maine Law Enforcement Training Council shall be designated and selected from the members of the council by the council.

4. Secretariat. The Executive Secretary of the Maine Municipal Association shall serve without compensation as secretary to the council until such time as an executive director of the Maine Law Enforcement Training Council is appointed.

5. Compensation. Members of the Maine Law Enforcement Training Council shall serve without compensation, but shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service.

6. Reports. The council shall report annually to the Governor and Legislature on its activities, and may make such other reports as it deems necessary.

§ 5363. Powers

The council shall:

1. Programs. Conduct police training programs;
2. Guidelines. Establish guidelines for minimum educational and training standards for admission to employment as a full-time police officer;
3. Standards. Certify police officers meeting minimum educational and training standards;
4. Curriculum. Establish minimum curriculum requirements for basic, in-service and advanced courses and programs for schools operated by or for the State or any political subdivision thereof for the specific purpose of training law enforcement officers;
5. Facilities for training. Approve institutions and facilities for police officers;
6. Contracts. Accept grants or enter into contracts with the Federal Government or other public or private agencies to do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter;

7. **Personnel.** Employ an executive director and such other personnel as may be necessary in the performance of its functions;

8. **Programs through agencies.** Maintain police training programs through such agencies and institutions as the council may deem appropriate.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Maine State Police the sum of \$25,000 for the fiscal year ending June 30, 1969, to carry out the purposes of this Act as it relates to the Maine Law Enforcement Training Council.

An Act to Provide a Minimum Wage Plan for State Employees. (L. D. 1690)

Sec. 1. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$64,000 for the fiscal year ending June 30, 1968, to effectuate, as of the first pay period following the effective date of this Act, a minimum hourly pay rate of \$1.60, to be incorporated into the official State Pay Plan, adopted by the State Personnel Board. The breakdown shall be as follows:

DEPARTMENT	1967-68
Minimum Wage Plan	
Personal Services	\$64,000

Sec. 2. Provisions and standards. The same provisions and standards shall be applied to those employees who are employed by departments which are supported wholly, or in part, by the General Highway Fund, special revenue funds or other funds.

An Act Creating a State Planning Office. (L. D. 1696)

Sec. 1. R. S., T. 5, Part 8, additional. Title 5 of the Revised Statutes is amended by adding a new part 8 to read as follows:

PART 8
STATE PLANNING
CHAPTER 309
STATE PLANNING

§ 3301. **Title**

This chapter shall be known and may be cited as the "Maine State Planning Act."

§ 3302. **Definitions**

The following terms shall have the following meanings, unless a different meaning is plainly required by the context:

1. **Comprehensive planning.** "Comprehensive planning" includes, but is not limited to:

- A. Preparation of long-range physical plans with respect to land and water use, traffic, transportation, recreation, open spaces and the provision of public facilities for such development;
- B. Programming and financing plans for capital improvements;
- C. Coordination of related departmental plans;
- D. Intergovernmental coordination of related planning activities;
- E. Preparation of regulatory and administrative measures in support of paragraphs A to D;
- F. Continuing analysis of the economy of the State.

2. Council. "Council" means the State Planning Council as provided in section 3306.

3. Director. "Director" means the State Planning Director.

4. Office. "Office" means the State Planning Office as provided in section 3303.

§ 3303. State Planning Office

There is established to carry out the purpose of this chapter a State Planning Office in the Executive Department which shall be concerned with coordinating and developing the several planning responsibilities of the State Government.

1. Responsibility. A system of state planning and implementation being a function and responsibility of the executive branch of State Government, the State Planning Office shall be directly responsible to the Governor, and shall serve as an advisory, consultative, coordinating, administrative and research agency as specified in section 3305.

§ 3304. State Planning Director

1. Director. The executive head of the State Planning Office shall be the director and shall be appointed by the Governor with the approval of the Executive Council and shall hold office for a term of 5 years. The director shall be paid a salary fixed by the Governor and Council.

2. Economist. An economist may be appointed by the Governor with the approval of the Executive Council and shall hold office for a term of 5 years. The economist shall be paid a salary fixed by the Governor and Council. He shall be responsible to the director.

3. Qualifications. The director shall be qualified by education, training and experience in regional or state planning. The economist shall be qualified by education, training and experience in regional economics.

4. Powers and duties. The director shall exercise the powers of the State Planning Office and shall be responsible for the execution of its duties. The director shall be assisted by the economist in matters of economics. The director shall:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees. The secretary to the director may be unclassified. All other employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.

(1) The State Planning Director is authorized to employ professional planning personnel competent by education, training and experience in the fields of economics, local and regional planning, urban renewal, human resources, natural resources and transportation.

(2) The director is authorized to employ such statistical, clerical and other office help as required and authorized by the budget.

B. Supervise and administer the affairs of the State Planning Office and advise the Governor, the Legislature and the State Planning Council with respect to matters affecting state, regional and community planning generally and more specifically the extent to which the State should participate in such planning.

C. Serve as secretary of the State Planning Council or designate a staff member of the office to act in his stead.

D. Advise the State Planning Council of the activities of the office and submit to the council for its consideration and advise the Maine Comprehensive Plan or any phase or part, amendment, revision or deletions thereto.

E. Advise the Governor, the State Planning Council, and other officials of the State Government on all matters of state-wide planning and consult with them in respect to planning matters and projects which affect the future plans of the State.

F. Be assisted by departments, agencies, authorities, boards, commissions other instrumentalities of the State or other governmental units in the gathering of information, reports and data which relate to state planning. The State Planning Office shall designate staff members of the office who shall work with the several departments.

G. The director may act for the State in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter.

H. The director shall prepare and submit for executive and legislative action thereon the budget for the State Planning Office.

I. The director shall make reports at least annually to the Governor and to the Legislature on the activities of the office and, after consultation with and approval by the Governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter.

1. Powers and Duties. The State Planning Office shall:

A. Technical assistance. Provide technical assistance to the Governor and the Legislature in identifying long-range goals and policies for the State.

B. Maine Comprehensive Plan. Prepare and from time to time revise and perfect a comprehensive plan or plans for the physical development of the State which plan or plans shall be known as the Maine Comprehensive Plan. Such comprehensive plan, with any accompanying maps, plats, charts and descriptive matter, shall be designed with the general purpose of guiding and carrying forward such coordinated, effective and economic development of the State, with due respect to its topography, resources and its present needs and future possibilities, as will best promote the health, safety, order, convenience, welfare and prosperity of the people. Among other things, such comprehensive plan shall tend to bring into suitable relation the use of land, soil, water and natural resources; the location and distribution of population and habitation; the quality of the natural and man-made environment; agriculture and forestry, recreational resources, facilities and opportunities; fishing and mining; trade and industry; ports, highways, airways and every form of transportation, travel and communication; public instrumentalities of every description, whether publicly or privately supported, water supply and disposal of sewage; and all such other developments and uses as will tend to avoid waste of the human, financial and physical resources of the State and to promote the above purposes through guidance of and assistance to private activities and public programs at all levels of government.

C. Economic analysis and planning. Conduct continuing economic analysis of the economy and resources of the State of Maine, collect and collate all pertinent data and statistics relating thereto; participate in establishing a data and statistics center for making such material available in useful form; and assist the Governor, the Legislature and the various state departments in formulating economic goals and programs and policies to achieve such goals.

D. Planning Assistance. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. The State Planning Office may assist in forming regional planning commissions and may assist with financing the cost of operation of such regional planning commissions established under Title 30, sections 4501 to 4503. Participation shall be limited to half of the nonfederal share of a federally assisted project of $\frac{1}{3}$ of a nonfederally assisted planning operation.

E. Inter-governmental planning. Participate with other states or subdivisions thereof in interstate planning, and assist cities, towns, municipal corporations and regional planning commissions to participate with other states or their subdivisions in planning.

F. Assistance to public or citizens groups. The State Planning Office may assist in planning and executing any public or private project involving grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning and planning relating to schools, housing, health, land use controls and other objectives.

G. Coordinating agency.

(1) The State Planning Office shall act as the coordinating agency between the several officers, authorities, boards, commissions, departments and divisions of the State in matters relative to the physical development of the State, and review the proposals of said agencies in the light of their relationship to the comprehensive plan and incorporate such reviews in the reports of the office.

Nothing in this section shall be construed as limiting the powers and duties of any officer, authority, board, commission, department or political subdivision of the State.

(2) Provide general coordination and review of plans in functional areas of State Government as may be necessary for receipt of federal funds.

2. Administrative responsibilities

A. Staff. The State Planning Director is authorized to employ staff as described in section 3304, subsection 4.

B. Consultant Services. The State Planning Office, with the consent of the Governor, may employ such expert and professional consultants, and contract for such research projects, as it deems necessary within the limits of the funds provided and consistent with the powers and duties of the office.

C. Agreements. The State Planning Office is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

D. Acceptance of Funds. Funds from the Federal Government or from any individual, foundation or corporation may be accepted by the State Planning Office and expended for purposes consistent with this chapter.

§ 3306. State Planning Council

1. Appointment. The Governor shall appoint a State Planning Council of not to exceed 15 members to advise the Governor and the director on policy matters as specified in this chapter.

2. Membership. The State Planning Council shall be appointed by the Governor with the advice and consent of the Executive Council and shall consist of representatives drawn one each from the fields of health, education, natural resources, transportation, local and regional planning, and commerce and industry; at least 3 citizens-at-large; and the Speaker of the House and President of the Senate, or their designees, as members ex officio. Terms of office shall not be in excess of 4 years except that initial appointments shall be for 1, 2, 3, and 4 years. The members shall serve without compensation but be reimbursed for necessary expenses incurred in the performance of their duties. The chairman of the State Planning Council shall be elected annually by the council.

3. Duties. The State Planning Council shall:

A. Meet at least twice each year and at other times at the request of the Governor. In addition, the chairman shall call a meeting of the council

whenever requested to do so by the State Planning Director or by any 4 members, or he may do so on his own initiative.

B. Consider the Maine Comprehensive Plan or any part thereof prior to its submission to the Governor, and advise the director thereto.

C. Request and consider special reports by the State Planning Office concerning activities of the office.

D. Request information of the director concerning current programs, which, in the opinion of the council, are of public interest.

E. Act in a general advisory capacity to the director, and, when requested by him, make recommendations concerning the operation of the office.

F. Study and report from time to time upon the effectiveness of planning in the State, of the effectiveness of this chapter, and to urge its revision or amendment when, in the opinion of the council, such action is necessary to assure the maximum effectiveness of planning activities covered herein.

G. Advise and assist the director in fostering public awareness and understanding of the objectives and functions of state and local planning and in stimulating public participation and interest in the orderly, integrated, development of the State.

H. Hold hearings and sponsor public forums in any part of the State.

I. Consider how the planning responsibilities assigned to the State of departments or agencies of the State can best be coordinated and carried out for the efficient pursuit of public goals and shall advise the Governor concerning desirable steps to implement such coordination and action.

J. Advise and aid the various state departments in establishing and coordinating sound planning practices for the programming of their future operations.

§ 3307. State Planning Committees

The State Planning Council shall study the organization and structure of State Government as it relates to planning needs and endeavors. The Planning Council shall be assisted by the State Planning Office.

Recommendations may be made to the 104th Legislature concerning formal structure of permanent interdepartmental or citizens advisory planning committees, or both, in broad areas of concern such as human resources, natural resources, transportation, local and regional planning, and economic policy.

§ 3308. Limitation

Nothing in this chapter creating a State Planning Office and State Planning Council shall operate to restrict, limit or alter planning powers conferred upon state agencies, state agency heads, instrumentalities of the State, regional planning agencies or municipalities by any existing law except as provided in this chapter.

Sec. 2. R. S., T. 10, § 451, sub-§§ 6-8, repealed. Subsections 6, 7 and 8 of

section 451 of Title 10 of the Revised Statutes are repealed.

Sec. 3. R. S., T. 30, § 4505, additional. Title 30 of the Revised Statutes is amended by adding a new section 4505 to read as follows:

§ 4505. Community and rural development districts

1. Duties. Any community or rural development district authorized under federal legislation shall be organized and have those powers and duties provided under this subchapter.

2. Limitation. No community or rural development district shall be formed where a regional planning commission has been legally constituted.

3. Application. Nothing in this section shall be construed to deny a regional planning commission from being eligible to apply for assistance under the community or rural development programs.

Sec. 4. Transfer of personnel and budget. The Assistant Director of the Planning Division, who is chief administrator of planning programs and holds a position of Planning Associate II, shall be transferred to the State Comprehensive Planning Office. He shall become the Assistant Director of the State Planning Office for Regional and Local Planning. In addition, one position of Planning Associate II, one position of Planning Associate I, one position of Illustrator, and the position of Clerk Typist II shall be transferred to the State Comprehensive Planning Office.

The positions will remain classified, but the Personnel Board is instructed to reevaluate the positions in comparison with the planning positions in other New England States and in comparison with the engineering positions of the State Highway Commission with the intent of upgrading the positions to enable the State to be competitive in obtaining professional planners.

The appropriation requests of the Department of Economic Development, or actual appropriations, which cover the positions or relate to the supplying and supporting of the positions for planning assistance to Maine regions and municipalities are transferred with the positions. This includes the transfers and contributions appropriation of \$25,000 for urban planning and \$20,000 for urban renewal consultation advice and assistance which shall be used to support the continuation of urban renewal technical assistance and the permanent establishment of the position of Urban Renewal and Public Housing Specialist, who is responsible to the director.

Sec. 5. Appropriation. There is appropriated from the General Fund to the State Comprehensive Planning Office of the Executive Department the sum of \$141,550 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act as it relates to a State Planning Office. The breakdown shall be as follows:

	1968-69
Personnel Services	
State Planner	\$16,000
Economist	16,000

Regional Planner	12,500
Secretary	5,800
Clerk	5,250
	<hr/>
	\$55,550
Capital	3,000
All Other	8,000
Print, Supplies, Tel., Travel	
Comprehensive Planning	15,000
(Federal 2 to 1 Program Available)	
Economic Planning	10,000
(Federal 3 to 1 Program)	
	<hr/>
	\$36,000
Regional Planning Assistance	\$50,000
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GRAND TOTAL	\$141,550

(50% of State Planner, 50% of Economists, and 50% of Regional Planner's time may be contributed services as part of state share of Comprehensive Planning (HUD), Economic Planning (EDA), and Regional Planning Applications to the Federal Government. Rest of state contribution is cash in "all other".)

An Act Relating to a Comprehensive Water Resource and Related Land Use Plan. (L. D. 1706)

Sec. 1. R. S., T. 10, c. 101, sub-c. II-A, additional. Chapter 101 of Title 10 of the Revised Statutes is amended by adding a new subchapter II-A, to read as follows:

SUBCHAPTER II-A

WATER RESOURCE AND RELATED LAND USE PLANS

§ 461. Purpose

Many state departments, federal agencies, other governmental units and private organizations, companies and individuals have interests in the waters and own land adjacent to the waters of the State of Maine. Complete inventory of the total water resources and related land uses should be carried out expeditiously. Then after thorough analysis of all the needs, a carefully prepared plan for balanced use of our valuable water resources must be prepared.

It is in the public interest that the uses of these lands give due consideration of and be harmonious with other uses of nearby lands and waters.

§ 462. Duties

The State Comprehensive Planning Office is authorized to survey the uses of water in and adjacent to the State and the related land uses. Information regarding the resources, their condition, use and the needs for them shall be gathered from existing departments and other sources. Field data may be obtained

where necessary in cooperation with others.

The efforts of the planning office will be complemented by all departments with a concern for water and related land uses.

The State Comprehensive Planning Office shall coordinate the planning efforts for comprehensive water resources planning and the planning efforts for land areas adjacent to water bodies.

§ 463. Staff

A Department Heads Committee on Natural Resources, composed of department heads of Inland Fisheries and Game, Civil Defense and Public Safety, State Highway, Sea and Shore Fisheries, Park and Recreation Commission, Department of Agriculture, Public Utilities, Water Improvement Commission, Forest Service, State Soil and Water Conservation Commission, Department of Economic Development, Health and Welfare and the Maine Port Authority is established and shall serve as the Policy and Coordination Committee for comprehensive water resources planning.

The legislative chairmen of the Joint Standing Committees on Inland Fisheries and Game, Natural Resources, Sea and Shore Fisheries and Industrial and Recreational Development shall be ex officio members.

The participation of federal agencies and of private interests is invited.

The Governor's task force or the State Planning Council Permanent Committee on Natural Resources, or both, shall serve in an advisory capacity to the Department Heads Committee on Natural Resources and to the staff working in this area.

A Water Resources Planner position and an Assistant Planner position are created and they shall be in charge of Water Resources Planning under supervision of the State Planner. The Water Resources Planning Office shall be a division of the State Planning Office. State, federal or private funds or a combination may be used to hire the planner who may be hired in a classified or unclassified position with the approval of the State Planning Office and the Committee on Natural Resources. The Water Resources Planner may hire a secretary.

§ 464. Consultant services

The Water Planning Office, with the consent of the Department Heads Committee on Natural Resources, may employ such expert and professional consultants, and contract for such research projects, as it deems necessary, within the limits of the funds provided and consistent with the powers and duties of the office.

§ 465. Agreements

The Water Planning Office is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this subchapter.

§ 466. Acceptance of funds

Funds from the Federal Government or from any individual, foundation or corporation may be accepted by the office and expended for purposes consistent with this subchapter.

§ 467. Reports

The State Planning Office shall make reports, at least annually, and as prepared, to the Governor, the Legislature, state departments and federal agencies to meet various planning requirements and needs.

Sec. 2. Appropriation. There is appropriated from the General Fund to the State Comprehensive Planning Office the sum of \$31,000 for the fiscal year ending June 30, 1969.

The annual sum shall be used to match the funds available under the Federal Water Resources Planning Act, Public Law 89-90 through the Federal Water Resources Council as long as federal funds are available. The breakdown shall be as follows :

STATE COMPREHENSIVE PLANNING OFFICE	1968-69
Personal Services	(2) \$20,000
All Other	10,000
Capital Expenditures	1,000
	\$31,000