

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1937

S. P. 584

In Senate, June 16, 1975

Reported by Senator Huber of Cumberland from the Committee on Appropriations and Financial Affairs and printed under Joint Rules No. 18 pursuant to Joint Order (S. P. 574).

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977.

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

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

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable on or immediately after July 1, 1975 ; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety ; now, therefore,

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

Sec. 1. Appropriations from General Fund. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1976 and June 30, 1977 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.

Sec. 2. Allotments required. Upon receipt of allotments duly approved by the Governor and Council based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these appropriations, together with expenditures for other purposes necessary to the conduct of State Government on the basis of such allotments and not otherwise. Allotments for personal services, capital expenditures and amounts for all other departmental expenses shall not exceed the amounts shown in the budget document or as they may be revised by the Committee on Appropriations and Financial Affairs unless recommended by the State Budget Officer and approved by the Governor and Council.

Sec. 3. Temporary curtailment of allotments. Whenever it appears to the Commissioner of Finance and Administration that the anticipated income and other available funds of the State will not be sufficient to meet the expenditures authorized by the Legislature, he shall so report to the Governor and Council and they may temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income and other available funds.

Sec. 4. Transfers limited. The Governor and Executive Council shall not approve any allotment revision for a department by which funds are transferred from one quarter to another, when the transfer will result in a request for a deficiency appropriation at a special or regular session of the Legislature.

Sec. 5. Personal Services appropriation. The figures in parentheses shown above each dollar amount provided for Personal Services in this Act, or as adjusted by legislative action, shall represent the total number of permanent positions at any one time. The appropriations made for Personal Services are made with the provision that the total number of permanent positions in any account shall not be increased during either year of the biennium over the total numbers shown in parentheses and used by the Legislature in computing the total dollars to be made available for Personal Services. The amounts appropriated for Personal Services include funds for the state's share of state employees retirement. The State Controller shall transfer the state's share to the Maine State Retirement System as soon as practicable after each payroll is paid.

Sec. 6. Personal Services review. The Budget Office, during this biennium, shall continually review with all departments the status of their personnel with the purpose of determining that all departments are expending Personal Service moneys within the intent of the Legislature, and shall report any expenditures contrary to such intent to the Governor and Council and the Legislative Finance Officer.

Sec. 7. Personal Services savings and flexibility. Savings accruing within appropriations made for permanent positions may be used for nonrecurring personal services or retirement costs when recommended by the department head and the State Budget Officer, and approved by the Governor and Council. To provide some degree of flexibility, each department may apply to the Personnel Board for an exchange between job classifications, and such action may be approved if by so doing the total amount determined to be made avail-

able for Personal Services, in each department, is not exceeded and also providing that certification is made, in writing, by the department head, that such action will not result in an increased request for Personal Service moneys from any future Legislature. Copies of all Personnel Board actions and department head certifications relating to such changes shall be furnished to the Legislative Finance Officer. The State Personnel Board on a continuing basis shall review all reclassification and range change requests and regularly report those which it approves in omnibus bill form to each subsequent session of the Legislature, through the Appropriations and Financial Affairs Committee, for final determination.

Sec. 8. Merit rating required. The State Personnel Board is directed to require merit ratings on each individual who is recommended for a salary increase on a form prescribed by the board. Department heads are directed that the granting of merit increases be scrutinized and documented carefully. It is the intent of the Legislature that in instances where merit increases are not earned and warranted they shall be denied.

Sec. 9. Number of necessary employees. The Governor and the State Budget Officer when next preparing a Budget Document may at their discretion adjust the figures in parentheses, representing numbers of permanent employees, to reflect the number of employees which in their opinion is necessary to the proper operation of each department, institution or agency.

Sec. 10. New or expanded programs. No department shall establish new programs or expand existing programs beyond the scope of those programs already established, recognized and approved by the Legislature, until such program and the method of financing shall be submitted to the Budget Office for evaluation and recommendation to the Legislature, and until funds are made available therefor by the Legislature.

Sec. 11. Federally funded programs. It is the intent of the Legislature that in the event matching federal funds are not available as anticipated for programs in this Act, there is no obligation to provide state funds in excess of the appropriations listed in this Act. Positions entirely or partially funded by federal or other than state sources of funds shall be considered as limited positions, notwithstanding the figures in parentheses representing numbers of employees, should such funds be withdrawn or reduced.

Sec. 12. Travel limitations. It is the intent of the Legislature that out-of-state travel be limited. Any state employee who travels out-of-state on state business (such as law enforcement, collecting, bidding, industrial development, loans, etc.) may continue to do so. The Legislature directs that department heads hold down cost of all travel where it is not absolutely needed.

Sec. 13. Equipment to be reviewed. The Commissioner of Finance and Administration through the State Purchasing Agent or such other agent as he may choose, shall conduct a thorough review of all types of equipment, owned, leased or otherwise available to the several departments and agencies of the State, regardless of the source of supporting funds, with the intent of combining their use, providing centralized facilities, or of eliminating existing equipment and facilities, as he believes to be in the most economical, most efficient and best interests of the State.

Sec. 14. Motor vehicle replacement policy. The State Purchasing Agent is directed to require that requisitions for replacement motor vehicles include the age and total mileage of the motor vehicle being replaced. For the purposes of this section motor vehicles are defined as passenger cars, panel and pickup trucks, excluding those vehicles operated by the State Police. It is the intent of the Legislature that motor vehicles shall have been in service for at least 5 years or 50,000 miles before they are replaced. This policy shall also be adopted by the State Budget Officer when next preparing a Budget Document. Exceptions to the established replacement policy shall require the prior approval of the Governor and Council.

Sec. 15. Significant action recommended by Budget Officer. The Budget Office shall inform the Committee on Appropriations and Financial Affairs through the Legislative Finance Office of significant action recommended by it in the performance of the budget responsibilities hereby assigned.

Sec. 16. Highway Fund payments. There shall be paid from the General Highway Fund the cost of accounting, auditing, purchasing and legal services furnished from the General Fund appropriations. This revenue shall be credited to the General Fund.

Sec. 17. Year end closing. The Controller is authorized to close the books as soon as practicable after the close of the fiscal years ending June 30, 1976 and June 30, 1977. Any bills presented after those dates may be paid from appropriations for the ensuing year on recommendation of the Controller if within the amounts of approved allotments.

Sec. 18. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state moneys, except those that carry forward as provided by law, shall lapse to Unappropriated Surplus as provided by the Revised Statutes of 1964, Title 5, section 1544. At the end of each fiscal year, all encumbered appropriation balances shall be carried forward to the next fiscal year. Encumbered appropriation balances shall not be carried more than once except in those accounts which carry forward from year to year by law.

Sec. 19. Other appropriation measures. It is intended that the language in the preceding sections of this Act shall apply to all other appropriation measures enacted by the Legislature.

Section A

Sec. 1. 22 MRSA c. 415 is enacted to read:

CHAPTER 415

DENTAL HEALTH

SUBCHAPTER I

GENERAL PROVISIONS

§ 2091. Short title

This chapter may be cited as the 1975 Dental Health Act.

§ 2092. Definitions

For the purposes of this chapter, unless the content otherwise indicates, the following words shall have the following meanings:

1. Commissioner. "Commissioner" means the Commissioner of Health and Welfare or the commissioner's successor.
2. Council. "Council" means the Maine Dental Health Council, Department of Health and Welfare.
3. Department. "Department" means the Department of Health and Welfare.
4. Director. "Director" means the Director, Office of Dental Health.

§ 2093. State agencies to cooperate

State agencies shall cooperate fully with the office and council in carrying out this chapter. The office and council are authorized to request such personnel, financial assistance, facilities and data as are reasonably required to assist the office and council to fulfill its powers and duties.

State agencies proposing to develop, establish, conduct or administer programs or to assist programs relating to this chapter shall, prior to carrying out such actions, consult with the office. Each agency of State Government shall advise the office of its activities relating to this chapter.

Each state agency, in the implementation of its activities relating to this chapter, shall keep the office fully informed of its status.

SUBCHAPTER II

OFFICE OF DENTAL HEALTH

§ 2094. Office; director

1. Office. There shall be in the Department of Health and Welfare an Office of Dental Health.

2. Director. The office shall be administered by a director, who shall be appointed by the commissioner, only after consultation with the council. The director shall serve in the unclassified service. The director of the office shall serve at the pleasure of the commissioner, subject to removal by the commissioner after consultation with the council. Any vacancy shall be filled by appointment as above.

The director shall serve on a full-time basis and must be a person qualified by training and experience to carry out the type of responsibilities described in section 2095.

The director shall possess full authority and responsibility for administering all the powers and duties provided in section 2095, with the advice of the council pursuant to section 2099. The director shall assume and discharge all responsibilities vested in the office.

The director may employ, subject to the Personnel Law and within the limits of available funds, competent professional personnel and other staff necessary to carry out the purposes of this chapter. The director shall prescribe the duties of staff and assign a sufficient number of staff to the office to achieve its powers and duties.

§ 2095. Powers and duties

The office shall establish in accordance with the purposes and intent of this chapter, with the advice of the council and subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to dental health, which are conducted by or supported by the State of Maine. It is the purpose and intent of this chapter that the office shall have the objectives of reducing dental disease in Maine residents to a minimal and acceptable level and of improving and expanding dental health services in Maine. The office shall serve as the State's primary administrative, coordinating and planning unit for carrying out the provisions of this chapter. In order to achieve the above, the office shall have the power and duty to carry out, but not be limited to, the following:

1. Comprehensive plan. Develop a comprehensive, state-wide plan, in cooperation with other state-wide health planning organizations, when deemed appropriate, to improve the dental health of Maine citizens. The plan shall be revised biennially.
2. Review of funding sources. Ongoing review of all possible sources of funding, public and private, for improving dental health and development of proposals to secure these funds when appropriate.
3. Technical assistance and consultation to agencies. Provide technical assistance and consultation to federal, state, county and municipal programs concerned with dental health.
4. Technical assistance and consultation to schools. Provide technical assistance and consultation to schools and to the Department of Educational and Cultural Services for the purposes of introducing into Maine schools dental health education programs.
5. Studies. Conduct studies and develop primary data for the purposes of documenting specific dental problems in the State.
6. Consultation and program information to health profession. Provide consultation and program information to the health profession, health professional education institutions and volunteer agencies.
7. Annual reviews. Conduct annual reviews of the statutes and guidelines governing use of dental auxiliaries, dentists and other dental personnel and make recommendations to the Legislature for changes which would benefit the public's health.
8. Coordination. Coordinate all efforts to improve dental health which are in part or wholly supported by state funds.
9. Administer funds. Administer in accordance with the interest and objectives of this chapter or within any limitations which may apply from the

sources of such funds, any funds from any source for the benefit of Maine's residents in need of dental health services. The commissioner shall have the power to receive for the office all funds granted by any private, federal, state, county, local or other source and the director shall use such funds to carry out the provisions and purposes of this chapter.

10. Report. Prepare on or before January 10, 1976, and thereafter annually, a detailed report that shall be submitted by the department. Such report shall include a state-wide dental plan and describe the implementation of the responsibilities of this office as described in this section. Such report shall be submitted to the Governor in accordance with Title 5, sections 43, 44, 45, and 46 and to the Legislature.

11. Other activities. Carry out any other activities designed to reduce dental disease in the State.

SUBCHAPTER III

MAINE DENTAL HEALTH COUNCIL

§ 2096. Council

There shall be within the Department of Health and Welfare, or its successors, the Maine Dental Health Council.

§ 2097. Membership

The council shall consist of 9 members appointed by the commissioner. Members shall be appointed for a term of 3 years, except that of the members first appointed by the commissioner, 3 shall be appointed for a term of 2 years and 3 shall be appointed for a term of one year, as designated by the commissioner at the time of appointment, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any vacancy in the council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

Members shall be eligible for reappointment for not more than one full consecutive term and may serve after the expiration of their term until their successors have been appointed, qualified and taken office; except that members initially appointed for a one year term may be reappointed to one full 3-year term.

An official employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of Maine State Government shall not be a member of the council; but shall assist the council if so requested. Membership shall include 4 dental health personnel, including one hygienist and one dentist or other professional staff employed full time by a private nonprofit dental clinic program and 2 dentists employed in private practice, one of whom shall be appointed from a list of at least 3 submitted by the Maine Dental Association and 5 interested citizens representing a balance of diverse social economic groups and geographic

locations, who shall not be employed in the dental health or medical care professions, or members of the immediate family of any person employed as a dental health or other medical care professional.

The State Board of Dental Examiners shall serve as a Technical Advisory Committee to the council and the director on matters relating to dental care standards.

The director of the office or his representative shall attend all meetings of the council.

The council shall elect the chairperson and such other officers from its members as it deems appropriate.

§ 2098. Administrative authority

The council shall meet at the call of the chairperson or at the call of $\frac{1}{4}$ of the members appointed and currently holding office. The council shall meet at least once every 3 months. The council shall keep minutes of all meetings, including a list of people in attendance.

The department, to the extent feasible and reasonable, shall make available to the council such staff, facilities, equipment, supplies, information and other assistance as it may reasonably require to carry out its activities.

Any reasonable and proper expenses of the council shall be borne by the office out of currently available state or federal funds. Each member of the council shall serve without compensation, but may be reimbursed on the same basis as employees of the state departments for the actual travel and other necessary expenses incurred in the performance of his duties. The council is authorized to appoint subcommittees.

A majority of the council members shall constitute a quorum for the purpose of conducting the business of the council and exercising all the powers of the council. A vote of the majority of the members present shall be sufficient for all actions of the council.

§ 2099. Powers and duties

The council shall have, regarding dental health, the power and duty to:

1. Assist State Government. Advise, consult and assist the Executive and Legislative Branches of the State Government on activities of State Government related to dental health. The council shall be solely advisory in nature. The council may make recommendations regarding any function intended to improve the quality of such dental health. The council shall be consulted by the commissioner prior to the appointment or removal of the director.

2. Serve as advocate. Serve as an advocate on behalf of dental health, promoting and assisting activities designed to meet at the state and community levels the problems of such dental health. The council shall serve as an ombudsman on behalf of individual citizens as a class in matters relating to such dental health under the jurisdiction of State Government.

3. Assist the director. Assist the director in reviewing and evaluating state and federal policies regarding dental health programs and other activities affecting people, conducted or assisted by any state department or agency.

4. Provide public forums. Provide public forums, including the conduct of public hearings, sponsorship of conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to dental health problems.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare, Office of Dental Health, the sum of \$20,000 for the fiscal year ending June 30, 1976 to carry out the purposes of this Act. The breakdown shall be as follows:

1975-76

HEALTH AND WELFARE, DEPARTMENT OF

Office of Dental Health

Personal Services

(1) \$20,000

Provides funds to create the Office of Dental Health.

Section B

Alcoholism and Drug Abuse Prevention

Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare, the sum of \$150,000 for additional funding in the Office of Alcoholism and Drug Abuse Prevention program. The breakdown shall be as follows:

1975-76

HEALTH AND WELFARE, DEPARTMENT OF

Office of Alcoholism and Drug Abuse Prevention

All Other

\$150,000

Section C

Priority Social Services Program

Sec. 1. 22 MRSA § 5104, sub-§§ 10 and 11 are enacted to read:

10. Rural area. "Rural area" means a geographical area or place of less than 10,000 inhabitants. "Rural population" consists of all persons living in places of less than 10,000 inhabitants incorporated as cities, villages, boroughs and towns, including those persons living in the rural portions of extended cities, unincorporated places of less than 10,000 inhabitants and other territory, incorporated or unincorporated.

11. Extended city. "Extended city" means a city containing one or more areas, each of at least 5 square miles in extent and with a population density

of less than 100 persons per square mile according to the 1970 census. The area or areas shall constitute at least 25% of the land area of the legal city or total 5 square miles or more.

Sec. 2. 22 MRSA § 5304, sub-§§ 18 and 19 are enacted to read:

18. Rural area. "Rural area" means a geographical area or place of less than 10,000 inhabitants. "Rural population" consists of all persons living in places of less than 10,000 inhabitants incorporated as cities, villages, boroughs and towns, including those persons living in the rural portions of extended cities, unincorporated places of less than 10,000 inhabitants and other territory, incorporated or unincorporated.

19. Extended city. "Extended city" means a city containing one or more areas, each of at least 5 square miles in extent and with a population density of less than 100 persons per square mile according to the 1970 census. The area or areas shall constitute at least 25% of the land area of the legal city or total 5 square miles or more.

Sec. 3. 22 MRSA § 6105, as enacted by P&SL 1973, c. 38, § 1, is amended to read:

§ 6105. Priority Social Services Program

There is established the "Priority Social Services Program." This program shall provide certain priority social services, with an emphasis placed on the development of human services in rural areas of Maine, to residents of the State by encouraging and assisting qualified community, regional and state level, private nonprofit and public nonstate government social agencies to develop greater capacity, to foster the development and provision of priority social services programs by entering into coordinated, cooperative agreements between the State of Maine and such agencies. The program shall begin effective July 1, 1973, except that prior to that date the Department of Health and Welfare is authorized to perform, within the limits of available funds, any and all actions necessary to initiate a properly administered program.

Sec. 4. 22 MRSA § 6111, as enacted by P&SL 1973, c. 38, § 1, is repealed and the following enacted in place thereof:

§ 6111. Cost sharing of expenditures

1. Development of resources, cooperation and funding. To encourage and assist development of more effective and more coordinated use of existing and new resources and interagency cooperation as well as combined, joint funding of social services; expenditures for priority social services shall be shared either by the beneficiary of each service to extent possible within the resources available to the beneficiary in accordance with subsection 2; or by the agency providing the social service; by available federal resources as discussed in subsection 3; or by the State of Maine in total amount not to exceed that specified in each agreement and in a proportion not to exceed the percent of expenditures for each type of service specified in subsection 4.

2. Fees for services. Private, nonprofit and public agencies operating social services as authorized and funded in part under the Priority Social

Services Program may charge fees or accept contributions to the agency for beneficiaries for actual provision of priority social services. Fee charges will be in accordance with a graduated fee scale. This scale shall not require charges to lower income beneficiaries.

The Department of Health and Welfare may establish and enforce adherence to a graduated fee scale that applies uniformly throughout the State of each type of service and based upon a resident's ability to pay. Social agencies making charges for priority social services shall do so in accordance with the graduated fee scale established by the department.

3. Use of Federal Government resources. All resources available for the United States Government to support all or part of the cost of a priority social service shall be utilized to the fullest extent reasonably feasible with their limiting constraints, prior to obligation of state funds. State funds appropriated for the Priority Social Services Program shall be expended only for types of social services and only for providing social services to classes of beneficiaries of priority social services which do not qualify for funding from Federal Government resources, especially Titles IV-A and XVI of the Social Security Act or their successors. Failure to qualify may be due to constraints on federal programs limiting use of federal funds to certain segments of the population or certain definitions of types of service or due to the absence of available federal funds, or other reasonable causes.

4. Maximum state share of cost. State funds appropriated for priority social services may be used to pay a portion of expenditures under each agreement for each type of social service in an amount not to exceed the maximum percentage for state funds of 100% of the total expenditures for each type of priority social service as specified below. 100% funding shall be available for not more than 2 years consecutively or in total.

State funds appropriated for priority social services may be used to pay a portion of expenditures under each agreement for each type of social service in an amount not to exceed the maximum percentage for state funds of the total expenditures for each type of priority social service as specified below when programs have been funded for a total of 2 years consecutively or in total. The maximum percentage of state funds of the total expenditures for each type of service shall not exceed:

- 75% for homemaker service;
- 75% for developmental day care;
- 75% for services for the mentally retarded;
- 75% for meals for older people;
- 75% for mental health services;
- 75% for transportation services;
- 75% for coordinated elderly programs.

State funds shall be expended by a contractee only when the nonstate share of total expenditures under each agreement includes expenditures of an

amount of funds which are equal to 25% of the nonstate share and which are provided by municipal, county or other political subdivisions other than the State or Federal Government.

5. Maximum use of nonstate resources. State funds paying a portion only of expenditures for priority social services shall be valid only when "earned" or "matched" by expenditure of nonstate resources which may be cash or in-kind. The expenditure of such resource shall be in an amount at least equal to the minimum percentage for nonstate resources of the total expenditures for each type of priority social services as specified below. The minimum percentage for nonstate resources of the total expenditures for each type of service shall be:

- 25% for homemaker service;
- 25% for developmental day care;
- 25% for services for mentally retarded;
- 25% for meals for older people;
- 25% for mental health services;
- 25% for coordinated elderly programs;
- 25% for transportation services.

Nonstate resources authorized to qualify to earn or match state funds shall include private funds such as gifts, grants, fees for service or contributions; in-kind resources that are actual out of pocket expenditures or actual loss of revenue related directly and essentially as an integral part of the operation of a priority social service; and public revenues such as municipal taxes, a municipal or county amount of federal revenue sharing funds, other appropriate federal resources and state revenue sharing funds and such other public resources as may be received by, generated by or available to a municipal or county government or other political subdivision or quasi-governmental bodies.

Any portion of state funds appropriated for priority social services may be used to earn federal funds to offer social services to residents who do not qualify for social services payable under Titles IV-A and XVI of the Social Security Act.

Sec. 5. Amendatory provision. Wherever in Title 22, chapters 1451 to 1503 there appears reference to Title IV or Title VI of the United States Social Security Act, as amended, there shall be substituted: "Title IV or Title VI, or their successors or amendments or additions thereto, of the United States Social Security Act, as amended."

Sec. 6. Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$1,160,321 to carry out the purposes of this Act. The breakdown shall be as follows:

1975-76

HEALTH AND WELFARE, DEPARTMENT OF

Priority Social Services

Personal Services	(5) \$	65,522
All Other :		
Elderly		288,500
Nonelderly		806,299
		<hr/>
		\$1,160,321

Provides funds to clarify the Priority Social Services Program to Assure Effective Utilization of State and Federal Resources for Human Services.

Section D

Fund for Catastrophic Illness

Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$300,000 for the fiscal year ending June 30, 1976 to be used to fund the Catastrophic Illness Program. The breakdown shall be as follows :

1975-76

HEALTH AND WELFARE, DEPARTMENT OF

Catastrophic Medical Expense

All Other	\$300,000
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Section E

Sec. 1. 22 MRSA § 3054, sub-§ 8, ¶ D, as enacted by PL 1969, c. 457, § 1, is repealed.

Sec. 2. 22 MRSA § 3054, sub-§ 8, ¶ D-1, is enacted to read :

D-1. Interpreting and other specific services necessary to meet the unique needs of those persons who are deaf or who have impaired hearing. These services shall include the aid of qualified personnel and interpreters who can relate to and communicate on an effective and meaningful basis with persons who are deaf or have impaired hearing.

Sec. 3. Appropriation. There shall be appropriated from the General Fund to the Department of Health & Welfare, Bureau of Rehabilitation, the sum of \$25,185 to carry out the provisions of this Act. The breakdown shall be as follows :

1975-76

HEALTH AND WELFARE, DEPARTMENT OF
Bureau of Rehabilitation

All Other

\$25,185

Provides Vocational Rehabilitation Services to those persons who are deaf or who have impaired hearing.

Appropriated funds will be matched on a 4 to 1 basis with available federal moneys.

Section F

Child Welfare Services

Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$1,000,000 to carry out the purposes of this Act. The breakdown shall be as follows:

1975-76

HEALTH AND WELFARE, DEPARTMENT OF

Child Welfare Services

All Other

\$1,000,000

Provides funds for increased closing allowance and increased payments to foster parents, residential facilities and boarding schools for care of children committed to the custody of the State.

Section G

Maine Human Services Council

Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare, Maine Human Services Council, the sum of \$27,586 to carry out the purposes of this Act. The breakdown shall be as follows:

1975-76

HEALTH AND WELFARE, DEPARTMENT OF

Maine Human Services Council

Personal Services

(1) \$16,432

All Other

10,804

Capital Expenditures

350

 \$27,586

Provides funds for per diem expenses of council members, travel, staff salaries, clerical assistance and other expenses.

Section H

Appropriation. There is appropriated to the Department of Health and Welfare from the General Fund the sum of \$17,500 aid in defraying the high costs of drugs and treatment of patients with cystic fibrosis. Any unexpended balances shall not lapse, but shall remain a continuing carrying account.

The following formula shall be used in the reimbursement to families or individuals for drugs and treatment of patients with cystic fibrosis:

1. Total Income of Family \$.....
2. Subtract Annual Family Costs of Medicines, Supplies, Travel, etc.: \$.....
3. Divide Answer to #2 by Number in Family: \$.....
4. If the Amount in #3 is:

\$5,001 or more	—	no reimbursement
\$4,501 - \$5,000	—	10% reimbursement
\$4,001 - \$4,500	—	15% reimbursement
\$3,501 - \$4,000	—	20% reimbursement
\$3,001 - \$3,500	—	25% reimbursement
\$2,801 - \$3,000	—	30% reimbursement
\$2,601 - \$2,800	—	35% reimbursement
\$2,401 - \$2,600	—	40% reimbursement
\$2,201 - \$2,400	—	45% reimbursement
\$2,001 - \$2,200	—	50% reimbursement
\$1,800 - \$2,000	—	55% reimbursement
\$1,700 - \$1,799	—	60% reimbursement
\$1,600 - \$1,699	—	65% reimbursement
\$1,500 - \$1,599	—	70% reimbursement
\$1,400 - \$1,499	—	75% reimbursement
\$1,300 - \$1,399	—	80% reimbursement
\$1,200 - \$1,299	—	85% reimbursement
\$1,000 - \$1,199	—	90% reimbursement
\$ 0 - \$ 999	—	100% reimbursement

The formula shall be used by the Director of Social Services at the 3 clinics involved, Portland Maine Medical Center, Lewiston Central Maine General Hospital and Bangor St. Joseph Hospital, for the benefit of all cystic fibrosis patients in Maine and the following rules shall apply:

No family or person shall be eligible for these funds if their medical expenses are covered by insurance, except where those costs exceed the amount covered by such insurance that excess may be used in the formula; and, no family or person receiving aid through any local, state or federal or national program, either governmental or private, shall be entitled to reimbursement under this formula except where the costs exceed such aid and only that excess may be used in the formula.

The distribution of these funds shall be under the control of the Commissioner of Health and Welfare.

Definitions.

1. "Income" shall mean gross income as reported under IRS regulations.
2. "Costs" shall mean all prescribed medicines and drugs, hospitalization and physicians and related costs and any travel related to medical attention.
3. "Members of Family" shall mean all persons living in the home and dependent on the head of the household for support who meet IRS regulations as dependents.
4. "Amount left Over" shall be determined by records available or provable, and at the discretion of the Director of Social Services based on standards set by the Department of Health and Welfare.

Section I

Sec. 1. 34 MRSA c. 62-A is enacted to read:

CHAPTER 62-A

STATE-WIDE CORRECTIONAL PROGRAM IMPROVEMENT

§ 535. Purpose

The purpose of this chapter is to enable the development, expansion and improvement of correctional programs throughout the State and to encourage participation in such programs by persons, unincorporated associations, charitable nonstock corporations, local and county governmental units and state agencies.

§ 536. Powers

The department, through the Bureau of Corrections, may provide or assist in the provision of correctional services throughout the State and for that purpose may cooperate with persons, unincorporated associations, charitable nonstock corporations, municipalities and other governmental units and other state agencies. The department is authorized to promulgate and enforce rules and standards for the administration of all services delivered and funded un-

der this chapter. Prior to the promulgation of or of any change in such rules and standards, the department shall hold a public hearing, of which at least 7 days' notice has been given in appropriate newspapers throughout the State. Any rules and standards may be adopted only after a public review period of 60 days following the public hearing.

Correctional services programs authorized under this chapter to be developed, expanded or improved through the provision of direct services by the department or through funding from the department to persons and other entities for the provision of such services relating to all facets of rehabilitation and community life adjustment shall be limited to services to the courts, predelinquency services, diversionary services, prerelease and halfway house services, and after-care and post-release services. The department may receive and use for the purposes of this chapter money appropriated by the State, grants from the United States Government and funds from any other sources.

The department may make grants of funds to any person or entity described in this section applying therefor to be used in the management and delivery of correctional services programs approved, or approved and supervised, by the department. When necessary to the provision of direct services under this chapter, the department, by contract, may purchase professional and other specialized services.

§ 537. Special revenue account—Correctional Program Improvement Fund

All funds appropriated for the purposes of this chapter and all grants and other funds received by the department for the purposes of this chapter shall be credited to a special revenue account in the department to be known as the Correctional Program Improvement Fund. Any state funds appropriated to this special revenue account unexpended at the end of the fiscal year for which such funds are appropriated shall not lapse but shall carry forward into subsequent fiscal years to be expended for the purposes of this chapter. No funds appropriated or received under the provisions of this chapter shall be used for the construction of new facilities or for the reconstruction, renovation or expansion of any existing facilities, except that these funds may be used for minor renovations necessary to meet licensing requirements.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$100,000 to carry out the purposes of this Act. The breakdown shall be as follows:

1975-76

MENTAL HEALTH AND CORRECTIONS,
DEPARTMENT OF

Bureau of Corrections

All Other

\$100,000

Section J

Sec. 1. 34 MRSA c. 186 is enacted to read:

CHAPTER 186

PROGRAMS FOR RETARDED INDIVIDUALS IN
BOARDING AND NURSING HOMES

§ 2131. Assistance to retardation services; authority, purpose, scope and procedure

The purpose of this chapter is to assist in the establishment and expansion of community based mental retardation services for retarded persons in boarding and nursing homes.

§ 2132. Powers

The Department of Mental Health and Corrections may provide mental retardation services to retarded individuals in boarding, nursing and foster homes throughout the State, and for that purpose may cooperate with other state agencies, municipalities, other governmental units, unincorporated associations and nonstock corporations. The department, through the Bureau of Mental Retardation, shall adopt and promulgate rules, regulations and standards relating to the administration of the services authorized by this chapter. Under this chapter, funds will be granted by the department only to those applicants whose programs provide for adequate standards of professional service. The department may receive and use for the purpose of this chapter money appropriated by the State and grants by the United States Government and gifts from individuals and any other sources.

§ 2133. Municipalities and other governmental units

A municipality or other governmental unit, such as a county, school district or health district, through its local board of health or other town or governmental agency approved by the department, is authorized to adopt and carry out a program of mental retardation services established or approved by the department and appropriate money for that purpose. A municipality or other governmental unit may join with another municipality or governmental unit to carry out such a program.

§ 2134. State aid

Upon application to the department by a municipality, governmental unit, unincorporated association or nonstock corporation organized for the improvement of community health and welfare, the department may grant to such applicant money to be used for carrying out its mental retardation services.

§ 2135. Fees

Any program authorized by the department may include the provision of services by the department or the municipality, governmental unit, unincorporated association or nonstock corporation directly to individuals, for

which a fee may be charged, if the individual is financially able to pay the same. Fees received by the municipality, governmental unit, unincorporated association or nonstock corporation shall be utilized by each in carrying out its programs approved under this chapter.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$100,000 to carry out the purposes of this Act. The breakdown shall be as follows:

1975-76

**MENTAL HEALTH AND CORRECTIONS,
DEPARTMENT OF**

Bureau of Mental Retardation

All Other

\$100,000

Section K

**Providing Funds for Payment to Residential Schools as an Alternative to
Incarceration of Juvenile Offenders**

Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections, Bureau of Corrections, Division of Probation and Parole, the sum of \$40,000 for the purpose of paying the cost of tuition, room and board and other related costs to consenting residential schools for juvenile offenders offered this alternative by a juvenile court in place of incarceration in a juvenile correctional institution. The breakdown shall be as follows:

1975-76

**MENTAL HEALTH AND CORRECTIONS,
DEPARTMENT OF**

Bureau of Corrections

Division of Probation and Parole

All Other

\$40,000

The appropriated money shall be used only for juveniles facing possible incarceration in a juvenile institution and only if they attend a residential school within the State.

Section L

Providing Funds for Seriously Disturbed Children in Maine

Appropriation. There is appropriated from the General Fund the sum of \$50,000 to the Department of Mental Health and Corrections to provide funds for seriously disturbed children for the current biennium. All funds appropriated under this Act shall not lapse, but shall remain a continuing carrying account until June 30, 1977.

Section M

Funds for the Pharos House of Portland

Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$15,000 to be used to continue its program of rehabilitation of male inmates of state or federal penal institutions. The breakdown shall be as follows:

	1975-76
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF	
Pharos House	
All Other	\$15,000

Section N

Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections, Military and Naval Children's Home, the sum of \$15,000 for the fiscal year ending June 30, 1976, for fire prevention and structural safety improvements at the Military and Naval Children's Home at Bath. Any unexpended funds shall not lapse, but shall remain a continuing carrying account until the purposes of this Act have been accomplished.

	1975-76
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF	
Military and Naval Children's Home at Bath	
All Other	\$15,000

Section O

Community Mental Health Centers

Appropriation. There is appropriated from the General Fund to the Bureau of Mental Health, Department of Mental Health and Corrections, the sum of \$212,732 to be used as grant-in-aid funds to assist those community mental health centers which have declining federal grants. The breakdown shall be as follows:

	1975-76
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF	
Bureau of Mental Health	
All Other	\$212,732

Section P**Governor's Committee on Children and Youth**

Sec. 1. Governor's Committee on Children and Youth, reactivated. The Governor shall appoint a committee of 15 representative citizens, 5 of whom shall be youths. The Governor shall designate the chairman.

Sec. 2. Duties of the committee. The Governor's Committee on Children and Youth may:

1. Promote effective programs of education, health, recreation, welfare, public safety and correctional services for children and youth;
2. Conduct continuing programs of public information to educate the public as to problems of children and youth using such means, among others, as promotion of needed legislation and appropriations and strengthening of public administration and personnel resources;
3. Assist and encourage governmental and private agencies and citizen groups to coordinate their efforts on behalf of children and youth;
4. Cooperate with the Federal Government and with the governments of other states and cities and programs relating to children and youth;
5. Conduct programs of research as to the needs of children and youth in order to facilitate more comprehensive and better related social planning and action;
6. Cooperate with those state departments and commissions which are concerned with the needs of and services to children and youth by making the fullest possible use of the experience and resources of those departments;
7. Provide a means for youth to express themselves and present their opinions to the Maine legislative body;
8. Provide leadership and consultant service to area committees on children and youth in the development of area programs;
9. Serve as a child advocate for any child in the State, who, because of his immaturity, legal disability, dependency, lack of parental support or lack of status in the community, needs a dedicated champion for the protection of his liberty or health when he is deprived of his home, schooling, medical care, property, rights, entitlements or benefits or is subjected to involuntary treatment that may be detrimental to his general welfare; and
10. Furnish the Governor and the Legislature a biennial report.

Sec. 3. Time of meetings and expenses. The committee shall meet at the place designated by and at the call of the chairman not less than 5 times each biennium. The members of the committee or authorized subcommittees shall be paid necessary expenses incurred in the performance of their duties. Such expenses shall be governed by the rules and regulations covering all state departments.

Sec. 4. Appropriation. There is appropriated from the General Fund the sum of \$3,000 for the fiscal year ending June 30, 1976 to carry out the purposes of this Act.

Section Q

Education — General Purpose Aid for Indian Schools

Appropriation. There is appropriated from the General Fund to the Department of Education and Cultural Services the sum of \$66,000 for additional operating expenses. The breakdown shall be as follows:

	1975-76
EDUCATION AND CULTURAL SERVICES, DEPARTMENT OF	
North American Indian Scholarships	
All Other	\$10,000
Peter Dana Point School Comm.	
All Other	20,000
Pleasant Point (Perry) School Comm.	
All Other	22,500
Indian Island School Comm.	
All Other	13,500

Section R

Funds for the Osteopathic Student Loan Fund

Appropriation. There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of \$45,000 for the Osteopathic Student Loan Fund to be used in a revolving fund to provide loans for residents of the State who are enrolled in osteopathic medical colleges and evidence a desire to practice the science of osteopathic medicine for the welfare and service of this State. The breakdown shall be as follows:

	1975-76
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF	
Osteopathic Student Loan Fund	
All Other	\$45,000

Section S

Amending the Elderly Householders Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income

Sec. 1. 22 MRSA § 3273, sub-§ 2, ¶ B, as enacted by PL 1973, c. 790, § 3, is repealed.

Sec. 2. 36 MRSA § 6111-A, as last repealed and replaced by PL 1973, c. 771, § 2, is repealed.

Sec. 3. **Appropriation.** There is appropriated from the General Fund to the Department of Finance and Administration the sum of \$900,000 to carry out the purposes of this Act. The breakdown shall be as follows:

1975-76

FINANCE AND ADMINISTRATION,
DEPARTMENT OF

Tax Relief for the Elderly

All Other

\$900,000

Section T

Employees Group Health Insurance Program

Sec. 1. 5 MRSA § 285, sub-§ 4, as enacted by PL 1967, c. 543 is repealed.

Sec. 2. 5 MRSA § 285, sub-§ 7, as enacted by PL 1969, c. 588, § 2, is repealed and the following enacted in place thereof:

7. **Payment by state.** The State of Maine, through the board of trustees, shall pay 100% of only the employee's share of this insurance.

Sec. 3. **Appropriation.** There is appropriated from the General Fund to the Employees Group Health Insurance Program the sum of \$712,000 to carry out the purposes of this Act. The breakdown shall be as follows:

Employees Group Health Insurance Program

1975-76

All Other

\$712,000

Provides funds for 100% payment by the State of the employee member's cost of health insurance. Includes \$200,000 for the University of Maine and \$12,000 for Maine Maritime Academy to be used for the same purpose.

Section U

DEPARTMENT OF INDIAN AFFAIRS

Appropriation. There is appropriated from the General Fund to the Department of Indian Affairs the sum of \$10,000 for additional operating expenses. The breakdown shall be as follows:

1975-76

INDIAN AFFAIRS, DEPARTMENT OF

Penobscot Tribal Reservation Housing Authority

All Other

\$10,000

Section V

Advisory Council on the Status of Women

Sec. 1. Advisory Council on the Status of Women, reactivated; membership. The Governor shall appoint an Advisory Council on the Status of Women of 17 members, hereinafter called the "council." In making appointments to the council, the Governor shall give consideration to citizens who are currently providing leadership in status of women programs on the state and local level. The Governor shall designate the chairman and vice-chairman. The various state departments shall assist the council in the furtherance of its duties.

Sec. 2. Duties and activities. The council shall act in an advisory and consultative capacity and may promote and coordinate activities designed to meet the problems of women on the state and community levels, including information on effective programs elsewhere in the State and nation.

Sec. 3. Subcommittees. The council is authorized to appoint subcommittees.

Sec. 4. Consultants and research projects. The council is authorized to employ consultants and contract for such research projects as it deems necessary.

Sec. 5. Conference. During the biennium, the council shall hold a State Governor's Conference on the Status of Women, or hold regional conferences.

Sec. 6. Report. The council shall make a report to the Governor concerning the work and interests of the council at the end of the biennium.

Sec. 7. Termination of appointment. The Governor may terminate the appointment of any member of the council for good and just cause and the reason for the termination of each appointment shall be communicated to each member of the council.

Sec. 8. Meetings. The council shall meet at the call of the chairman and not less than 3 times during each year. Members shall serve without compensation but shall be reimbursed for necessary expenses incurred in work of the council at the prevalent state rates.

Sec. 9. Appropriation. There is appropriated from the General Fund the sum of \$2,500 for the fiscal year ending June 30, 1976 to carry out the purposes of this Act.

Section W

Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers

Appropriation. There is appropriated from the General Fund to the Cerebral Palsy Centers in Maine the sum of \$20,000 to be used to help support a program of infant services, extended adult services, prevocational services,

diagnostic and evaluation services and thereapy services for clients ages 0-4 and ages 21 and over who are not covered by existing laws. The breakdown shall be as follows :

	1975-76
United Cerebral Palsy of Northeastern Maine, Inc., at Bangor	\$ 5,000
Mid-State United Cerebral Palsy, Inc., at Augusta	5,000
Cerebral Palsy Association of Greater Portland, Portland	5,000
Cerebral Palsy Association of Central Aroostook County, Fort Fairfield	5,000
	\$20,000

Section X

Education and Cultural Services

	1975-76	1976-77
Education — Teacher Retirement		
All Other	(\$5,400,000)	\$5,400,000
Reduces appropriation in 1975-76 and appropriates same amount in 1976-77.		

Section Y

P & SL 1975, c. 78, 3rd sentence of the blocked paragraph under the caption "DEPARTMENT OF HEALTH AND WELFARE, HUMAN SERVICES" Supplemental Security Income — Mandatory and Optional Payments, is repealed and the following enacted in place thereof :

The department shall immediately take action necessary to determine the most current annual budget at the lower level of living for a retired couple, pursuant to Title 22, chapter 855-C, section 3272, and use that standard to determine the state ceiling for state optional benefit.

Total Appropriations	(\$408,176)	\$5,400,000
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.