

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 2224**

S. P. 703

In Senate, February 18, 1976

Referred to the Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Conley of Cumberland.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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

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**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, 1976; and

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

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

**PART I**

**Sec. 1. Appropriations from General Fund.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal year ending 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 available 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.

## PART 2

**Sec. 1. Appropriation; Educational and Cultural Services; general purpose aid for Indian schools.** There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of \$66,000 for additional operating expenses. The breakdown shall be as follows:

1976-77

**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

**Sec. 2. Appropriation; Educational and Cultural Services; Osteopathic Student Loan Fund.** There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of \$30,000 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 a practice the science of osteopathic medicine for the welfare and service of this State. The breakdown shall be as follows:

1976-77

**EDUCATIONAL AND CULTURAL SERVICES,  
DEPARTMENT OF**

Osteopathic Student Loan Fund	
All Other	\$30,000

**Sec. 3. Appropriation; Employees Group Health Insurance Program.** 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:

1976-77

**EMPLOYEES GROUP HEALTH INSURANCE PROGRAM**

All Other	\$712,000
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Provides funds to continue 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.

**Sec. 4. Appropriation; Finance and Administration; eligibility under the Elderly Householders Tax and Rent Refund Act to recipients of supplemental security income.** There is appropriated from the General Fund to the Department of Finance and Administration the sum of \$1,000,000. The breakdown shall be as follows:

1976-77

**FINANCE AND ADMINISTRATION, DEPARTMENT OF**

Tax Relief for the Elderly

All Other

\$1,000,000

Provides funds to continue present level.

**Sec. 5. Appropriation; Human Services, alcoholism and drug abuse prevention.** There is appropriated from the General Fund to the Department of Human Services, the sum of \$150,000 for additional funding in the Office of Alcoholism and Drug Abuse Prevention program. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Office of Alcoholism and Drug Abuse Prevention

All Other

\$150,000

**Sec. 6. Appropriation; Human Services; charitable institutions.** There is appropriated from the General Fund to the Department of Human Services the sum of \$56,628 in addition to any and all other appropriations, to continue financial agreements and allocations to those charitable institutions which received such aid in the previous biennium as officially recorded with the Department of Human Services. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Good Samaritan Home

\$ 5,280

Holy Innocent's Home

2,640

Maine Children's Home for Little Wanderers

5,940

Opportunity Farm

5,940

St. Andre's Home

15,180

St. Elizabeth's Asylum

6,600

St. Louis Home and School for Boys

7,920

Unmarried Parents Service

7,128

Total — All Other

\$56,628

**Sec. 7. Appropriation. Human Services; cystic fibrosis drugs and treatment.** There is appropriated to the Department of Human Services 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 Human Services.

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 Human Services.

**Sec. 8. Appropriation; Human Services, Office of Dental Health.** There is appropriated from the General Fund to the Department of Human Services, Office of Dental Health, the sum of \$20,000 for the fiscal year ending June 30, 1977 to carry out the purposes of this Act. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Office of Dental Health  
Personal Services

(1) \$20,000

Provides funds to continue the Office of Dental Health.

**Sec. 9. Appropriation; Human Services; Maine Human Services Council.** There is appropriated from the General Fund to the Department of Human Services, Maine Human Services Council, the sum of \$27,586 to carry out the purposes of this Act. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Maine Human Services Council  
Personal Services  
All Other

(1) \$17,250  
10,336

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\$27,586

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

**Sec. 10. Appropriation; Human Services; Priority Social Services Program.** There is appropriated from the General Fund to the Department of Human Services the sum of \$1,335,791 to carry out the purposes of this Act. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Priority Social Services  
Personal Services  
All Other:  
Elderly  
Nonelderly

(5) \$ 66,831

323,000  
945,960

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\$1,335,791

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

**Sec. 11. Appropriation; Human Services; Bureau of Rehabilitation.** There shall be appropriated from the General Fund to the Department of Human Services, Bureau of Rehabilitation, the sum of \$61,500. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Bureau of Rehabilitation  
All Other

\$61,500

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.

**Sec. 12. Appropriation; Indian Affairs; Penobscot Tribal Reservation Housing Authority.** 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:

1976-77

**INDIAN AFFAIRS, DEPARTMENT OF**

Penobscot Tribal Reservation Housing Authority  
All Other

\$10,000

**Sec. 13. Appropriation; Mental Health and Corrections; community mental health centers.** There is appropriated from the General Fund to the Bureau of Mental Health, Department of Mental Health and Corrections, the sum of \$346,422 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:

1976-77

**MENTAL HEALTH AND CORRECTIONS,  
DEPARTMENT OF**

Bureau of Mental Health  
All Other

\$346,422

**Sec. 14. Appropriation; Mental Health and Corrections; Correction Improvement Program.** There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$100,000. The breakdown shall be as follows:

1976-77

**MENTAL HEALTH AND CORRECTIONS,  
DEPARTMENT OF**

Bureau of Corrections  
All Other

\$100,000

Provides funds to continue the statewide  
correctional improvement program.

**Sec. 15. Appropriation; Mental Health and Corrections; Pharos House of Portland.** 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:

1976-77

**MENTAL HEALTH AND CORRECTIONS,  
DEPARTMENT OF**

Pharos House  
All Other

\$15,000

**Sec. 16. Appropriation; Mental Health and Corrections; residential care for retarded.** There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$200,000. The breakdown shall be as follows:

1976-77

**MENTAL HEALTH AND CORRECTIONS,  
DEPARTMENT OF**

Bureau of Mental Retardation  
All Other

\$200,000

Provides funds to continue programs for retarded  
individuals in boarding and nursing homes.

**Sec. 17. Appropriation; Mental Health and Corrections; residential schools as an alternative to incarceration of juvenile offenders.** 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:

1976-77

**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.

**PART 3**

**Appropriation; cerebral palsy centers.** 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 therapy services for clients ages 0-4 and ages 21 and over who are not covered by existing laws. The breakdown shall be as follows :

	1976-77
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

**PART 4**

Sec. 1. 22 MRSA sub-T. 4, Pt. 4 is enacted to read:

**PART 4**

**SPECIAL HUMAN SERVICES AGENCIES**

**CHAPTER 1701**

**GOVERNOR'S COMMITTEE ON CHILDREN AND YOUTH**

§ 8001. Established

The Governor shall appoint a committee of 15 representative citizens, 5 of whom shall be youths. The Governor shall designate the chairman.

§ 8002. Duties

The Governor's Committee on Children and Youth may:

1. **Certain services for children and youth.** Promote effective programs of education, health, recreation, welfare, public safety and correctional services for children and youth;
2. **Public information.** 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. **Assistance.** Assist and encourage governmental and private agencies and citizen groups to coordinate their efforts on behalf of children and youth;

4. Cooperation with federal, other state, city and other agencies. Cooperate with the Federal Government and with the governments of other states and cities and programs relating to children and youth;

5. Research. 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. Cooperation with state agencies. 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. Expression of opinions. Provide a means for youth to express themselves and present their opinions to the Maine legislative body;

8. Leadership and consultant service. Provide leadership and consultant service to area committees on children and youth in the development of area programs;

9. Child advocacy. 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. Biennial report. Furnish the Governor and the Legislature a biennial report.

§ 8003. 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 subcommittee 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.

## CHAPTER 1703

### ADVISORY COUNCIL ON THE STATUS OF WOMEN

§ 1801. Established; 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.

§ 8102. 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.

§ 8103. Subcommittees

The council is authorized to appoint subcommittees.

§ 8104. Consultants and research projects

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

§ 8105. Conference

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

§ 8106. Report

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

§ 8107. 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.

§ 8108. 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. 2. Appropriation.** There is appropriated from the General Fund to the Governor's Committee on Children and Youth the sum of \$3,000 for the fiscal year ending June 30, 1977 to carry out the purposes of chapter 1701 of section 1 of this Part. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Governor's Committee on Children and Youth  
All Other

\$3,000

**Sec. 3. Appropriation.** There is appropriated from the General Fund to the Advisory Council on the Status of Women the sum of \$2,500 for the fiscal year ending June 30, 1977 to carry out the purposes of chapter 1703 of section 1 of this Part. The breakdown shall be as follows:

1976-77

**HUMAN SERVICES, DEPARTMENT OF**

Advisory Council on the Status of Women  
All Other

\$2,500

**PART 5**

**Amendatory clause.** On and after January 1, 1977, any reference in this Act to the Executive Council shall be of no effect.

**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 to make additional appropriations for the expenditures of State Government and for other purposes for the fiscal year ending June 30, 1977.