

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 187
6

7 S.P. 76

In Senate, January 17, 1983

8 Reported by Senator Diamond of Cumberland and Representative Rolde
9 of York from the Committee on Audit and Program Review. Pursuant to Title
3, Chapter 23 and Printed Under Joint Rule 14.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Diamond of Cumberland.

Cosponsor: Representative Rolde of York.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Periodic Justification
18 of Departments and Agencies of State
19 Government under the Maine
20 Sunset Laws.
21

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

24 PART A

25 Sec. 1. 3 MRSA §507-B, sub-§4 is enacted to
26 read:

27 4. Agencies scheduled for termination on June
28 30, 1983. Pursuant to section 507, subsection 4,
29 paragraph B, the following agencies, scheduled for
30 termination on June 30, 1983, are continued or modi-
31 fied by an Act of the Legislature passed prior to
32 June 30, 1983.

1 A. Agencies continued without modification are:

2 (1) State Board of Licensure of Administra-
3 tors of Medical Care Facilities other than
4 Hospitals;

5 (2) Maine Health Facilities Cost Review
6 Board;

7 (3) Maine Medical Laboratory Commission;

8 (4) State Planning and Advisory Council on
9 Developmental Disabilities; and

10 (5) Maine Committee on Problems of the Men-
11 tally Retarded.

12 B. Agencies continued as modified by an Act of
13 the Legislature are:

14 (1) Board of Chiropractic Examination and
15 Registration;

16 (2) Board of Dental Examiners;

17 (3) Board of Registration in Medicine;

18 (4) State Board of Nursing;

19 (5) State Board of Optometry;

20 (6) Board of Osteopathic Examination and
21 Registration;

22 (7) Board of Commissioners of the Profes-
23 sion of Pharmacy;

24 (8) Examiners of Podiatrists;

25 (9) Governor's Committee on Employment of
26 the Handicapped; and

27 (10) Division of Community Services.

28 Sec. 2. 3 MRSA §553 is enacted to read:

29 §553. Lapse of unused General Fund bond issues

1 1. Community action agency. "Community action
2 agency" means a nonprofit corporation designated
3 under section 3518, subsection 1, and representing a
4 specific geographic subsection of the State, whose
5 board of directors equally represents local elected
6 officials, the private sector and low income resi-
7 dents of the geographic area and whose objective is
8 to provide services and activities to benefit low
9 income people in that area.

10 2. Elderly. "Elderly" means a person 60 years of
11 age or older.

12 3. Handicapped. "Handicapped" means an indi-
13 vidual who has a physical or mental disability which,
14 for that individual, constitutes or results in a sub-
15 stantial handicap to employment or to the performance
16 of an individual's usual activities.

17 4. Low income. "Low income" means the income of
18 a household that is no more than 125% of the income
19 guidelines as established by the Federal Office of
20 Management and Budget.

21 5. Weatherization. "Weatherization" means making
22 home repairs and energy saving improvements to mini-
23 mize heat loss and improve thermal efficiency. Com-
24 ponents include repairs to stop heat loss through
25 infiltration; installation of a balanced combination
26 of energy saving home improvements, including insula-
27 tion and storm windows and doors; and, where needed,
28 the adjustment and repair of heating systems.

29 §3513. Policy and purpose

30 The Legislature finds that all Maine residents
31 shall be provided maximum opportunity for economic
32 well-being and self-sufficiency. The State should
33 coordinate available resources to enable disadvan-
34 tagged citizens to attain the skills, knowledge, moti-
35 vation and opportunities needed to be self-sufficient
36 and to maximize services designed to limit the
37 impacts of poverty.

38 The Legislature further finds that the concept of
39 community action agencies, first established under
40 the Federal Economic Opportunity Act, provides a

1 unique and valuable mechanism for channeling federal,
2 state and local resources to address these objec-
3 tives.

4 The purpose of this chapter is to establish a
5 state agency to coordinate state and federal
6 resources to provide services and activities at the
7 local level to meet these objectives. To the extent
8 possible, these services should be provided through
9 community action agencies which are established spe-
10 cifically to address the needs of low income resi-
11 dents in their service areas.

12 §3514. Division of Community Services

13 There is established, to carry out the purposes
14 of this chapter, a Division of Community Services in
15 the Executive Department, which shall serve as a link
16 between State Government and the state's community
17 action agencies and other local providers of services
18 to low income people. The division shall be an advo-
19 cate for the interests of low income people when
20 policies affecting this group are developed at the
21 state level. The Division of Community Services
22 shall be directly responsible to the Governor.

23 §3515. Director of Community Services

24 1. Appointment. The Governor shall appoint a
25 full-time Director of Community Services. The
26 director shall serve at the pleasure of the Governor
27 and shall be paid a salary fixed by the Governor.

28 2. Powers and duties. The director shall exer-
29 cise the powers of the Division of Community Services
30 and shall be responsible for the execution of its
31 duties. The director shall:

32 A. Administer the office and adopt such methods
33 of administration, not inconsistent with the law,
34 as the director may determine necessary to render
35 the division efficient;

36 B. Appoint and remove the staff of the division
37 and prescribe their duties as may be necessary to
38 implement the purposes of this chapter. Profes-
39 sional employees shall be hired as unclassified

1 employees. All other employees shall be subject
2 to the Personnel Law;

3 C. Prepare and submit, for executive and legis-
4 lative action thereon, the budget of the divi-
5 sion;

6 D. Advise the Governor and other officials of
7 State Government on matters relating to the
8 extent and nature of poverty in this State;

9 E. Advise the Governor and other officials of
10 State Government on matters relating to fuel
11 assistance programs and weatherization services
12 for low income people;

13 F. Administer for the State any federal funds
14 appropriated under federal law relating to the
15 authorized programs of the division and direct
16 activities that are necessary for the purpose of
17 carrying out that federal law;

18 G. Administer for the State aid or contributions
19 from any source of either money, property, labor
20 or other things of value to carry out authorized
21 programs of the division;

22 H. Enter into contracts with any other state
23 agency, municipality, district, private corpora-
24 tion, copartnership, association or individual
25 for the purpose of providing services relating to
26 authorized programs of the division; and

27 I. Be informed about the perspectives and con-
28 cerns of the state's community action agencies
29 and represent their opinions to the Governor and
30 other state officials.

31 §3516. Division of Community Services' responsibili-
32 ties

33 The Division of Community Services shall:

34 1. Administration of programs. Administer the
35 programs described in section 3518;

1 2. Planning and coordination for state ser-
2 vices. Provide planning and coordination for state
3 services to low income people;

4 3. Technical assistance. Provide technical
5 assistance to community action agencies and other
6 groups serving the interests of low income people in
7 this State;

8 4. Research and assistance to Governor. Provide
9 research and assistance to the Governor as he may
10 request; and

11 5. Citizens assistance telephone pro-
12 gram. Operate a citizens assistance telephone pro-
13 gram to provide citizens with information and with
14 referrals to appropriate federal, state and local
15 offices.

16 §3517. Community Services Advisory Board

17 The Governor shall appoint a 9-member Community
18 Services Advisory Board to advise and make recom-
19 mendations concerning the programs and policies ad-
20 ministered by the division. The board shall be made
21 up of the following members:

22 1. Executive directors of community action agen-
23 cies. Three executive directors of community action
24 agencies;

25 2. Boards of directors of community action agen-
26 cies. Two members from the boards of directors of
27 community action agencies;

28 3. Members of the public. Two members of the
29 public who have received assistance or service from
30 the Division of Community Services or a community ac-
31 tion agency;

32 4. Senator. One Senator designated by the Presi-
33 dent of the Senate;

34 5. Representative. One Representative designated
35 by the Speaker of the House; and

1 6. Director of the division. The Director of
2 Community Services, who shall serve as an ex officio
3 member of the board.

4 The board shall meet monthly. The division shall
5 provide reimbursement for expenses of the board.

6 §3518. Division of Community Services programs

7 The division shall be responsible for administer-
8 ing the following programs which utilize designated
9 community action agencies and other local providers
10 throughout the State to provide services directly to
11 low income people.

12 1. Community services block grant. The community
13 services block grant program shall be administered as
14 follows.

15 A. The Legislature finds that community action
16 agencies can provide the State with a unique
17 resource for helping low income people achieve
18 greater self-sufficiency and greater participa-
19 tion in affairs of their community. This
20 resource should be encouraged and fostered by
21 providing funds from the Community Services Block
22 Grant, Federal Omnibus Reconciliation Act of
23 1981, to designated community action agencies to
24 support services and activities which shall have
25 a measurable and potentially major impact on
26 causes of poverty in the community.

27 B. The Division of Community Services shall, in
28 accordance with the Maine Administrative Proce-
29 dure Act, Title 5, chapter 375, adopt rules gov-
30 erning the designation of community action agen-
31 cies, the formula for the distribution of avail-
32 able funds to the designated community action
33 agencies, administrative restrictions on the uses
34 of these funds and measures by which the division
35 will evaluate the effectiveness of community ac-
36 tion agency programs.

37 2. Home Energy Assistance Program. The Home
38 Energy Assistance Program shall be administered as
39 follows.

1 A. The Legislature finds that the high cost of
2 home heating imposes a significant financial bur-
3 den on low income elderly, disabled and other low
4 income householders in this State. The diffi-
5 culty of finding resources to pay home heating
6 costs imposes a special burden on low income
7 people who are particularly vulnerable to
8 hypothermia and other health problems aggravated
9 by low temperatures in the home. The Home Energy
10 Assistance Program, utilizing funds from the Low
11 Income Home Energy Assistance Block Grant, Fed-
12 eral Omnibus Reconciliation Act of 1981, shall
13 provide financial assistance to low income house-
14 holds to help pay part of the cost of winter fuel
15 bills.

16 B. Local program operators designated by the
17 division shall be responsible for the operation
18 of this program for specific geographic areas of
19 the State. The division is responsible for ad-
20 ministering available funds and insuring that the
21 services are provided according to rules estab-
22 lished by the division. These rules shall be
23 adopted in accordance with the Maine Administra-
24 tive Procedure Act, Title 5, chapter 375, and
25 shall prescribe eligibility requirements, funding
26 levels for state and local administrative costs,
27 benefit levels, selection and responsibilities of
28 local program operators, payment methods, moni-
29 toring and assessment procedures and coordination
30 with the weatherization program described in sub-
31 section 3.

32 3. Weatherization program. The Weatherization
33 Program shall be administered as follows.

34 A. The Legislature finds that many homes in
35 which the low income elderly, disabled and other
36 low income families live have not been con-
37 structed to sufficiently protect the occupants
38 from winter weather. Many of the elderly, dis-
39 abled and low income people lack the means to
40 finance retrofitting or weatherization. This
41 program shall provide funds for the implementa-
42 tion of a weatherization program in this State in
43 order to provide for the health and welfare of
44 low income people and to conserve energy within
45 this State.

1 B. The priorities of the Winterization Program
2 shall be ordered as follows:

3 (1) Low income elderly households;

4 (2) Low income disabled households;

5 (3) Low income households; and

6 (4) All others.

7 C. Notwithstanding paragraph B, priority in any
8 case shall be given to any family or household
9 which is eligible for and is receiving any form
10 of state or federal fuel assistance under subsec-
11 tion 2. No work under this subsection may be
12 undertaken for any household or family which is
13 not receiving fuel assistance, in advance of work
14 for households or families which are receiving
15 fuel assistance, within the limitations of fed-
16 eral budget constraints and federal regulations.

17 D. Local program operators designated by the
18 division shall be responsible for the operation
19 of this program for specific geographic areas of
20 the State. The division is responsible for ad-
21 ministering available funds and insuring that the
22 services are provided according to rules estab-
23 lished by the division. These rules shall be
24 adopted in accordance with the Maine Administra-
25 tive Procedure Act, Title 5, chapter 375, and
26 shall prescribe eligibility requirements, limits
27 on state and local administrative costs, permis-
28 sible weatherization and repair expenditures, se-
29 lection of local program operators, allocation
30 and disbursement of funds to local program op-
31 erators, duties of local program operators, moni-
32 toring and assessment procedures and coordination
33 with the Home Energy Assistance Program described
34 in subsection 2. The division shall make every
35 effort to retain any surplus money from grants
36 for other programs to use in weatherization or
37 related programs.

38 Sec. 5. 15 MRSA § 2716, 2nd ¶, as amended by PL
39 1981, c. 493, §3, is further amended to read:

1 At the discretion of the superintendent, any such
2 child, during his or her commitment, may be kept at
3 said center or, upon prior mutual agreement, may be
4 entrusted without indenture, for a period not exceed-
5 ing the term of his or her commitment, to the care
6 of: Any suitable person or persons; the Probation and
7 Parole Division under the Department of Corrections;
8 the Department of Human Services, or other public or
9 private child care agencies. As often as shall be
10 required, the person or agency, to whom such child is
11 entrusted, shall report to the superintendent the
12 progress and behavior of said child, whether or not
13 the child remains under such person, and if not,
14 where he or she is. ~~The center shall provide after-~~
15 ~~care and entrustment services to juveniles committed~~
16 ~~thereto.~~

17 Sec. 6. 18-A, §5-303, sub-§(b), as enacted by PL
18 1979, c. 540, §1, is amended to read:

19 (b) Upon the filing of a petition, the court
20 shall set a date for hearing on the issues of inca-
21 pacity and unless the allegedly incapacitated person
22 has counsel of his own choice, it may appoint an
23 appropriate official or attorney to represent him in
24 the proceeding, who shall have the powers and duties
25 of a guardian ad litem. The person alleged to be
26 incapacitated shall be examined by a physician or
27 psychological examiner acceptable to the court who
28 shall submit his report in writing to the court. The
29 court may appoint a visitor who shall interview the
30 allegedly incapacitated person and the person who is
31 seeking appointment as guardian, and visit the
32 present place of abode of the person alleged to be
33 incapacitated and the place it is proposed that he
34 will be detained or reside if the requested appoint-
35 ment is made, and submit his report in writing to the
36 court. The person alleged to be incapacitated is
37 entitled to be present at the hearing in person, and
38 to see and hear all evidence bearing upon his condi-
39 tion. He is entitled to be represented by counsel,
40 to present evidence, to cross-examine witnesses,
41 including the physician and the visitor. The issue
42 may be determined at a closed hearing if the person
43 alleged to be incapacitated or his counsel so
44 requests.

1 Sec. 7. 26 MRSA §§791 to 798, as enacted by PL
2 1969, c. 478, §1, are repealed.

3 Sec. 8. 26 MRSA §§799 to 802 are enacted to
4 read:

5 §799. Committee

6 The Governor's Committee on Employment of the
7 Handicapped is created and shall consist of 18 mem-
8 bers appointed by the Governor.

9 §800. Membership

10 Members of the committee shall be citizens of the
11 State who have an unselfish and demonstrated interest
12 in equal opportunity for disabled people. No more
13 than 5 members may be individuals employed, retained
14 or otherwise compensated by or representative of the
15 executive branch of State Government. At least 2
16 members shall be current members of the Legislature,
17 one from the House of Representatives and one from
18 the Senate. The committee shall include representa-
19 tives of health, educational, labor, business,
20 public, private voluntary and advocacy organizations.

21 Members shall be appointed for terms of 3 years,
22 except that, of the members first appointed, 6 shall
23 be appointed for a terms of one year, 6 shall be
24 appointed for terms of 2 years and 6 shall be
25 appointed for terms of 3 years, as designated by the
26 Governor at the time of appointment; and except that
27 any member appointed to fill a vacancy occurring
28 prior to the expiration of the term for which his
29 predecessor was appointed shall be appointed only for
30 the remainder of that term.

31 Members shall be eligible for reappointment for
32 not more than 2 consecutive full terms of 3 years
33 each and may serve after the expiration of their
34 terms until their successors have been appointed,
35 qualified and taken office. The Governor may termi-
36 nate the appointment of any member of the committee
37 for good and just cause and the reason for the termi-
38 nation of each appointment shall be communicated to
39 each member so terminated. The appointment of any
40 member of the committee shall be terminated if a

1 member is absent from 3 consecutive meetings without
2 good and just cause that is communicated to the
3 chairman.

4 Any vacancy in the committee shall not affect its
5 powers, but shall be filled in the same manner by
6 which the original appointment was made.

7 The Governor shall designate the chairman from
8 among the members appointed to the committee. The
9 chairman may not be an individual employed, retained
10 or otherwise compensated by or representative of the
11 executive branch of State Government. Members shall
12 elect a vice-chairman from among the membership. The
13 committee shall meet at the call of the chairman, but
14 not less often than 4 times a year. Meetings shall
15 be publicly announced.

16 The committee may appoint subcommittees consist-
17 ing of its own members and such other persons as are
18 deemed necessary.

19 §801. Powers and duties

20 The powers and duties of the Governor's Committee
21 on Employment of the Handicapped are as follows:

22 1. Advise, consult and assist. Advise, consult
23 and assist the executive and legislative branches of
24 State Government on activities of State Government
25 which affect the employment of disabled people. The
26 committee shall be solely advisory in nature. The
27 committee may advise regarding state and federal
28 plans, proposed budgetary, legislative or policy ac-
29 tions affecting disabled persons;

30 2. Advocate. Serve as an advocate on behalf of
31 disabled citizens promoting and assisting activities
32 designed to further equal opportunity for people with
33 disabilities;

34 3. Information and education. Conduct such edu-
35 cational programs as committee members consider
36 necessary to promote public understanding of the
37 needs and abilities of disabled citizens of this
38 State;

1 4. Employment. Provide information, training and
2 technical assistance to promote greater employer ac-
3 ceptance of disabled workers; and advise and assist
4 employers and other organizations interested in
5 developing employment opportunities for disabled
6 people; and

7 5. Architectural barriers. Inform the public of
8 the benefits of making buildings accessible to and
9 useable by persons with disabilities; monitor the
10 enforcement of state and federal laws regarding
11 architectural accessibility; and advise and assist
12 building owners by disseminating information about
13 accessibility and by making technical assistance
14 available when appropriate.

15 A. A wheelchair symbol shall be appropriately
16 displayed to identify buildings with facilities
17 which are accessible to handicapped and elderly
18 persons, accessibility to be determined by the
19 Governor's Committee on Employment of the Handi-
20 capped.

21 B. The symbol shall be that adopted by the Reha-
22 ilitation International's World Congress in
23 1969.

24 C. Application for display of the wheelchair
25 symbol shall be made by the Governor's Committee
26 on Employment of the Handicapped, who shall
27 obtain and keep on file a supply of symbols.

28 §802. Administrative authority

29 The committee shall administer in accordance with
30 current fiscal and accounting regulations of the
31 State, and in accordance with the philosophy, objec-
32 tives and authority of this chapter, any funds appro-
33 priated for expenditure by the committee or any
34 grants or gifts which may become available, accepted
35 and received by the committee; and make an annual
36 report which shall be submitted directly to the Gov-
37 ernor and Legislature not later than September 1st of
38 each year concerning its work, recommendations and
39 interest of the previous fiscal year and future
40 plans; and shall make such interim reports as it
41 deems advisable.

1 The committee shall keep minutes of all meetings,
2 including a list of people in attendance.

3 The committee may employ, subject to the Person-
4 nel Law, such staff as is necessary to carry out its
5 objectives. The committee may employ consultants and
6 contract for such projects as it deems necessary. To
7 the extent feasible and reasonable, the committee
8 shall have such staff, facilities, equipment, sup-
9 plies, information and other assistance as it may
10 reasonably require to carry out its activities.

11 The committee is authorized to make necessary
12 rules, not inconsistent with this subchapter, for
13 promoting its purposes.

14 Members of the committee shall receive no compen-
15 sation for services on the committee, but shall be
16 entitled to reimbursement for necessary expenses,
17 such as mileage from travel in personally-owned auto-
18 mobiles and meals, incurred in order to attend com-
19 mittee meetings called by the chairman. Reimburse-
20 ment shall be based on existing state law for reim-
21 bursement for travel by state employees.

22 Sec. 9. 32 MRSA §503, first ¶, as amended by PL
23 1973, c. 405, §4, is further amended to read:

24 The board, its members or agents shall investi-
25 gate all complaints and all cases of noncompliance
26 with or violation of this chapter relating to the
27 registration of doctors of chiropractic, and shall,
28 upon a vote of 4 members of the board, bring all such
29 cases to the notice of the proper prosecuting offi-
30 cer. The Administrative Court Judge, as designated
31 in Title 5, chapters 301 to 307, may suspend or
32 revoke and the board may refuse to issue any certifi-
33 cate of registration for any one or more of the fol-
34 lowing causes: The Administrative Court Judge may
35 suspend, revoke or refuse to renew, and the board may
36 refuse to issue or renew any certificate of registra-
37 tion for any one or more of the causes set out in
38 this section. A chiropractor whose license the board
39 refuses to renew may not reapply for 30 days follow-
40 ing the refusal. The causes for which a certificate
41 of registration may be suspended, revoked, refused
42 renewal or refused issuance are as follows:

1 Sec. 10. 32 MRSA §551, as amended by PL 1977, c.
2 220, §1, is further amended to read:

3 §551. Examination and registration

4 Any person, before engaging in the practice of
5 chiropractic in this State, shall make application
6 for a certificate to practice chiropractic to the
7 board on a form prescribed by said board. Said
8 application shall be filed with the secretary of the
9 board at least 7 days before the date of examination,
10 together with a deposit of \$40, which said deposit
11 shall be returned to applicant in case the applica-
12 tion is rejected. Each applicant must be at least 18
13 years of age and shall present proof of 2 years'
14 satisfactory attendance at a college of liberal arts.
15 Candidates for licensure shall be required to present
16 transcripts from an accredited college or university
17 certifying that they have completed 2 years of pre-
18 professional work, 2 subjects of which must be
19 English and biology, or otherwise satisfy the members
20 of the board of sufficient prior academic education.
21 The applicant shall present a diploma granted by a
22 legally chartered chiropractic college, school or
23 university in good standing and having the power to
24 confer degrees in chiropractic, which diploma shall
25 show that it was granted on personal attendance of
26 the applicant and completion of a course of 4 school
27 years of not less than 8 months each and of a total
28 of 4,400 60-minute school hours. ~~The diploma of any~~
29 ~~applicant matriculating in a chiropractic college~~
30 ~~after January 17, 1974 shall show that it was granted~~
31 ~~by a chiropractic college which has been approved by~~
32 ~~a national accrediting agency, which agency has been~~
33 ~~approved by the board, or the applicant must present~~
34 ~~evidence of having become a diplomate of the National~~
35 ~~Board of Chiropractic Examiners, or the applicant~~
36 ~~must present evidence of having successfully passed a~~
37 ~~licensing procedure from another state having similar~~
38 ~~requirements. If an applicant matriculated in a chi-~~
39 ~~ropractic college on or after January 1, 1984, his~~
40 ~~diploma shall show that it was granted by a chiro-~~
41 ~~practic college accredited by a chiropractic educa-~~
42 ~~tional accrediting agency approved by the United~~
43 ~~States Department of Education or its successor~~
44 ~~agency or, in the event no such agency exists,~~
45 ~~approved by the board, or the applicant must have~~

1 evidence of having successfully passed a licensing
2 procedure from another state having similar require-
3 ments. If an applicant matriculated in a chiroprac-
4 tic college before January 1, 1984, his diploma shall
5 show that it was granted by a chiropractic college
6 accredited as set out in this section, or the appli-
7 cant must present evidence of having become a diplo-
8 mat of the National Board of Chiropractic Examiners,
9 or the applicant must have evidence of having suc-
10 cessfully passed a licensing procedure from another
11 state having similar requirements. All applicants
12 must present a certificate of good moral character
13 signed by some reputable resident of this State and
14 such other reasonable and proper facts as the board
15 in its blank application may require.

16 Sec. 11. 32 MRSA §1071, sub-§2, as enacted by PL
17 1981, c. 440, §2, is amended to read:

18 2. Dentists. All appointments of dentist mem-
19 bers to the board shall be made in the following man-
20 ner. The Maine Dental Association may at its annual
21 meeting each year nominate 6 dentists, who fulfill
22 all the requirements of this section, whose names
23 shall be forthwith certified to the Governor by the
24 president and secretary of the association and, if
25 the list is so submitted in any year, the Governor
26 shall, until the date of the next annual meeting of
27 the association, appoint as a dentist member of the
28 board one of these persons whose names appear on the
29 list. The Governor may accept nominations from the
30 Maine Dental Association and from other organizations
31 and individuals.

32 Members of the dental profession must hold a valid
33 dental license and must have been in the actual prac-
34 tice of dentistry in this State for at least 10 years
35 immediately preceding the appointment. One dentist
36 shall be appointed annually, as the terms of present
37 members expire, to hold office for 5 years from the
38 first day of January and until a successor is
39 appointed. No dentist is eligible to serve as a
40 member of the board while a dental hygienist whom the
41 dentist employs is serving as a member of the board.

42 Sec. 12. 32 MRSA §1081, sub-§3, ¶C, as amended
43 by PL 1975, c. 484, §4, is further amended to read:

1 C. Retains the ownership or control of dental
2 equipment or material or office and makes the
3 same available in any manner for the use by den-
4 tists or dental hygienists or other agents, pro-
5 vided that nothing in this subsection shall apply
6 to bona fide sales of dental equipment or mate-
7 rial secured by a chattel mortgage or retain
8 title agreement. A person licensed to practice
9 dentistry who enters into any of these arrange-
10 ments with a person who is not licensed to prac-
11 tice dentistry may have his license suspended or
12 revoked by the Administrative Court or the
13 renewal of his license refused by the board.

14 Sec. 13. 32 MRSA §1091, sub-§1, as amended by PL
15 1977, c. 458, §§4 and 4-A, is further amended to
16 read:

17 1. Causes. The Administrative Court Judge may
18 revoke, suspend, or refuse to renew, or the board may
19 refuse to renew, the license of any dentist for any
20 of the following causes:

21 A. Conviction of a felony or misdemeanor involv-
22 ing moral turpitude, in which case the record of
23 conviction or a copy thereof, certified by the
24 clerk of the court or by the judge in whose court
25 the conviction is had, shall be conclusive evi-
26 dence;

27 B. Renting or lending to any person his license
28 or diploma to be used as a license or diploma, or
29 illegally or fraudulently obtaining a license
30 from the board;

31 C. Proof of incompetence or unskillfulness;

32 D. Failure or refusal to comply with the lawful
33 orders of the board;

34 E. Addiction to a drug habit;

35 F. Chronic alcoholism;

36 G. Physical or mental disability, or other con-
37 dition to the extent that continued practice
38 would be dangerous to patients or to the public;

1 H. Unprofessional or immoral conduct, which
2 includes, but is not limited to, the following
3 acts:

4 (1) Making use of any advertising state-
5 ments of a character tending to deceive or
6 mislead the public; advertising to use
7 drugs, patents, nostrums or proprietary med-
8 icines; or advertising to perform any dental
9 operation or act painlessly;

10 (3) Obtaining any fee by fraud or misrepre-
11 sentation; splitting fees; willfully violat-
12 ing the confidence of the dentist-patient
13 relationship; or

14 (4) Including a statement of his limitation
15 of practice in announcements, cards, letter-
16 heads and directory listings, unless at the
17 time of the announcement he has met the
18 existing educational requirements and stan-
19 dards set by the American Dental Association
20 for members limiting his practice. A dentist
21 shall not use his eligibility to announce
22 himself as a specialist to make the public
23 believe that specialty services rendered by
24 his dental office are being rendered by
25 ethically qualified specialists when such is
26 not the case; or

27 I. Permitting any dental hygienists operating
28 under his supervision to perform any operation
29 other than that permitted under section 1095.

30 A dentist whose license the board refuses to renew
31 may not reapply for 30 days following the refusal.

32 Sec. 14. 32 MRSA §1100, first ¶, as amended by
33 PL 1973, c. 303, § 3, is further amended to read:

34 The Administrative Court Judge shall revoke or
35 suspend or the board shall refuse to renew the li-
36 cence of any registered and licensed dental hygienist
37 who is found guilty of using or attempting to use in
38 any manner whatsoever any prophylactic lists, call
39 lists, records, reprints or copies of same, or infor-
40 mation gathered therefrom, of the names of patients

1 whom he might have served in the office of a prior
2 employer, unless such names appear upon the bona fide
3 call or prophylactic list of his present employer and
4 were caused to so appear through the legitimate prac-
5 tice of dentistry as provided for in this chapter.
6 The Administrative Court Judge shall suspend or
7 revoke or the board shall refuse to renew the license
8 of any licensed dentist who is found guilty of aiding
9 or abetting or encouraging a dental hygienist
10 employed by him to make use of a so-called
11 prophylactic call list, or the calling by telephone
12 or by use of written letters transmitted through the
13 mails to solicit patronage from patients formerly
14 served in the office of any dentist formerly employ-
15 ing such hygienist.

16 Sec. 15. 32 MRSA §1100, 2nd ¶, as enacted by PL
17 1981, c. 440, §15, is repealed and the following
18 enacted in its place:

19 The Administrative Court Judge shall revoke, sus-
20 pend or refuse to renew or the board shall refuse to
21 renew the license of any dental hygienist for any of
22 the causes listed in this section. A dental hygien-
23 ist whose license the board refuses to renew may not
24 reapply for 30 days following the refusal. The
25 causes for which a license may be revoked, suspended
26 or refused renewal are as follows:

27 Sec. 16. 32 MRSA §1100-E, sub-§5, as enacted by
28 PL 1977, c. 696, §382, is amended to read:

29 5. Suspension or revocation. The Administrative
30 Court may suspend or , revoke or refuse to renew or
31 the board may refuse to renew a license issued under
32 this subchapter whenever it finds a denturist- for
33 the causes listed in this subsection. A denturist
34 whose license the board refuses to renew may not
35 reapply for 30 days following the refusal. The
36 causes for which a license may be revoked, suspended
37 or refused renewal are as follows:

38 A. Has held himself out or permitted himself to
39 be represented as a licensed dentist;

40 B. Has performed otherwise than at the direction
41 and under the direct supervision of a dentist li-

- 1 censed by the board and practicing in the State.
2 Direct supervision requires the dentist to be on
3 the same premises as the denturist;
- 4 C. Has been delegated and performed a task or
5 tasks beyond his competence;
- 6 D. Is a habitual user of intoxicants or drugs to
7 such an extent that he is unable to perform com-
8 petently and with safety for the patients in his
9 capacity as a denturist;
- 10 E. Is convicted in any court, state or federal,
11 of any felony or other criminal offense involving
12 moral turpitude;
- 13 F. Has a mental illness interfering with his
14 competent practice as a denturist;
- 15 G. Has failed to comply with the law or any
16 rules or regulations of the board pertaining to
17 the practice of denture technology;
- 18 H. Has administered, dispensed or prescribed any
19 medication or controlled substance; or
- 20 I. Has made a false or fraudulent statement or
21 submitted a forged or false document in applying
22 for licensure.

23 For the purposes of this subsection, a licensed
24 denturist shall be deemed by the application for and
25 acceptance of the license to have given his consent
26 to a mental or physical examination when directed by
27 the board. The board may direct the examination when-
28 ever it determines a denturist may be suffering from
29 a mental illness which may be interfering with his
30 competent practice of denture technology or from the
31 use of intoxicants or drugs to an extent that they
32 may be preventing him from practicing denture tech-
33 nology competently and with safety to his patients. A
34 denturist examined pursuant to an order of the board
35 shall have no privilege to prevent the testimony of
36 the examining individual or to prevent the acceptance
37 into evidence of the report of any examining indi-
38 vidual. Failure to comply with an order of the board
39 to submit to a mental or physical exam shall require

1 the Administrative Court to immediately order the li-
2 cense of the denturist suspended until such time as
3 he shall submit to the examination.

4 Sec. 17. 32 MRSA §2105, sub-§1, as amended by PL
5 1977, c. 694, §590, is further amended to read:

6 1. Grounds for discipline. The Administrative
7 Court, pursuant to Title 4, chapter 25, may revoke or
8 suspend any license to practice nursing issued pur-
9 suant to this chapter and the board may refuse to
10 issue a license to practice if the licensee or appli-
11 cant. The Administrative Court may revoke, suspend or
12 refuse to renew, or the board may refuse to issue or
13 renew, a license to practice nursing issued pursuant
14 to this chapter if the licensee or applicant:

15 A. Is guilty of fraud or deceit in procuring or
16 attempting to procure a license to practice nurs-
17 ing; ~~or~~

18 B. Is guilty of a crime or gross immorality; ~~or~~

19 C. Is unfit or incompetent by reason of negli-
20 gence, habits or other causes; ~~or~~

21 D. Is habitually intemperate or is addicted to
22 the use of habit-forming drugs; ~~or~~

23 E. Is mentally incompetent; ~~or~~

24 F. Is guilty of unprofessional conduct; or

25 G. Has willfully or repeatedly violated any of
26 the provisions of this chapter.

27 Sec. 18. 32 MRSA §2105, sub-§2 is enacted to
28 read:

29 2. Refusal to renew. Any licensee whose license
30 the board refuses to renew may not reapply for 30
31 days after the refusal.

32 Sec. 19. 32 MRSA §2151, 2nd and 3rd ¶¶, as
33 repealed and replaced by PL 1975, c. 258, §1, are
34 repealed and the following enacted in their place:

1 For each appointment of a professional nurse, the
2 Governor may accept nominations from the Maine State
3 Nurses' Association and from other organizations and
4 individuals. Any professional nurse vacancy occur-
5 ring on the board shall be filled for the unexpired
6 term by appointment to be made by the Governor.

7 For each appointment of a practical nurse, the
8 Governor may accept nominations from the Maine Li-
9 censed Practical Nurses' Association and other orga-
10 nizations and individuals. Any practical nurse
11 vacancy occurring on the board shall be filled for
12 the unexpired term by appointment to be made by the
13 Governor.

14 Sec. 20. 32 MRSA §2417, sub-§6 is enacted to
15 read:

16 6. Limits of powers of board. The board shall
17 not, by rule or otherwise:

18 A. Limit the ownership of optometric practices
19 to holders of optometric licenses;

20 B. Limit the number of auxiliaries an optome-
21 trist may supervise;

22 C. Limit the number of offices or sites at which
23 an optometrist may practice;

24 D. Limit the right of optometrists to practice
25 in an association, partnership, corporation or
26 other lawful entity; and

27 E. Limit the right of optometrists to practice
28 with other health professionals in an associa-
29 tion, partnership, corporation or other lawful
30 entity.

31 Sec. 21. 32 MRSA §2432, sub-§11, as enacted by
32 PL 1973, c. 788, §156, is repealed.

33 Sec. 22. 32 MRSA §2434, first ¶, as enacted by
34 PL 1973, c. 788, §156, is amended to read:

35 An optometrist shall practice only in an indi-
36 vidual capacity under his own name or in association

1 with a licensed practitioner of optometry or of
2 another of the healing arts and sciences. The follow-
3 ing shall be deemed unauthorized associations subject
4 to the sanctions of section 2431:

5 Sec. 23. 32 MRSA §2434, sub-§§1 and 4, as
6 enacted by PL 1973, c. 788, §156, are repealed.

7 Sec. 24. 32 MRSA §2435, as enacted by PL 1973,
8 c. 788, §156, is repealed.

9 Sec. 25. 32 MRSA §2443, as enacted by PL 1973,
10 c. 788, §156, is repealed.

11 Sec. 26. 32 MRSA §2591, sub-§1, as amended by PL
12 1977, c. 694, §599, is further amended to read:

13 1. Grounds. The following complaints or allega-
14 tions, after investigation, shall be grounds for con-
15 vening the board in order to hear the same and allow
16 the accused to respond, and shall be considered
17 grounds for suspension or revocation of a license by
18 the Administrative Court or for an order of probation
19 or censure by the board. When any of the following
20 grounds are established, the Administrative Court may
21 revoke, suspend or refuse to renew a license or the
22 board may place the licensee on probation, censure
23 him or refuse to renew a license. A licensee whose
24 license the board refuses to renew may not reapply
25 for 30 days after the refusal. These grounds
26 include:

27 A. Conviction of a felony, as shown by a certi-
28 fied copy of a record of the court of conviction
29 or other offense involving moral turpitude. The
30 conviction of any offense in another state, ter-
31 ritory or country, which if committed in this
32 State would be deemed a felony shall be held to
33 be a felony under this section without regard to
34 its designation in such other state, territory or
35 country;

36 B. The obtaining of, or attempt to obtain, a li-
37 cense to practice osteopathic medicine by bribery
38 or by fraudulent misrepresentations;

- 1 C. Gross malpractice or the inability to prac-
2 tice osteopathic medicine with reasonable skill
3 and safety. In enforcing this paragraph, the
4 board shall, upon just cause shown, have author-
5 ity to compel a physician to submit to a mental
6 or physical examination to be conducted by physi-
7 cians designated by the board, the report of such
8 examination to be made to the board and to the
9 physician involved and such examination to be at
10 the expense of the board. Failure or refusal of
11 the physician to submit to such an examination,
12 when so directed by the board, shall constitute
13 an admission of his inability to practice
14 osteopathic medicine with reasonable skill and
15 safety;
- 16 D. Continued practice by a physician knowingly
17 having a dangerous, infectious or contagious dis-
18 ease;
- 19 E. Advertising by means of knowingly false or
20 deceptive statements;
- 21 F. Advertising, practicing or attempting to
22 practice under the name other than one's own;
- 23 G. Habitual drunkenness or addiction to the use
24 of drugs;
- 25 H. Violation of the code of ethics promulgated
26 under the rules and regulations of the Board of
27 Osteopathic Examination and Registration and dis-
28 tributed at least once every 2 years to each
29 licensee;
- 30 I. Upon the judicial determination of mental
31 incompetency. However, a license suspended for
32 this cause may be reinstated upon legal restora-
33 tion of the individual whose license was so sus-
34 pended;
- 35 J. Upon a determination by the board that a li-
36 censed osteopathic physician suffers from a
37 mental or physical illness, defect, handicap or
38 impairment which would prevent him from properly
39 and competently performing the duties and func-
40 tions of an osteopathic physician;

1 K. Violation of the rules and regulations of the
2 Board of Osteopathic Examination and Registration
3 adopted by it for the fair and judicious conduct
4 of its business and which shall not be inconsi-
5 stent with this chapter;

6 L. The revocation or suspension or denial of the
7 individual's osteopathic medical license in any
8 other state or territory of the United States or
9 any foreign country;

10 M. Upon a finding by the board that the indi-
11 vidual is guilty of immoral or unprofessional
12 conduct. Unprofessional conduct shall include any
13 departure from, or failure to conform to the
14 minimal standards of acceptable and prevailing
15 osteopathic medical practice, without regard to
16 the injury of a patient; or the committing of any
17 act contrary to honesty, whether the same is com-
18 mitted in the course of practice or not;

19 N. The violation of any statute or law in this
20 State or any other state or territory of the
21 United States, or any foreign country, which
22 statute or law relates to the practice of
23 osteopathic medicine;

24 O. Assisting, aiding, abetting or procuring the
25 unlicensed practice of another physician;

26 P. The knowingly maintaining of professional
27 connections or associations with any person who
28 is in violation of the provision of this chapter
29 or the rules and regulations of the board; and

30 Q. Division of professional fees not based on
31 actual services rendered.

32 Sec. 27. 32 MRSA §2592, sub-§1, ¶¶A and B, as
33 enacted by PL 1977, c. 694, §601, are repealed and
34 the following enacted in their place:

35 A. Report its findings to the Attorney General
36 for prosecution in the Administrative Court for
37 suspension or revocation of the license or
38 refusal to renew the license;

1 B. Refuse to renew the license. A licensee
2 whose license the board refuses to renew may not
3 reapply for 30 days after the refusal;

4 Sec. 28. 32 MRSA §2594-D, sub-§1, as amended by
5 PL 1977, c. 694, §602, is further amended to read:

6 1. Termination of certificate provisions. The
7 board may seek or request the Attorney General to
8 seek, pursuant to Title 4, chapter 25, the revocation
9 or suspension of, or the board may refuse to renew,
10 the certificate of any physician's assistant whom the
11 board determines:

12 A. Has held himself out or permitted himself to
13 be represented as a licensed physician;

14 B. Has performed otherwise than at the direction
15 and under the supervision of a physician licensed
16 by the board;

17 C. Has been delegated and performed a task or
18 tasks beyond his competence;

19 D. Is an habitual user of intoxicants or drugs
20 to such an extent that he is unable to perform
21 competently and with safety for the patients in
22 his capacity as an assistant to the physician;

23 E. Has been convicted in any court, state or
24 federal, of any criminal offense;

25 F. Has a mental illness interfering with his
26 competent practice as a ~~physician~~ physician's
27 assistant;

28 G. Has failed to comply with any rule ~~of regula-~~
29 ~~tion~~ of the board pertaining to the practice of
30 ~~physician~~ physician's assistant;

31 H. Is guilty of administering, dispensing or
32 prescribing any controlled substance otherwise
33 than as authorized by law; or

34 I. Has made a false or fraudulent statement or
35 submitted a forged or false document in applying
36 for a certificate.

1 Sec. 29. 32 MRSA §2594-D, sub-§2-A is enacted to
2 read:

3 2-A. Refusal to renew. A physician's assistant
4 whose license the board refuses to renew may not
5 reapply for 30 days after the refusal.

6 Sec. 30. 32 MRSA §2856, sub-§§1 and 2, as
7 enacted by PL 1981, c. 426, are amended to read:

8 1. Finding on complaint. If the Administrative
9 Court under Title 4, sections 1151 to 1158, and Title
10 5, section 10051, finds that the person so complained
11 against is guilty of the act charged against him, it
12 may suspend his registration as a pharmacist and his
13 certificate thereof, for such term as may be deemed
14 for the best interest of the public, or it may revoke
15 the registration and certificate. If the board finds
16 that the person so complained against is guilty of
17 the act charged against him, it may refuse to renew
18 his registration. A person whose registration the
19 board refuses to renew may not reapply for 30 days
20 after the refusal.

21 2. Violations of law. The Administrative Court
22 may revoke or suspend, or the board may refuse to
23 renew, the registration and certificate of a regis-
24 tered pharmacist, qualified assistant pharmacist, li-
25 icensed pharmacy intern or licensed wholesaler, and
26 the board may refuse to register a pharmacist, assis-
27 tant pharmacist, pharmacy intern or wholesaler for
28 any of the following:

29 A. Violation of any of the pharmacy laws of the
30 State;

31 B. Conviction in a state or federal court of a
32 crime punishable by a maximum term of imprison-
33 ment equal to or exceeding one year; or

34 C. Proof that the registrant or applicant is
35 unfit or incompetent, as may be evidenced by acts
36 of gross immorality, intoxication of an habitual
37 nature, whether caused by drugs or alcoholic bev-
38 erages, adjudicated insanity or as evidenced by
39 abnormal mental or physical conditions that
40 threatened the safety of the public.

1 Sec. 31. 32 MRSA §3263, first ¶, as amended by
2 PL 1975, c. 771, §§360 and 361, is repealed and the
3 following enacted in its place:

4 The Board of Registration in Medicine, as hereto-
5 fore established and in this chapter called the
6 "board," shall consist of 9 persons who are residents
7 of this State, appointed by the Governor. Two per-
8 sons shall be representatives of the public. Seven
9 persons shall be graduates of a legally chartered
10 medical college or university having authority to
11 confer degrees in medicine and shall have been ac-
12 tively engaged in the practice of their profession in
13 this State for a continuous period of 5 years pre-
14 ceding their appointments to the board. Three per-
15 sons, qualified as aforesaid, including at most one
16 public representative, shall be appointed members of
17 the board on or before July 1st of every
18 uneven-numbered year, each to hold office for 6 years
19 from July 1st following his appointment. Any vacancy
20 in the board shall be filled by the appointment of a
21 person, qualified as was the member whose place he
22 fills, to hold office during the unexpired term of
23 that member. Any member of the board may be removed
24 from office for cause by the Governor.

25 Sec. 32. 32 MRSA §3282, sub-§5, ¶N, as enacted
26 by PL 1977, c. 388, §9, is repealed.

27 Sec. 33. 32 MRSA §3601, as amended by PL 1979,
28 c. 61, §1-A, is further amended to read:

29 §3601. Appointment

30 The Examiners of Podiatrists, as heretofore
31 appointed and in this chapter called the "examiners,"
32 shall be 2 members of the Board of Registration in
33 Medicine together with 2 podiatrists and a repre-
34 sentative of the public appointed by the Governor.
35 One of the examiners shall be chosen by a majority of
36 the examiners to act as chairman of the examiners for
37 a term of 2 years and the secretary-treasurer of the
38 Board of Registration in Medicine shall act as secre-
39 tary-treasurer of the examiners. The podiatrists
40 appointed by the Governor shall be appointed for a
41 term of 4 years from a ~~list~~ nominations submitted by
42 the Podiatry Association of Maine and by other orga-

1 nizations and individuals, except that the first
2 appointment of the new member shall be for a term of
3 2 years. The podiatrists selected shall at the time
4 of their appointment have been actively engaged in
5 the practice of podiatry for a period of at least 2
6 years. The representative of the public shall be
7 appointed for a term of 4 years.

8 Sec. 34. 32 MRSA §3605, as amended by PL 1977,
9 c. 694, §617, is further amended by adding at the end
10 the following:

11 The board shall not, by rule or otherwise:

12 1. Ownership. Limit the ownership of podiatric
13 practices to holders of podiatric licenses;

14 2. Auxiliaries. Limit the number of auxiliaries
15 a podiatrist may supervise;

16 3. Number. Limit the number of offices or sites
17 at which a podiatrist may practice;

18 4. Right to practice. Limit the right of podia-
19 trists to practice in an association, partnership,
20 corporation or other lawful entity; and

21 5. Right to practice with other health profes-
22 sionals. Limit the right of podiatrists to practice
23 with other health professionals in an association,
24 partnership, corporation or other lawful entity.

25 Sec. 35. 32 MRSA §3655, first ¶, as amended by
26 PL 1977, c. 694, §618, is repealed and the following
27 enacted in its place:

28 The Administrative Court may revoke, suspend or
29 refuse to renew, or the board may refuse to renew,
30 any license to practice podiatry when it is found
31 that the licensee used fraud in procuring his license
32 or has used untruthful or improbable statements to
33 patients or in advertisements, or that the licensee
34 is incompetent to practice podiatry, or that he has
35 violated any of the following rules of practice.

36 Sec. 36. 32 MRSA §3655, 2nd ¶ is repealed.

1 Sec. 37. 32 MRSA §3655, last ¶ is amended to
2 read:

3 The said examiners may, after a lapse of 6
4 months, at their discretion, reissue a license which
5 has been suspended or revoked. A podiatrist whose
6 license the board has refused to renew may not
7 reapply for 30 days after the refusal.

8 Sec. 38. 32 MRSA c. 53 is repealed.

9 Sec. 39. 34 MRSA §1, last ¶, as enacted by PL
10 1979, c. 235, is amended to read:

11 When emergency situations are certified by the
12 institution head to exist at an institution, the com-
13 missioner may, with the approval of the Governor,
14 assign such personnel as may be necessary from
15 another institution or division of the department to
16 assist in controlling the emergency situation. The
17 assignment shall be only for the period during which
18 the emergency exists and any personnel transferred
19 shall receive compensation as required by the Person-
20 nel Law and rules and contract terms. Except as
21 otherwise provided by statute, private, nonprofit
22 agencies housed within space controlled by the
23 Department of Mental Health and Mental Retardation
24 shall reimburse the department for the cost of ser-
25 vices provided by the department. These services may
26 include space, telephone, utilities and supplies.
27 Services shall not be defined to include technical or
28 staff assistance.

29 Sec. 40. 34 MRSA §1-B, sub-§4 is enacted to
30 read:

31 4. Inmate financial records. The Commissioner of
32 Corrections may provide information on inmate employ-
33 ment and earnings to other state agencies and the
34 Federal Government for the purposes of determining
35 inmate tax liability or child support obligations.

36 Sec. 41. 34 MRSA §262, sub-§2, as amended by PL
37 1977, c. 664, §§49 and 50, is repealed and the fol-
38 lowing enacted in its place:

1 2. Planning. The department shall carry out
2 planning for identifying, evaluating and meeting the
3 service needs for prevention of juvenile crime and
4 rehabilitation of juveniles adjudicated as having
5 committed juvenile crimes.

6 Sec. 42. 34 MRSA §263, as enacted by PL 1977, c.
7 520, §2, is repealed.

8 Sec. 43. 34 MRSA §551 is amended to read:

9 §551. Warden; duties; deputy wardens

10 The head of the State Prison shall be called the
11 warden. He shall have deputies, to be appointed by
12 him subject to the Personnel Law, who, when the
13 office of warden is vacant or the warden is absent
14 from the prison or unable to perform the duties of
15 his office, shall have the powers, perform the duties
16 and be subject to all the obligations and liabilities
17 of the warden. The warden shall not carry on or be
18 concerned in trade or commerce during his continuance
19 in office. He shall reside ~~constantly~~ within the ~~pre-~~
20 ~~inets~~ of a reasonable distance from the prison and
21 have the care, custody and charge thereof, and of the
22 convicts therein, in conformity to their sentences,
23 and of the lands, buildings, machines, tools, stock,
24 provisions and every other kind of property belonging
25 to or within its precincts, under the direction and
26 control of the department.

27 Sec. 44. 34 MRSA §817 is enacted to read:

28 §817. Industries' fund

29 An account shall be established to support voca-
30 tional training activities at the Maine Correctional
31 Center. All revenues from sales of goods and ser-
32 vices produced by inmates at the Maine Correctional
33 Center and sold to other state agencies or the public
34 shall be deposited into this account. Funds from
35 this account shall be used only to pay for materials,
36 supplies and equipment to support vocational training
37 programs for inmates. Funds from this account shall
38 not be used to pay staff salaries or to pay inmates
39 for their work.

1 Eliminates General
 2 Funds for the
 3 direct costs of
 4 producing the
 5 annual report
 6 juvenile crime
 7 prevention.

8 Maine Youth Center

9	Positions	(-8)	(-8)
10	Personal Services	\$(198,050)	\$(199,390)
11	All Other	(43,680)	(46,138)
12			
13	Total	\$(241,730)	\$(245,528)

14 Of this amount in
 15 fiscal year 1984,
 16 \$236,530 and in
 17 fiscal year 1985,
 18 \$239,800, provides
 19 for the transfer
 20 of the aftercare
 21 program to the
 22 Division of Probation
 23 and Parole,
 24 the elimination of
 25 2 positions, and
 26 the
 27 deappropriation of
 28 funds to reflect
 29 savings in travel
 30 expenses. The
 31 balance, \$5,200 in
 32 All Other for
 33 fiscal year 1984
 34 and \$5,728 in
 35 fiscal year 1985
 36 are deappropriated
 37 to reflect savings
 38 resulting from
 39 adoption of pay-
 40 ment schedules for
 41 inmate medical
 42 care consistent
 43 with the state's

1 allowances for
2 health care ser-
3 vices in the Maine
4 Medical Assistance
5 Manual, Chapter 3.

6 Maine Correctional Center

7 All Other \$(23,900) \$(25,834)

8 General Funds are
9 deappropriated to
10 reflect savings
11 resulting from
12 adoption of pay-
13 ment schedules for
14 inmate medical
15 care consistent
16 with the state's
17 allowances for
18 health care ser-
19 vices in the Maine
20 Medical Assistance
21 Manual, Chapter 3.

22 Central Maine Pre-Release
23 Center

24 All Other \$(3,800) \$(4,063)

25 General Funds are
26 deappropriated to
27 reflect savings
28 resulting from
29 adoption of pay-
30 ment schedules for
31 inmate medical
32 care consistent
33 with the state's
34 allowances for
35 health care ser-
36 vices in the Maine
37 Medical Assistance
38 Manual, Chapter 3.

39 Charleston Correctional
40 Center

1	All Other	\$ (1,300)	\$ (1,386)
2	General Funds are		
3	deappropriated to		
4	reflect savings		
5	resulting from		
6	adoption of pay-		
7	ment schedules for		
8	inmate medical		
9	care consistent		
10	with the state's		
11	allowances for		
12	health care ser-		
13	vices in the Maine		
14	Medical Assistance		
15	Manual, Chapter 3.		
16	State Prison		
17	All Other	\$ (48,200)	\$ (51,956)
18	General Funds are		
19	deappropriated to		
20	reflect savings		
21	resulting from		
22	adoption of pay-		
23	ment schedules for		
24	inmate medical		
25	care consistent		
26	with the state's		
27	allowances for		
28	health care ser-		
29	vices in the Maine		
30	Medical Assistance		
31	Manual, Chapter 3.		
32	<u>EXECUTIVE DEPARTMENT</u>		
33	Division of Community		
34	Services Youth Conservation		
35	Corps		
36	Personal Services	\$ (47,858)	\$ (62,705)
37	All Other	(19,700)	(22,000)
38	Capital Expenditures	(2,000)	(--)
39			

1	Total		\$(69,558)	\$(84,705)
2	Funds	are		
3	deappropriated	to		
4	reflect the elimi-			
5	nation of Youth			
6	Conservation Corps			
7	program.			
8	<u>MENTAL HEALTH AND MENTAL</u>			
9	<u>RETARDATION, DEPARTMENT</u>			
10	<u>OF</u>			
11	Administration - Mental			
12	Health and Mental Retar-			
13	dation			
14	Position		(-1)	(-1)
15	Personal Services		\$(11,667)	\$(14,000)
16	General Funds	are		
17	deappropriated	to		
18	provide for the			
19	transfer of fund-			
20	ing from the Com-			
21	munity Support			
22	Systems Project to			
23	direct mental			
24	health services.			
25	Mental Health Services -			
26	Community			
27	All Other		(--)	(--)
28	Out of the moneys			
29	appropriated in			
30	current services,			
31	\$35,000 in fiscal			
32	year 1984 and			
33	\$42,000 in fiscal			
34	year 1985, which			
35	were to be used to			
36	fund the Community			
37	Support Systems			
38	Project shall be			

1 used instead to
2 fund direct mental
3 health services.

4 Food for Institutions -
5 Mental Health

6 All Other \$(60,134) \$(62,539)

7 Provides for the
8 transfer of Gen-
9 eral Funds from
10 the Bath Military
11 and Naval Chil-
12 dren's Home to be
13 used instead to
14 increase the
15 foster care board
16 rates by 17 1/2%.
17 In addition,
18 \$45,760 in fiscal
19 year 1984 and
20 \$47,590 in fiscal
21 year 1985 of this
22 amount is
23 deappropriated and
24 transferred to
25 ensure that state
26 agency accounts
27 reflect their cost
28 of operation.

29 Fuel for Institutions

30 All Other \$(173,888) \$(180,844)

31 Provides for the
32 transfer of Gen-
33 eral Funds from
34 the Bath Military
35 and Naval Chil-
36 dren's Home to be
37 used instead to
38 increase the
39 foster care board
40 rates by 17 1/2%.
41 In addition,

1 \$162,332 in fiscal
 2 year 1984 and
 3 \$168,826 in fiscal
 4 year 1985 of this
 5 amount is
 6 deappropriated and
 7 transferred to
 8 ensure that state
 9 agency accounts
 10 reflect their cost
 11 of operation.

12 Unemployment Compensation
 13 - Mental Health

14 All Other \$(6,668) \$(6,801)

15 Provides for the
 16 transfer of Gen-
 17 eral Funds from
 18 the Bath Military
 19 and Naval Chil-
 20 dren's Home to be
 21 used instead to
 22 increase the
 23 foster care board
 24 rates by 17 1/2%.

25 Military and Naval Chil-
 26 dren's Home

27	Positions	(-13)	(-13)
28	Personal Services	\$(226,689)	\$(231,669)
29	All Other	(26,163)	(26,657)
30	Capital Expenditures	(2,100)	(2,210)

31			
32	Total	<u>\$(254,952)</u>	<u>\$(260,536)</u>

33 Provides for the
 34 transfer of Gen-
 35 eral Funds from
 36 the Bath Military
 37 and Naval Chil-
 38 dren's Home to be
 39 used instead to

1 increase the
 2 foster care board
 3 rates by 17 1/2%.
 4 In addition, this
 5 provides for the
 6 termination of 13
 7 authorized staff
 8 positions at the
 9 home and 4 inter-
 10 mittent positions.

11 Military and Naval Chil-
 12 dren's Home - Repair

13 All Other \$(2,850) \$(1,900)

14 Provides for the
 15 transfer of Gen-
 16 eral Funds from
 17 the Bath Military
 18 and Naval Chil-
 19 dren's Home to be
 20 used instead to
 21 increase the
 22 foster care board
 23 rate by 17 1/2%.

24 Augusta Mental Health
 25 Institute

26 Personal Services \$(9,225) \$(9,963)
 27 All Other (12,048) (13,012)

28

29 Total \$(21,273) \$(22,975)

30 Provides for the
 31 transfer of Gen-
 32 eral Funds to
 33 ensure that state
 34 agency accounts
 35 reflect their cost
 36 of operation.

37 Bangor Mental Health
 38 Institute

1 All Other \$(2,092) \$(2,259)
 2 Provides for the
 3 transfer of Gen-
 4 eral Funds to
 5 ensure that state
 6 agency accounts
 7 reflect their cost
 8 of operation.

9 TREASURY, DEPARTMENT OF
 10 Treasurer - Debt Service

11 All Other \$(61,300) \$(--)

12 This decrease in
 13 appropriations for
 14 debt service is
 15 offset by a trans-
 16 fer from the bond
 17 redemption account
 18 of unused bond
 19 funds authorized
 20 by Private and
 21 Special Law 1971,
 22 chapter 122, for
 23 conversion of the
 24 heating system at
 25 the Boys Training
 26 Center.

27 TOTAL PART B \$(986,312) \$(968,326)

28 **PART C**

29 Adjustments to General Fund. In order to provide
 30 for necessary adjustments of the General Fund to
 31 implement the recommendations of the Joint Standing
 32 Committee on Audit and Program Review, appropriations
 33 are increased by the amounts designated in the fol-
 34 lowing tabulations.

35 DEPARTMENT OR AGENCY APPROPRIATIONS
 36 FROM GENERAL FUND

	<u>1983-84</u>	<u>1984-85</u>
1		
2	<u>AGRICULTURE, FOOD AND RURAL</u>	
3	<u>RESOURCES, DEPARTMENT OF</u>	
4	Office of the Commissioner	
5	All Other	\$24,143 \$25,253
6	Provides for the	
7	transfer of General	
8	Funds to ensure	
9	that state agency	
10	accounts reflect	
11	their cost of oper-	
12	ation.	
13	<u>CONSERVATION, DEPARTMENT OF</u>	
14	Administrative Services -	
15	Conservation	
16	All Other	\$30,929 \$32,314
17	Provides for the	
18	transfer of General	
19	Funds to ensure	
20	that state agency	
21	accounts reflect	
22	their cost of oper-	
23	ation.	
24	<u>CORRECTIONS, DEPARTMENT OF</u>	
25	Probation and Parole	
26	Positions	(6) (6)
27	Personal Services	\$183,500 \$183,020
28	All Other	28,860 30,300
29		-----
30	Total	\$212,360 \$213,320
31	Provides for the	
32	transfer of the	
33	aftercare program	

1 from the Maine
2 Youth Center to the
3 Division of Probation and Parole.
4

5 Fuel - Corrections

6 All Other \$24,601 \$25,585

7 Provides for the
8 transfer of General
9 Funds to ensure
10 that state agency
11 accounts reflect
12 their cost of operation.
13

14 State Prison

15 All Other \$2,092 \$2,259

16 Provides for the
17 transfer of General
18 Funds to ensure
19 that state agency
20 accounts reflect
21 their cost of operation.
22

23 State Prison - Food

24 All Other \$45,760 \$47,590

25 Provides for the
26 transfer of General
27 Funds to ensure
28 that state agency
29 accounts reflect
30 their cost of operation.
31

32 EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF
33

34 Administration - Museum

35 All Other \$11,695 \$12,210

1	Provides for the		
2	transfer of General		
3	Funds to ensure		
4	that state agency		
5	accounts reflect		
6	their cost of oper-		
7	ation.		
8	<u>ENVIRONMENTAL PROTECTION,</u>		
9	<u>DEPARTMENT OF</u>		
10	Administration - Environ-		
11	mental Protection		
12	All Other	\$52,908	\$55,346
13	Provides for the		
14	transfer of General		
15	Funds to ensure		
16	that state agency		
17	accounts reflect		
18	their cost of oper-		
19	ation.		
20	<u>FINANCE AND ADMINISTRATION,</u>		
21	<u>DEPARTMENT OF</u>		
22	Purchases, Bureau of		
23	All Other	\$10,271	\$10,712
24	Provides for the		
25	transfer of General		
26	Funds to ensure		
27	that state agency		
28	accounts reflect		
29	their cost of oper-		
30	ation.		
31	<u>HUMAN SERVICES, DEPARTMENT OF</u>		
32	Bureau of Social Services		
33	AFDC Foster Care		
34	All Other	\$101,640	\$103,671

1 Provides for the
2 transfer of General
3 Funds given the
4 closing of the Bath
5 Military and Naval
6 Children's Home to
7 be used instead to
8 increase the foster
9 care board rates by
10 17 1/2%.

11 Child Welfare Services

12 All Other \$188,760 \$192,533

13 Provides for the
14 transfer of General
15 Funds given the
16 closing of the Bath
17 Military and Naval
18 Children's Home to
19 be used instead to
20 increase the foster
21 care board rates by
22 17 1/2%.

23 MENTAL HEALTH AND MENTAL
24 RETARDATION, DEPARTMENT OF

25 Mental Health Services -
26 Community

27 All Other \$11,667 \$14,000

28 General Funds are
29 appropriated to
30 provide for the
31 transfer of funding
32 from the Community
33 Support Systems
34 Project to be used
35 instead for the
36 direct mental
37 health services.
38 In addition to
39 these funds, out of
40 the moneys appro-

1 Section 3 provides that of individuals employed
2 at the Maine State Prison only those employed before
3 July 1, 1983, will be eligible for retirement bene-
4 fits with only 20 years of service.

5 Section 4 defines in the statutes the objectives
6 and programs of the Division of Community Services
7 and creates an advisory council representing commu-
8 nity action agencies.

9 Section 5 removes the Maine Youth Center's duty
10 to provide aftercare and entrustment services for its
11 clients.

12 Section 6 allows a person alleged to be incapaci-
13 tated, in a proceeding for appointment of a guardian
14 under the Probate Code, to be examined by a psycho-
15 logical examiner in lieu of a physician.

16 Sections 7 and 8 reorganize the Governor's Com-
17 mittee on Employment of the Handicapped and revise
18 its responsibilities.

19 Section 9 clarifies the authority of the Board of
20 Chiropractic Examination and Registration to refuse
21 to renew a chiropractor's license.

22 Section 10 requires an applicant for a license to
23 practice chiropractic to be a graduate of a chiro-
24 practic college accredited by an approved accrediting
25 agency.

26 Section 11 allows the Governor to accept nomina-
27 tions for membership on the Board of Dental Examiners
28 from the Maine Dental Association and other sources.

29 Sections 12 to 16 grant the Board of Dental Exam-
30 iners the authority to refuse to renew the licenses
31 of dental professionals.

32 Sections 17 and 18 grant the Board of Nursing the
33 authority to refuse to renew a practitioner's li-
34 cense.

35 Section 19 allows the Governor to accept nomina-
36 tions for membership on the State Board of Nursing
37 from the Maine State Nurses' Association and the

1 Maine Licensed Practical Nurses' Association for pro-
2 fessional and practical nurse positions, respec-
3 tively, and from other sources.

4 Section 20 limits the powers of the State Board
5 of Optometry to regulate the business organization of
6 optometric practice.

7 Sections 21 to 25 remove the restrictions on the
8 ownership and location of an optometric practice, on
9 the number of branch offices an optometrist may oper-
10 ate and on referrals to optometrists from optical
11 firms.

12 Sections 26 to 29 grant to the Board of
13 Osteopathic Examination and Registration the author-
14 ity to refuse to renew the license of an osteopath or
15 osteopathic physician's assistant.

16 Section 30 grants the Board of Commissioners of
17 the Profession of Pharmacy the authority to refuse to
18 renew the license of a pharmacy professional.

19 Section 31 enlarges the Board of Registration in
20 Medicine by adding one public member and one physi-
21 cian.

22 Section 32 deletes a reference to a physician's
23 duty to report another physician for alcohol or sub-
24 stance abuse.

25 Section 33 allows the Governor to accept nomina-
26 tions to the Examiners of Podiatrists from the Maine
27 Podiatry Association and from other sources.

28 Section 34 limits the powers of the Examiners of
29 Podiatrists to regulate the business organization of
30 a podiatric practice.

31 Sections 35 and 37 grant the Examiners of Podia-
32 trists the authority to refuse to renew a
33 podiatrist's license.

34 Section 36 removes restrictions on the business
35 organization of a podiatric practice.

36 Section 38 repeals statutes on the practice of
37 healing arts and science.

1 Section 39 requires private agencies housed
2 within space controlled by the Department of Mental
3 Health and Mental Retardation to reimburse the
4 department for services the department provides them.

5 Section 40 allows the Commissioner of Corrections
6 to provide information on inmate earnings to other
7 state and federal agencies for the purpose of deter-
8 mining inmate tax or child support obligations.

9 Sections 41 and 42 relieve the Department of Cor-
10 rections of the obligation to publish an annual
11 report on the juvenile justice system.

12 Section 43 requires the warden of the State
13 Prison to live within a reasonable distance of the
14 State Prison, rather than within its precincts.

15 Section 44 establishes a dedicated account for
16 supplies and equipment used to support vocational
17 training at the Maine Correctional Center.

18 Section 45 repeals the statutes establishing the
19 Military and Naval Children's Home.

20 Section 46 repeals the statutes establishing
21 state tuberculosis sanatoriums.

22 Section 47 repeals the statutes authorizing the
23 Commissioner of Mental Health and Mental Retardation
24 to establish a residential facility for children at
25 the former site of the Stevens School.

26 Section 48 establishes the Office of Children's
27 Services within the Department of Mental Health and
28 Mental Retardation.

29 Section 49 repeals legislation incorporated
30 instead into the reorganized statutes for the
31 Governor's Committee on Employment of the Handi-
32 capped.

33 Section 50 allocates unused funds from bonds
34 authorized in 1971 for improvements to the State
35 Prison to General Fund debt service, if the Legis-
36 lature does not approve further improvements.

1 Section 51 orders the Commissioner of Corrections
2 to review the prison industries' program and report
3 his findings to the Legislature.

4 Section 52 eliminates dedicated accounts for
5 transporting inmates in work-release programs.

6 This bill makes changes in appropriations and
7 revenues affecting the Department of Corrections, the
8 Department of Mental Health and Mental Retardation
9 and the Division of Community Services. The net ad-
10 justment to General Fund appropriations in Parts B
11 and C for fiscal year 1984 is a reduction of \$258,733
12 and for fiscal year 1985, \$222,210.

13

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