

MAINE STATE LEGISLATURE

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(EMERGENCY)
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FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1390

S.P. 459

In Senate, March 30, 1983

Reported by Senator Diamond from the Committee on Audit and Program Review and printed under Joint Rule 2.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT Relating to Periodic Justification
of Departments and Agencies of State
Government under the Maine
Sunset Laws.

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

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

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1983; and

1 Whereas, certain independent agencies will terminate
2 unless continued by the Legislature prior to
3 June 30, 1983; and

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

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

12 PART A

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

15 4. Agencies scheduled for termination on June
16 30, 1983. Pursuant to section 507, subsection 4,
17 paragraph B, the following agencies, scheduled for
18 termination on June 30, 1983, are continued or modified
19 by an Act of the Legislature passed prior to
20 June 30, 1983.

21 A. Agencies continued without modification are:

22 (1) State Board of Licensure of Administrators
23 of Medical Care Facilities other than
24 Hospitals;

25 (2) Maine Health Facilities Cost Review
26 Board;

27 (3) Maine Medical Laboratory Commission;

28 (4) State Planning and Advisory Council on
29 Developmental Disabilities; and

30 (5) Maine Committee on Problems of the Men-
31 tally Retarded.

32 B. Agencies continued as modified by an Act of
33 the Legislature are:

34 (1) Board of Chiropractic Examination and
35 Registration;

- (2) Board of Dental Examiners;
- (3) Board of Registration in Medicine;
- (4) State Board of Nursing;
- (5) State Board of Optometry;
- (6) Board of Osteopathic Examination and Registration;
- (7) Board of Commissioners of the Profession of Pharmacy;
- (8) Examiners of Podiatrists;
- (9) Governor's Committee on Employment of the Handicapped; and
- (10) Division of Community Services.

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

§553. Lapse of unused General Fund bond issues

All General Fund bond issues passed by the Legislature for presentation to the voters shall contain language which stipulates that bond proceeds which have not been expended 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 3. 5 MRSA c. 330 is enacted to read:

CHAPTER 330

MAINE COMMUNITY SERVICES ACT

§3511. Title

This chapter may be cited as the "Maine Community Services Act."

§3512. Purpose and intent

It is the purpose and intent of this Act to delineate a system of community services and commu-

1 nity action agencies to enhance and stimulate eco-
2 nomic opportunity and self-sufficiency for all citi-
3 zens. It is the purpose of this system to assure an
4 effective focusing of local, state and federal
5 resources upon these goals, enabling disadvantaged
6 citizens and their families to attain the skills,
7 knowledge, motivation and opportunities needed to
8 become self-sufficient.

9 It is the further purpose and intent of this Act
10 to establish maximum local flexibility with the most
11 effective use of state planning and monitoring capa-
12 bilities.

13 §3513. Definitions

14 As used in this chapter, unless the context
15 otherwise indicates, the following terms have the
16 following meanings.

17 1. Advisory board. Advisory board means the
18 Community Services Advisory Board as established by
19 section 3517.

20 2. Community action agency. "Community action
21 agency" means a private nonprofit agency which has
22 previously been designated by and authorized to ac-
23 cept funds from the Federal Community Services Admin-
24 istration under the United States Economic Oppor-
25 tunity Act of 1964.

26 3. Director. "Director" means the Director of
27 Community Services.

28 4. Division. "Division" means the Division of
29 Community Services.

30 5. Poverty level. "Poverty level" means the
31 official poverty level issued by the United States
32 Secretary of Health and Human Services pursuant to
33 the United States Omnibus Budget Reconciliation Act
34 of 1981, Section 673(2), United States Code, Title
35 42, Section 9902.

36 6. Service area. "Service area" means the geo-
37 graphical area within the jurisdiction of a commu-
38 nity action agency.

1 §3514. Division of Community Services

2 There is established, to carry out the purposes
3 of this chapter, the Division of Community Services
4 in the Executive Department, which shall carry out
5 the responsibilities of State Government relating to
6 planning and financing community services and commu-
7 nity action agencies and shall administer state and
8 federal community services' programs and other block
9 grants that may be available, including, but not
10 limited to, energy assistance and weatherization.

11 §3515. Director of Community Services

12 1. Appointment. The Governor shall appoint a
13 full-time Director of Community Services, subject to
14 confirmation by the joint standing committee of the
15 Legislature having jurisdiction over health and
16 institutional services. The director shall serve at
17 the pleasure of the Governor and shall be paid a
18 salary fixed by the Governor.

19 2. Powers and duties. The director shall exer-
20 cise the powers of the Division of Community Services
21 and shall be responsible for the execution of its
22 duties. The director shall:

23 A. Administer the office and adopt such methods
24 of administration, not inconsistent with the law,
25 as the director may determine necessary to render
26 the division efficient;

27 B. Appoint and remove the staff of the office
28 and prescribe their duties as may be necessary to
29 implement the purposes of this chapter. Professional
30 employees shall be hired as unclassified
31 employees. All other employees shall be subject
32 to the Personnel Law;

33 C. Prepare and submit, for executive and legis-
34 lative action thereon, the budget of the divi-
35 sion;

36 D. Advise the Governor and other officials of
37 State Government on matters relating to the
38 extent and nature of poverty in this State;

1 E. Advise the Governor and other officials of
2 State Government on matters relating to fuel
3 assistance programs and weatherization services
4 for low income people;

5 F. Administer for the State any federal funds
6 appropriated under federal law relating to the
7 authorized programs of the division and direct
8 activities that are necessary for the purpose of
9 carrying out that federal law;

10 G. Administer for the State aid or contributions
11 from any source of either money, property, labor
12 or other things of value to carry out authorized
13 programs of the division;

14 H. Enter into contracts with any other state
15 agency, municipality, district, private corpora-
16 tion, copartnership, association or individual
17 for the purpose of providing services relating to
18 authorized programs of the division; and

19 I. Be informed about the perspectives and con-
20 cerns of the state's community action agencies
21 and represent their opinions to the Governor and
22 other state officials.

23 §3516. Rules

24 With input and advice from the Community Services
25 Advisory Board, the division shall promulgate rules
26 to carry out all the programs it administers.

27 §3517. Community Services Advisory Board

28 1. Appointment. The Governor shall appoint a
29 Community Services Advisory Board to advise the Gov-
30 ernor, the Legislature and the Director of Community
31 Services on programs and policy matters relative to
32 this chapter.

33 2. Membership. The Community Services Advisory
34 Board shall consist of the following 12 members: One
35 member of the House of Representatives to be
36 appointed by the Speaker of the House of Representa-
37 tives, to serve a term of 4 years; one member of the
38 Senate to be appointed by the President of the

1 Senate, to serve a term of 4 years; the Director of
2 Community Services, to serve ex officio; and 9 mem-
3 bers, to be appointed by the Governor, who shall
4 serve 4-year terms, except those first appointed, who
5 shall serve terms as follows: An executive director
6 of a community action agency to serve for 3 years; an
7 elected official from one of the municipalities which
8 act as local program operators to serve for 3 years;
9 2 representatives from boards of directors of commu-
10 nity action agencies, one to serve for 4 years, the
11 other to serve for 2 years; 2 recipients of assis-
12 tance or service from a subgrantee of the Division
13 of Community Services, one to serve for 4 years and
14 one to serve for 2 years; and 3 members from the gen-
15 eral public, one to serve for 2 years, one to serve
16 for 3 years, and one to serve for 4 years. Each
17 member shall hold office until a successor has been
18 duly appointed and has qualified. Vacancies shall be
19 filled by appointment for the unexpired term.

20 Attention shall be given towards ensuring that state-
21 wide geographic representation is reflected in the
22 board's membership. A chairman shall be elected by
23 a majority vote of the board.

24 3. Meetings. The board shall meet at the call
25 of the chairman or at the call of at least 3 members.
26 The board shall meet at least 6 times per year. Mem-
27 bers shall be reimbursed for reasonable expenses, to
28 include expenses for travel, meals, lodging and child
29 care.

30 A majority of the board members shall constitute a
31 quorum for the purpose of conducting the business of
32 the board. The board shall keep minutes of all meet-
33 ings, including a list of people in attendance.

34 §3518. Division of Community Services; powers and
35 duties

36 1. Federal funds. Through plans and contracts
37 developed with input and advice from the board, the
38 division shall obtain, distribute and administer fed-
39 eral community services' funds, including block
40 grants, energy assistance, weatherization and other
41 federal funds as may become available.

1 2. Monitoring of poverty level. The division
2 shall monitor the poverty level of Maine citizens and
3 carry out the following activities:

4 A. Conduct an annual survey of poverty in Maine,
5 reporting the results of this survey to the Governor,
6 the Legislature and the public;

7 B. Make recommendations annually to the Governor
8 and the Legislature on ways and means to combat
9 and reduce poverty in Maine;

10 C. Seek federal, state and private funds to combat
11 poverty in Maine; and

12 D. Advise the Governor, the Legislature and
13 local officials on the impact of state and local
14 policies on poverty in Maine.

15 3. Overseeing community action agencies. The
16 division shall oversee community action agencies as
17 follows.

18 A. The division shall designate community action
19 agencies every 7 years pursuant to the requirements
20 of this chapter.

21 B. The division shall establish audit requirements
22 in accordance with the Human Services Community
23 Agency Accounting Practices Act.

24 C. The division shall evaluate community action
25 agencies every 2 years.

26 4. Planning and coordination for state services.
27 The division shall provide planning and coordination
28 for state services to low income people.

29 5. Technical assistance. The division shall
30 provide technical assistance to community action
31 agencies and other groups serving the interests of
32 low income people in this State.

33 6. Research and assistance to Governor. The
34 division shall provide research and assistance to the
35 Governor as he may request.

1 7. Monitoring local program operators. The
2 division shall be responsible for monitoring
3 subgrantees to ensure conformance with appropriate
4 rules.

5 §3519. Community action agencies

6 1. Designation. Community action agencies shall
7 be designated by the Division of Community Services
8 to carry out the purposes of this chapter. These
9 designations shall be for 7 years.

10 2. Designation withdrawn. The division may
11 withdraw its designation of a community action agency
12 after an evaluation in which the agency has demon-
13 strated substantial incompetency and a clear inabil-
14 ity to carry out the purposes of this Act, unless
15 there is or has been financial malfeasance, which may
16 be cause for immediate withdrawal of designation.

17 The division shall notify an agency of a pending
18 withdrawal of designation. Upon notification, the
19 agency shall have up to 6 months to take corrective
20 action, at which time a designation withdrawal evalua-
21 tion shall be performed by the division. Failure to
22 pass this evaluation shall mean immediate loss of
23 designation.

24 Upon the final order from the division which rescinds
25 a community action agency's designation, the commu-
26 nity action agency may file a petition for review of
27 this final decision in the appropriate Superior Court
28 within 30 days, under the Maine Rules of Civil Proce-
29 dure, Rule 80B.

30 3. Community action agencies. Community action
31 agencies shall have the following powers and duties
32 to:

33 A. Develop information as to the causes and con-
34 ditions of poverty in the service area;

35 B. Determine how much and how effectively assis-
36 tance is being provided to deal with those causes
37 and conditions;

1 C. Establish priorities among projects, activities and areas as needed for the best and most
2 3 efficient use of available resources;

4 D. Develop, administer and operate programs to
5 reduce poverty with particular emphasis on
6 self-help approaches and programs to promote eco-
7 nomic opportunities through affirmative action;

8 E. Initiate, sponsor and provide programs and
9 services responsive to the needs of the poor
10 which are not otherwise being met;

11 F. Promote interagency cooperation and coordina-
12 tion of all services and activities in the ser-
13 vice area which are related to the purposes of
14 this Act;

15 G. Establish effective procedures by which the
16 poor and other concerned area residents will be
17 enabled to influence the character of programs
18 affecting their interests, provide for their
19 regular participation in the implementation of
20 those programs and provide technical and other
21 support needed to enable low-income and neighbor-
22 hood groups to secure on their own behalf avail-
23 able assistance from public and private sources;

24 H. Join with and encourage business, labor and
25 other private groups and organizations to under-
26 take, together with private officials and agen-
27 cies, activities in support of the purposes of
28 this Act which will result in the increased use
29 of private resources and capabilities in provid-
30 ing social and economic opportunities to low-
31 income citizens;

32 I. Enter into contracts with federal, state,
33 local public agencies and private agencies and
34 organizations, businesses and individuals, as
35 necessary to carry out the purposes of this Act;
36 and

37 J. Be eligible to receive funds from such fed-
38 eral, state, local and private sources as appro-
39 priate to carry out the purposes of this Act.

1 §3520. Governing board for community action agency

2 1. Board of directors; establishment. A commu-
3 nity action agency shall establish a governing board
4 of directors which shall consist of not less than 15
5 nor more than 30 members. One-third of the members
6 shall be representatives of low-income residents of
7 the service area who are selected through a demo-
8 cratic process in accordance with guidelines estab-
9 lished by the Division of Community Services. One-
10 third of the members shall be elected public offi-
11 cials or their designees or officials of public agen-
12 cies operating in the service area. One-third of the
13 members shall be representatives of private sector
14 organizations, including business and industry, as
15 well as educational, civic, labor and religious orga-
16 nizations.

17 2. Responsibilities. A community action agency
18 board of directors shall be responsible for the fol-
19 lowing:

- 20 A. Overall director, oversight and policies of
21 the agency;
- 22 B. Selection, evaluation and dismissal of the
23 executive director of the community action
24 agency;
- 25 C. Approval of all contracts;
- 26 D. Approval of all agency budgets;
- 27 E. Performance of an annual audit by an inde-
28 pendent, qualified outside auditor. The audit
29 shall be submitted upon completion to the Divi-
30 sion of Community Services;
- 31 F. Convening public meetings to provide low-
32 income and other citizens of the service area the
33 opportunity to comment upon policies and programs
34 of the community action agencies;
- 35 G. All meetings of the board of directors shall
36 be in accordance with the freedom of access law;
37 and

1 H. Evaluate agency programs and assess community
2 and agency needs.

3 §3521. Programs

4 All programs administered by community action
5 agencies shall be in conformance with federal and
6 state laws and regulations. Recipients of programs
7 and assistance shall be promptly notified of their
8 rights and responsibilities when they qualify for or
9 are denied services.

10 §3522. Allocation of community services block grants

11 1. Distribution of community services block
12 grant funds. The Division of Community Services
13 shall administer and distribute to community action
14 agencies, according to Title 5, section 1670, block
15 grant funds received from the Federal Government.

16 2. Community action agencies; priority. Of the
17 90% passed through to local agencies, community ac-
18 tion agencies shall receive first priority in the
19 allocation of community services block grant funds.
20 These funds shall be distributed according to a for-
21 mula determined annually as follows.

22 A. Twenty percent of this 90% of the community
23 services block grant shall be divided equally
24 among all designated agencies.

25 B. The balance of these funds shall be distrib-
26 uted according to rules as promulgated by the
27 division with input and advice from the board.

28 3. Block grant proposals. Proposals for commu-
29 nity services block grant funds submitted to the
30 Legislature by the division in accordance with Title
31 5, section 1670, shall be developed with input and
32 advice from the board and shall:

33 A. Include a description of current usages of
34 community services block grant funds and how the
35 plan proposes to change that distribution;

36 B. Retain the absolute minimum necessary for
37 state administrative costs; and

1 C. Provide for maximum flexibility within commu-
2 nity action agencies for the usage of community
3 services block grant funds.

4 Sec. 4. 15 MRSA §2712, sub-§3, as amended by PL
5 1981, c. 493, §2, is repealed.

6 Sec. 5. 15 MRSA §2716, as amended by PL 1981, c.
7 493, §3, is further amended to read:

8 §2716. Guardianship; entrustment

9 The superintendent Commissioner of Corrections or
10 his designee shall have all the power which a
11 guardian has to his ward, and all powers which par-
12 ents have over their children, as to the person,
13 property, earnings and the rehabilitation of every
14 child committed to the center. Said child shall be
15 under the direction of the superintendent, subject to
16 rules and regulations of the Department of Human Ser-
17 vices. When the custody, at the time of commitment,
18 is in the Department of Human Services, such custody
19 shall be temporarily suspended while the child is in
20 a center. Upon termination of custody of the child by
21 the center, by discharge, the custody of the child
22 shall revert to the Department of Human Services if
23 the child is still under 18 years of age.

24 At the discretion of the superintendent commis-
25 sioner, any such child, during his or her commitment,
26 may be kept at said the center or, upon prior mutual
27 agreement, may be entrusted without indenture, for a
28 period not exceeding the term of his or her commit-
29 ment, to the care of: Any suitable person or persons;
30 the Division of Probation and Parole Division under
31 the Department of Corrections; the Department of
32 Human Services, or other public or private child care
33 agencies. As often as shall be required, the person
34 or agency, to whom such child is entrusted, shall
35 report to the superintendent commissioner the
36 progress and behavior of said that child, whether or
37 not the child remains under such person, and if not,
38 where he or she is. The center Division of Probation
39 and Parole shall provide aftercare and entrustment
40 services to juveniles committed thereto.

1 On being satisfied at any time that the welfare
2 of the child will be promoted by return to the cen-
3 ter, the superintendent commissioner may cancel such
4 trust and resume charge of such child with the same
5 powers as before the trust was made.

6 When any child committed to the center and placed
7 on entrustment, or who has absented himself ~~or her-~~
8 self from the center, without leave, is taken into
9 custody for the purpose of return to the center by
10 any officer or employee of the center at the direc-
11 tion of the superintendent commissioner, or by any
12 law enforcement officer at the request of the super-
13 intendent commissioner, and because of the child's
14 distance from the center at the time of being taken
15 into custody it becomes necessary to detain the child
16 overnight, any such child may be temporarily detained
17 in a county jail under this section and shall be
18 returned to the center on the next day after being
19 taken into custody, except in the case of unsafe
20 traveling conditions, and then return to the center
21 shall be effected at the earliest possible time.

22 In the event that any child committed to the cen-
23 ter shall attain the age of 18 years while still
24 under commitment, the statutory guardianship of the
25 superintendent commissioner with respect to any such
26 child shall terminate; however, any such child shall
27 remain subject to the control of the superintendent
28 commissioner and staff of the center and rules and
29 regulations thereof until the expiration of the
30 period of commitment or discharge from the center.

31 Sec. 6. 15 MRSA §3303, as amended by PL 1977, c.
32 664, §23, is further amended to read:

33 §3303. Dismissal of petition with prejudice

34 On motion made by or on behalf of a juvenile, or
35 by the court itself, a petition shall be dismissed
36 with prejudice if it was not filed within 6 months
37 from the date the juvenile was referred to the intake
38 worker for an intake assessment, unless the prosecut-
39 ing attorney either before or after the expiration of
40 the 6-month period files a motion for an extension of
41 time for the filing of a petition, accompanied by the
42 reasons for this extension. The court may for good

1 cause extend the time for bringing a petition for any
2 period of time that is less than the limitation
3 established in section 3105.

4 Sec. 7. 18-A MRSA §5-303, sub-§(b), as enacted
5 by PL 1979, c. 540, §1, is amended to read:

6 (b) Upon the filing of a petition, the court
7 shall set a date for hearing on the issues of incapa-
8 city and unless the allegedly incapacitated person
9 has counsel of his own choice, it may appoint an
10 appropriate official or attorney to represent him in
11 the proceeding, who shall have the powers and duties
12 of a guardian ad litem. The person alleged to be
13 incapacitated shall be examined by a physician or li-
14 censed psychologist acceptable to the court who shall
15 submit his report in writing to the court. The court
16 may appoint a visitor who shall interview the alleg-
17 edly incapacitated person and the person who is
18 seeking appointment as guardian, and visit the
19 present place of abode of the person alleged to be
20 incapacitated and the place it is proposed that he
21 will be detained or reside if the requested appoint-
22 ment is made, and submit his report in writing to the
23 court. The person alleged to be incapacitated is
24 entitled to be present at the hearing in person, and
25 to see and hear all evidence bearing upon his condi-
26 tion. He is entitled to be represented by counsel,
27 to present evidence, to cross-examine witnesses,
28 including the physician and the visitor. The issue
29 may be determined at a closed hearing if the person
30 alleged to be incapacitated or his counsel so
31 requests.

32 Sec. 8. 26 MRSA §§791 to 798, as enacted by PL
33 1969, c. 478, §1, are repealed.

34 Sec. 9. 26 MRSA §799 to 802 are enacted to read:

35 §799. Committee

36 The Governor's Committee on Employment of the
37 Handicapped is created and shall consist of 18 mem-
38 bers appointed by the Governor.

39 §800. Membership

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

12 Members shall be appointed for terms of 3 years,
13 except that, of the members first appointed, 6 shall
14 be appointed for a terms of one year, 6 shall be
15 appointed for terms of 2 years and 6 shall be
16 appointed for terms of 3 years, as designated by the
17 Governor at the time of appointment; and except that
18 any member appointed to fill a vacancy occurring
19 prior to the expiration of the term for which his
20 predecessor was appointed shall be appointed only for
21 the remainder of that term.

22 Members shall be eligible for reappointment for
23 not more than 2 consecutive full terms of 3 years
24 each and may serve after the expiration of their
25 terms until their successors have been appointed,
26 qualified and taken office. The Governor may termi-
27 nate the appointment of any member of the committee
28 for good and just cause and the reason for the termi-
29 nation of each appointment shall be communicated to
30 each member so terminated. The appointment of any
31 member of the committee shall be terminated if a
32 member is absent from 3 consecutive meetings without
33 good and just cause that is communicated to the
34 chairman.

35 Any vacancy in the committee shall not affect its
36 powers, but shall be filled in the same manner by
37 which the original appointment was made.

38 The Governor shall designate the chairman from
39 among the members appointed to the committee. The
40 chairman may not be an individual employed, retained
41 or otherwise compensated by or representative of the
42 executive branch of State Government. Members shall
43 elect a vice-chairman from among the membership. The

1 committee shall meet at the call of the chairman, but
2 not less often than 4 times a year. Meetings shall
3 be publicly announced.

4 The committee may appoint subcommittees consist-
5 ing of its own members and such other persons as are
6 deemed necessary.

7 §801. Powers and duties

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

10 1. Advise, consult and assist. Advise, consult
11 and assist the executive and legislative branches of
12 State Government on activities of State Government
13 which affect the employment of disabled people. The
14 committee shall be solely advisory in nature. The
15 committee may advise regarding state and federal
16 plans, proposed budgetary, legislative or policy ac-
17 tions affecting disabled persons;

18 2. Advocate. Serve as an advocate on behalf of
19 disabled citizens promoting and assisting activities
20 designed to further equal opportunity for people with
21 disabilities;

22 3. Information and education. Conduct such edu-
23 cational programs as committee members consider
24 necessary to promote public understanding of the
25 needs and abilities of disabled citizens of this
26 State;

27 4. Employment. Provide information, training and
28 technical assistance to promote greater employer ac-
29 ceptance of disabled workers; and advise and assist
30 employers and other organizations interested in
31 developing employment opportunities for disabled
32 people; and

33 5. Architectural barriers. Inform the public of
34 the benefits of making buildings accessible to and
35 useable by persons with disabilities; monitor the
36 enforcement of state and federal laws regarding
37 architectural accessibility; and advise and assist
38 building owners by disseminating information about
39 accessibility and by making technical assistance
40 available when appropriate.

1 A. A wheelchair symbol shall be appropriately
2 displayed to identify buildings with facilities
3 which are accessible to handicapped and elderly
4 persons, accessibility to be determined by the
5 Governor's Committee on Employment of the Handi-
6 capped.

7 B. The symbol shall be that adopted by the Reha-
8 bilitation International's World Congress in
9 1969.

10 C. Application for display of the wheelchair
11 symbol shall be made by the Governor's Committee
12 on Employment of the Handicapped, who shall
13 obtain and keep on file a supply of symbols.

14 §802. Administrative authority

15 The committee shall administer in accordance with
16 current fiscal and accounting regulations of the
17 State, and in accordance with the philosophy, objec-
18 tives and authority of this chapter, any funds appro-
19 priated for expenditure by the committee or any
20 grants or gifts which may become available, accepted
21 and received by the committee; and make an annual
22 report which shall be submitted directly to the Gov-
23 ernor and Legislature not later than September 1st of
24 each year concerning its work, recommendations and
25 interest of the previous fiscal year and future
26 plans; and shall make such interim reports as it
27 deems advisable.

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

30 The committee may employ, subject to the Person-
31 nel Law, such staff as is necessary to carry out its
32 objectives. The committee may employ consultants and
33 contract for such projects as it deems necessary. To
34 the extent feasible and reasonable, the committee
35 shall have such staff, facilities, equipment, sup-
36 plies, information and other assistance as it may
37 reasonably require to carry out its activities.

38 The committee is authorized to make necessary
39 rules, not inconsistent with this subchapter, for
40 promoting its purposes.

1 Members of the committee shall receive no compensation
2 for services on the committee, but shall be
3 entitled to reimbursement for necessary expenses,
4 such as mileage from travel in personally-owned auto-
5 mobiles and meals, incurred in order to attend com-
6 mittee meetings called by the chairman. Reimburse-
7 ment shall be based on existing state law for reim-
8 bursement for travel by state employees.

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

11 §551. Examination and registration

12 Any person, before engaging in the practice of
13 chiropractic in this State, shall make application
14 for a certificate to practice chiropractic to the
15 board on a form prescribed by said board. Said
16 application shall be filed with the secretary of the
17 board at least 7 days before the date of examination,
18 together with a deposit of \$40, which said deposit
19 shall be returned to applicant in case the applica-
20 tion is rejected. Each applicant must be at least 18
21 years of age and shall present proof of 2 years'
22 satisfactory attendance at a college of liberal arts.
23 Candidates for licensure shall be required to present
24 transcripts from an accredited college or university
25 certifying that they have completed 2 years of pre-
26 professional work, 2 subjects of which must be
27 English and biology, or otherwise satisfy the members
28 of the board of sufficient prior academic education.
29 The applicant shall present a diploma granted by a
30 legally chartered chiropractic college, school or
31 university in good standing and having the power to
32 confer degrees in chiropractic, which diploma shall
33 show that it was granted on personal attendance of
34 the applicant and completion of a course of 4 school
35 years of not less than 8 months each and of a total
36 of 4,400 60-minute school hours. The diploma of any
37 applicant matriculating in a chiropractic college
38 after January 1, 1974 shall shew that it was granted
39 by a chiropractic college which has been approved by
40 a national accrediting agency; which agency has been
41 approved by the board; or the applicant must present
42 evidence of having become a diplomate of the National
43 Board of Chiropractic Examiners; or the applicant
44 must present evidence of having successfully passed a

1 licensing procedure from another state having similar
2 requirements. If an applicant matriculated in a chi-
3 ropractic college on or after January 1, 1984, his
4 diploma shall show that it was granted by a chirop-
5 ractic college accredited by a chiropractic educa-
6 tional accrediting agency approved by the United
7 States Department of Education or its successor
8 agency or, in the event no such agency exists,
9 approved by the board, or the applicant must have
10 evidence of having successfully passed a licensing
11 procedure from another state having similar require-
12 ments. If an applicant matriculated in a chirop-
13 ractic college before January 1, 1984, his diploma shall
14 show that it was granted by a chiropractic college
15 accredited as set out in this section, or the appli-
16 cant must present evidence of having become a diplo-
17 mat of the National Board of Chiropractic Examiners,
18 or the applicant must have evidence of having suc-
19 cessfully passed a licensing procedure from another
20 state having similar requirements. All applicants
21 must present a certificate of good moral character
22 signed by some reputable resident of this State and
23 such other reasonable and proper facts as the board
24 in its blank application may require.

25 Sec. 11. 32 MRSA §1071, sub-§2, as enacted by PL
26 1981, c. 440, §2, is amended to read:

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

41 Members of the dental profession must hold a valid
42 dental license and must have been in the actual prac-
43 tice of dentistry in this State for at least 10 years
44 immediately preceding the appointment. One dentist

1 shall be appointed annually, as the terms of present
2 members expire, to hold office for 5 years from the
3 first day of January and until a successor is
4 appointed. No dentist is eligible to serve as a
5 member of the board while a dental hygienist whom the
6 dentist employs is serving as a member of the board.

7 Sec. 12. 32 MRSA §2151, as amended by PL 1975,
8 c. 771, §§350 and 351, is repealed and the following
9 enacted in its place:

10 §2151. Appointment; term; removal

11 A State Board of Nursing, as created in this
12 section, shall consist of 7 members who shall be
13 appointed by the Governor. Five members of the board
14 shall be professional nurses, one of whom shall be
15 active in practical nurse education or in a school of
16 practical nursing at the time of appointment. One
17 member shall be a licensed practical nurse. One
18 member shall be a representative of the public.
19 Except to fill vacancies in unexpired terms, all
20 appointments shall be for a term of 5 years after
21 such appointment or until their successors have been
22 duly appointed and qualified. No person may be eli-
23 gible for more than one reappointment. Any public
24 member vacancy on the board shall be filled for the
25 unexpired term by the appointment of another public
26 member by the Governor.

27 Each appointment of a professional nurse shall be
28 made from a list of 3 candidates, qualified as pro-
29 vided, and selected by the presidents or designees of
30 Maine nursing organizations with national affiliation
31 and submitted to the Governor by the President of the
32 Maine State Nurses' Association not less than 60 days
33 before the time of appointment. Any professional
34 nurse vacancy occurring on the board shall be filled
35 for the unexpired term by appointment to be made by
36 the Governor from like nominations submitted by the
37 President of the Maine State Nurses' Association in
38 the manner described in this paragraph.

39 Each appointment of a practical nurse shall be
40 made from a list of 3 candidates, qualified as pro-
41 vided, and selected by the presidents or designees of
42 Maine nursing organizations with national affiliation

1 and submitted to the Governor by the President of the
2 Maine Licensed Practical Nurses' Association not less
3 than 60 days before the time of appointment. Any
4 practical nurse vacancy occurring on the board shall
5 be filled for the unexpired term by appointment to be
6 made by the Governor from like nominations submitted
7 by the President of the Maine Licensed Practical
8 Nurses' Association in the manner set out in this
9 paragraph.

10 The President of the Maine State Nurses' Association
11 shall call a meeting of the presidents or designees
12 not less than 90 days prior to the expiration of
13 the term of each professional nurse and practical
14 nurse member of the board.

15 The Governor may remove any member from the board
16 for cause.

17 Sec. 13. 32 MRSA §2206, as amended by PL 1975,
18 c. 114, §§1 and 2, is repealed and the following
19 enacted in its place:

20 §2206. Renewals

21 Starting January 1, 1985, the license of every
22 registered nurse licensed under this chapter shall be
23 renewed annually, except as otherwise provided. At
24 least 30 days before the anniversary of his birth,
25 the board shall mail an application for renewal of
26 license to each professional nurse who holds a valid
27 license, which application shall be mailed to the
28 most recent address of that person as it appears on
29 the records of the board. That person shall complete
30 the renewal application and return it to the board
31 with a renewal fee of \$10 before the anniversary of
32 his birth. Upon receipt of the application and fee,
33 the board shall verify the accuracy of the applica-
34 tion and issue to the applicant a certificate of
35 renewal of license for the year expiring on the anni-
36 versary of the applicant's birth.

37 On or before November 1, 1983, the board shall
38 mail an application for renewal of license to each
39 professional nurse who holds a valid license, which
40 application shall be mailed to the most recent ad-
41 dress of that person as it appears on the records of

1 the board. That person shall complete the renewal
2 application and return it to the board with a renewal
3 fee of \$15 before December 31, 1983. Upon receipt of
4 the application and fee, the board shall verify the
5 accuracy of the application and issue to the applicant
6 a certificate of renewal of license for the period
7 beginning January 1, 1984, and expiring on the anniversary
8 of the applicant's birth in 1985.

9 Any registered nurse, who allows his license to lapse by failing to renew the license as provided, 10 may be reinstated by the board on satisfactory explanation for failure to renew his license and on payment of a reinstatement fee of \$5, in addition to 11 the current renewal fee.

12 Any person practicing professional nursing during 13 the time his license has lapsed shall be considered 14 an illegal practitioner and shall be subject to the 15 penalties provided for violations of this chapter.

16 A person who is not engaged in professional nursing in the State shall not be required to pay a 17 renewal fee for as long as he does not practice, but 18 shall notify the board of his inactive status in writing. Prior to resumption of his practice of 19 professional nursing, that person shall be required 20 to notify the board and remit a renewal fee for the 21 current annual period.

22 Sec. 14. 32 MRSA §2255, as amended by PL 1975, c. 114, §§4 and 5, is repealed and the following enacted in its place:

24 §2255. Renewals

25 Starting July 1, 1985, the license of every practical nurse licensed under this chapter shall be 26 renewed annually, except as otherwise provided. At 27 least 30 days before the anniversary of his birth, 28 the board shall mail an application for renewal of 29 license to each practical nurse who holds a valid license, which application shall be mailed to the most recent address of the person as it appears on the records of the board. That person shall complete the renewal application and return it to the board with a renewal fee of \$10 before the anniversary of his

1 birth. Upon receipt of the application and fee, the
2 board shall verify the accuracy of the application
3 and issue to the applicant a certificate of renewal
4 of license for the year expiring on the anniversary
5 of the applicant's birth.

6 On or before May 1, 1984, the board shall mail an
7 application for renewal of license to each profes-
8 sional nurse who holds a valid license, which appli-
9 cation shall be mailed to the most recent address of
10 that person as it appears on the records of the
11 board. That person shall complete the renewal appli-
12 cation and return it to the board with a renewal fee
13 of \$15 before June 30, 1984. Upon receipt of the
14 application and fee, the board shall verify the accu-
15 racy of the application and issue to the applicant a
16 certificate of renewal of license for the period
17 beginning July 1, 1984, and expiring on the anniver-
18 sary of the applicant's birth after June 30, 1985.

19 Any practical nurse who allows his license to
20 lapse by failing to renew the license as provided,
21 may be reinstated by the board on satisfactory
22 explanation for failure to renew his license and on
23 payment of a reinstatement fee of \$5, in addition to
24 the renewal fee.

25 Any person practicing nursing as a licensed prac-
26 tical nurse during the time his license has lapsed
27 shall be considered an illegal practitioner and shall
28 be subject to the penalties provided for violations
29 of this chapter.

30 A person who is not engaged in practical nursing
31 in the State shall not be required to pay a renewal
32 fee as long as he does not practice, but shall notify
33 the board of his inactive status in writing prior to
34 the expiration date of his current license. Before
35 the resumption of practice as a licensed practical
36 nurse and transfer to active status, that person
37 shall be required to notify the board, complete a
38 renewal application and remit the current renewal
39 fee.

40 Sec. 15. 32 MRSA §2432, sub-§11, as enacted by
41 PL 1973, c. 788, §156, is amended to read:

1 11. Maintaining an unauthorized additional
2 office. If such person maintains more than one office
3 to practice optometry without the prior written
4 approval of the board; The board shall not authorize
5 more than one principal office and one additional
6 office;

7 Sec. 16. 32 MRSA §3263, first ¶, as amended by
8 PL 1975, c. 771, §§360 and 361, is repealed and the
9 following enacted in its place:

10 The Board of Registration in Medicine, as estab-
11 lished and in this chapter called the "board," shall
12 consist of 9 persons who are residents of this State,
13 appointed by the Governor. Two persons shall be
14 representatives of the public. Seven persons shall
15 be graduates of a legally chartered medical college
16 or university having authority to confer degrees in
17 medicine and shall have been actively engaged in the
18 practice of their profession in this State for a con-
19 tinuous period of 5 years preceding their appoint-
20 ments to the board. Three persons, qualified as
21 aforesaid, including at most one public representa-
22 tive, shall be appointed members of the board on or
23 before July 1st of every uneven-numbered year, each
24 to hold office for 6 years from July 1st following
25 his appointment. Any vacancy in the board shall be
26 filled by the appointment of a person, qualified as
27 was the member whose place he fills, to hold office
28 during the unexpired term of that member. Any member
29 of the board may be removed from office for cause by
30 the Governor.

31 Sec. 17. 32 MRSA §3282, sub-§5, ¶N, as enacted
32 by PL 1977, c. 388, §9, is amended to read:

33 N. Failure to report to the secretary of the
34 board treatment of a physician licensed under
35 this chapter for addiction to alcohol or drugs or
36 for mental illness in accordance with section
37 3286 Title 24, section 2505, except when the
38 impaired physician is or has been a patient of
39 the licensee;

40 Sec. 18. 32 MRSA §3601, as amended by PL 1979,
41 c. 61, §1-A, is further amended to read:

1 §3601. Appointment

2 The Examiners of Podiatrists, as ~~heretofore~~
3 appointed and in this chapter called the "examiners,"
4 shall be 2 members of the Board of Registration in
5 Medicine together with 2 podiatrists and a repre-
6 sentative of the public appointed by the Governor.
7 One of the examiners shall be chosen by a majority of
8 the examiners to act as chairman of the examiners for
9 a term of 2 years and the secretary-treasurer of the
10 Board of Registration in Medicine shall act as secre-
11 tary-treasurer of the examiners. The podiatrists
12 appointed by the Governor shall be appointed for a
13 term of 4 years from a ~~list~~ nominations submitted by
14 the Podiatry Association of Maine and by other orga-
15 nizations and individuals, except that the first
16 appointment of the new member shall be for a term of
17 2 years. The podiatrists selected shall at the time
18 of their appointment have been actively engaged in
19 the practice of podiatry for a period of at least 2
20 years. The representative of the public shall be
21 appointed for a term of 4 years.

22 Sec. 19. 32 MRSA c. 53 is repealed.

23 Sec. 20. 34 MRSA §1-B, sub-§4 is enacted to
24 read:

25 4. Inmate financial records. The Commissioner of
26 Corrections may provide information on inmate employ-
27 ment and earnings to other state agencies and the
28 Federal Government for the purposes of determining
29 inmate tax liability or child support obligations.

30 Sec. 21. 34 MRSA §262, sub-§2, as amended by PL
31 1977, c. 664, §§49 and 50, is repealed and the fol-
32 lowing enacted in its place:

33 2. Planning. The department shall carry out
34 planning for identifying, evaluating and meeting the
35 service needs for prevention of juvenile crime and
36 rehabilitation of juveniles adjudicated as having
37 committed juvenile crimes.

38 Sec. 22. 34 MRSA §263, as enacted by PL 1977, c.
39 520, §2, is repealed.

1 Sec. 23. 34 MRSA §1591, first ¶, as amended by
2 PL 1971, c. 528, §4, is further amended to read:

3 The Division of Probation and Parole within the
4 Bureau of Corrections of the Department of Mental
5 Health and Corrections shall be charged with the
6 administration of probation and parole services
7 within the State. The division shall consist of
8 field probation and parole officers, juvenile
9 caseworkers and of such other administrative employ-
10 ees as may be necessary in carrying out its func-
11 tions.

12 Sec. 24. 34 MRSA §1592, sub-§1, as repealed and
13 replaced by PL 1969, c. 319, §4, is amended to read:

14 1. Standards and policies. Establish and admin-
15 ister standards, policies and procedures for the
16 field probation and parole service, juvenile casework
17 and institutional parole officers;

18 Sec. 25. 34 MRSA §1592, sub-§4, as amended by PL
19 1971, c. 172, §5, is further amended to read:

20 4. Recommendations; districts. Make recommenda-
21 tions to the board in cases of violation of the con-
22 ditions of parole, issue warrants for the arrest of
23 parole violators; notify the superintendents of the
24 institutions of determinations made by the board. The
25 director shall divide the State into administrative
26 districts and shall staff such districts.

27 He shall provide instruction and training courses for
28 probation and parole officers and for juvenile
29 caseworkers. The director shall be the executive
30 officer and secretary of the board, and shall have
31 authority to sign documents, including warrants and
32 extradition papers for the board, when so instructed
33 by the board.

34 Sec. 26. 34 MRSA §1681, sub-§1, as enacted by PL
35 1977, c. 520, §3, is repealed and the following
36 enacted in its place:

37 1. Juvenile caseworkers. Juvenile caseworkers
38 shall be employees of the Department of Corrections.

1 Sec. 27. 34 MRSA §1682, as amended by PL 1977,
2 c. 664, §52, is repealed and the following enacted in
3 its place:

4 §1682. Juvenile caseworkers; powers and duties

5 1. Investigations. Juvenile caseworkers appointed
6 under this chapter shall make such investigations and
7 keep written records thereof as the Juvenile Court
8 may direct.

9 2. Activities and report of activities. Each
10 juvenile caseworker shall keep informed as to the
11 condition and conduct of each juvenile placed under
12 his supervision and shall report thereon to the court
13 and to the department as they may direct. Each juve-
14 nile caseworker shall use all suitable methods,
15 including counseling to aid each juvenile under his
16 supervision and shall perform such duties in connec-
17 tion with the care and custody of juveniles as the
18 court may direct. He shall keep complete records of
19 all work done.

20 3. Juvenile probation functions. Juvenile
21 caseworkers shall carry out the functions of juvenile
22 probation officer, including those delineated in the
23 Maine Juvenile Code, Title 15, Part 6.

24 4. Written statement of probation terms. When
25 any juvenile is placed on probation, the juvenile
26 caseworker shall give the juvenile a written state-
27 ment of the terms and conditions of his probation and
28 shall explain fully these terms and conditions to
29 him.

30 5. Change of residence. Before a juvenile who
31 is on probation may change his residence, he shall
32 obtain the permission of his caseworker.

33 A. When a juvenile caseworker learns that a
34 juvenile under his supervision has changed his
35 residence to another district, he shall immedi-
36 ately notify the court.

37 B. The court may then transfer the probation
38 records of the juvenile to the Juvenile Court of
39 the district to which the juvenile has moved,

1 together with a request that the court direct the
2 probation supervision of the juvenile. The Juve-
3 nile Court of the district to which the juvenile
4 has moved shall then place the juvenile under
5 probation supervision.

6 6. Arrest powers. Juvenile caseworkers shall
7 have the same powers to arrest juveniles on probation
8 under their supervision as do other sworn law
9 enforcement officers.

10 7. Intake functions. Juvenile caseworkers shall
11 carry out the functions of the intake worker delin-
12 eated in the Maine Juvenile Code, Title 15, Part 6.
13 Statements made by a juvenile to a juvenile case-
14 worker performing as an intake worker shall be inad-
15 missible as provided in Title 15, section 3204.

16 8. Maine Youth Center entrustment and after-
17 care. Juvenile caseworkers shall provide appropriate
18 services to juveniles committed to the Maine Youth
19 Center who are on leave or in the community on
20 entrustment. Juvenile caseworkers shall, when
21 directed, provide information to the Maine Youth Cen-
22 ter on juveniles committed to the center.

23 Sec. 28. 34 MRSA §2613, first ¶, as enacted by
24 PL 1977, c. 502, §4, is amended to read:

25 There shall be a Maine Committee on Problems of
26 the Mentally Retarded composed of 12 11 members, con-
27 sisting of one member from the House of Representa-
28 tives appointed by the Speaker of the House and, one
29 member from the Senate appointed by the President of
30 the Senate, the President of the Maine Association
31 for Retarded Citizens; and 9 representative citizens
32 appointed by the Governor, who shall designate a
33 chairman. Appointments shall be made for 3 years.
34 Members of the committee shall serve without pay, but
35 will be reimbursed for expenses on the same basis as
36 state employees. The terms of the members serving on
37 the effective date of this Part shall not terminate
38 or be modified as the result of this Part.

39 Sec. 29. 34 MRSA §2954 is enacted to read:

40 §2954. Board of visitors

1 There shall be established a Board of Visitors
2 for the Military and Naval Children's Home which
3 shall provide advice and direction to the Commis-
4 sioner of Mental Health and Mental Retardation con-
5 cerning the changes necessary to ensure maximum util-
6 ization of the facility.

7 1. Duties. This board shall be responsible for
8 assisting in the development of policy and program
9 changes regarding the use of the home; monitoring the
10 progress made toward the objectives outlined and pre-
11 sented during the home's current transition; and pro-
12 viding continuing oversight of the home, its programs
13 and policies.

14 2. Composition of the board. The board shall
15 consist of 9 members and shall include: The Associate
16 Commissioner of Programs of the Department of Mental
17 Health and Mental Retardation; a representative from
18 the Bath community; the Bath Elementary School prin-
19 cipal or a similar school official; a representative
20 from an alcohol treatment center; a social worker
21 assigned to the home; a designee of a veteran's orga-
22 nization; 2 citizens from outside the Bath area; and
23 one member appointed from the Department of Human
24 Services, Division of Child and Family Services.

25 The Commissioner of Mental Health and Mental Retarda-
26 tion with advice and consent of the joint standing
27 committee of the Legislature having jurisdiction over
28 audit and program review shall appoint the members of
29 the board, except that the Commissioner of Human Ser-
30 vices shall appoint the member from the Division of
31 Child and Family Services. Members shall be
32 appointed for terms not to exceed 3 years. Members'
33 terms shall be staggered so that no more than 3
34 expire in any one year.

35 3. Reports. By the first day of each January
36 and July in the years 1984 and 1985, the department
37 shall report to the joint standing committee of the
38 Legislature having jurisdiction over audit and pro-
39 gram review on its efforts to improve the operation
40 of the home. The committee shall work with the
41 department and board in ensuring that efficient use
42 is made of the home.

1 Sec. 30. 34 MRSA c. 255, as amended, is
2 repealed.

3 Sec. 31. 34 MRSA c. 257, as amended, is
4 repealed.

5 Sec. 32. 34 MRSA c. 259 is enacted to read:

6 CHAPTER 259

7 OFFICE OF CHILDREN'S SERVICES

8 §3101. Establishment and purpose

9 There is established within the Department of
10 Mental Health and Mental Retardation an Office of
11 Children's Services.

12 The Office of Children's Services shall assist in
13 the planning, coordination and development of mental
14 health services for children, ages 0-20 years. The
15 office shall work closely with the Bureau of Mental
16 Health and the Bureau of Mental Retardation to help
17 coordinate services to children who are mentally ill
18 or mentally retarded. The office may contract for
19 services with attention paid to ensuring that ser-
20 vices are provided in the least restrictive setting
21 appropriate to the child's needs, with emphasis on
22 maintaining each child in his natural home or in a
23 substitute care placement within the community when-
24 ever possible.

25 Sec. 33. P&SL 1975, c. 19, as amended by PL
26 1981, c. 456, §125, is repealed.

27 Sec. 34. Transition. The Division of Community
28 Services, as established by fiscal year 1976 Executive
29 Order No. 4, shall serve as the Division of Com-
30 munity Services, subject to the provisions of this
31 chapter.

32 All community action agencies existing as of the
33 effective date of this Act shall receive temporary
34 designation by the Division of Community Services.
35 Within one year, permanent designation will be
36 granted to all community action agencies meeting the
37 requirements of this Act.

1 Any community action agency existing as of the
2 effective date of this Act which does not receive
3 permanent designation shall have the right to appeal
4 that action to the Governor. Upon unsuccessful reso-
5 lution, the community action agency may seek judicial
6 review.

7 Any person who, on the effective date of this
8 Act, is an incumbent in the Division of Community
9 Services in a position not subject to the Personnel
10 Law, which position is made subject to the Personnel
11 Law by this Act, shall be considered appointed under
12 the Personnel Law to the position on the effective
13 date of this Act without having to satisfy any other
14 requirements.

15 Sec. 35. **Industries' program.** The Commissioner
16 of Corrections shall undertake a thorough review of
17 the industries' program at the Maine State Prison and
18 report his findings and recommendations for changes
19 to the joint standing committees of the Legislature
20 having jurisdiction over audit and program review and
21 health and institutional services no later than Sep-
22 tember 30, 1983. This review shall include an exami-
23 nation of the basic philosophy and purpose of the
24 program; and analysis of recent expenditures and
25 sales data; a review of costs which are not now
26 charged to the program; ways in which state purchases
27 can be increased; and possible diversification of the
28 program, including projected costs and sales for new
29 activities.

30 Sec. 36. **Dedicated accounts.** All dedicated ac-
31 counts maintained by the Department of Corrections
32 for receiving and disbursing funds for transporting
33 inmates in work-release programs shall be eliminated.
34 Any balances remaining in these accounts shall lapse
35 to the General Fund. The Department of Corrections
36 shall continue to charge an appropriate fee for
37 inmate transportation and these revenues shall be
38 deposited into the General Fund.

39 **PART B**

40 **Adjustments to General Fund.** In order to provide
41 for necessary adjustments of the General Fund to
42 implement the recommendations of the Joint Standing

1 Committee on Audit and Program Review, appropriations
2 are decreased by the amounts designated in the fol-
3 lowing tabulations.

	<u>DEPARTMENT OR AGENCY</u>	<u>APPROPRIATIONS</u>	<u>FROM GENERAL FUND</u>
		<u>1983-84</u>	<u>1984-85</u>
7	<u>CORRECTIONS, DEPARTMENT</u>		
8	<u>OF</u>		
9	Court Intake Workers		
10	Positions	(-26)	(-26)
11	Personal Services	\$ (317,617)	\$ (662,852)
12	All Other	(49,455)	(99,288)
13	Capital Expendi-		(2,240)
14	tures		
15			
16	Total	\$ (367,072)	\$ (764,380)
17	Provides for		
18	the transfer		
19	of funds for		
20	26 court		
21	intake posi-		
22	tions from		
23	court intake		
24	to the Divi-		
25	sion of Probaba-		
26	tion and		
27	Parole.		
28	Administration -		
29	Corrections		
30	All Other	\$ (3,000)	\$ (3,000)
31	Eliminates		
32	General Funds		
33	for the direct		
34	costs of pro-		
35	ducing the		
36	annual crime		
37	prevention		
38	report.		

1 Maine Youth Center

2	Positions	(-9)	(-9)
3	Personal Services	\$ (115,413)	\$ (224,835)
4	All Other	(21,535)	(40,240)
5			
6	Total	\$ (136,948)	\$ (265,075)

7 Of this amount
8 in fiscal year
9 1984, \$131,748
10 and in fiscal
11 year 1985,
12 \$259,347, pro-
13 vides for the
14 transfer of
15 the aftercare
16 program to the
17 Division of
18 Probation and
19 Parole. The
20 balance,
21 \$5,200 in All
22 Other for
23 fiscal year
24 1984 and
25 \$5,728 in
26 fiscal year
27 1985, is
28 deappropriated
29 to reflect
30 savings
31 resulting from
32 adoption of
33 payment sched-
34 ules for
35 inmate medical
36 care consist-
37 ent with the
38 state's allow-
39 ances for
40 health care
41 services in
42 the Maine Med-
43 ical Assis-

1 tance Manual,
2 chapter 3.

3 Maine Correctional
4 Center

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

6 General Funds
7 are
8 deappropriated
9 to reflect
10 savings
11 resulting from
12 adoption of
13 payment schedules
14 for inmate medical
15 care consistent with the
16 state's allowances for
17 health care services in
18 the Maine Medical
19 Assistance Manual,
20 chapter 3.

26 Central Maine
27 Pre-Release Center

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

29 General Funds
30 are
31 deappropriated
32 to reflect
33 savings
34 resulting from
35 adoption of
36 payment schedules
37 for inmate medical
38 care consistent with the
39 state's allow-

1 ances for
2 health care
3 services in
4 the Maine Med-
5 ical Assis-
6 tance Manual,
7 chapter 3.

8 Charleston Correc-
9 tional Center

10 All Other \$(1,300) \$(1,386)

11 General Funds
12 are
13 deappropriated
14 to reflect
15 savings
16 resulting from
17 adoption of
18 payment sched-
19 ules for
20 inmate medical
21 care consistent with the
22 state's allow-
23 ances for
24 health care
25 services in
26 the Maine Med-
27 ical Assis-
28 tance Manual,
29 chapter 3.

31 State Prison

32 All Other \$(48,200) \$(51,956)

33 General Funds
34 are
35 deappropriated
36 to reflect
37 savings
38 resulting from
39 adoption of
40 payment sched-
41 ules for

1 inmate medical
2 care consist-
3 ent with the
4 state's allow-
5 ances for
6 health care
7 services in
8 the Maine Med-
9 ical Assis-
10 tance Manual,
11 chapter 3.

12 MENTAL HEALTH AND
13 MENTAL RETARDATION,
14 DEPARTMENT OF

15 Fuel for insti-
16 tutions

17	All Other	\$ (525,713)	\$ (528,345)
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18 Provides for
19 the transfer
20 of General
21 Funds from the
22 Department of
23 Mental Health
24 and Mental
25 Retardation to
26 the Bureau of
27 Public
28 Improvements
29 to ensure that
30 the Augusta
31 Mental Health
32 Institute's
33 expenditures
34 do not reflect
35 the cost of
36 services to
37 other state
38 agencies.

39 TREASURY DEPARTMENT

40 Treasurer - Debt
41 Service

1 All Other \$(420,079) \$(--)

2 This decrease
3 in appropria-
4 tions for debt
5 services if
6 offset by a
7 transfer from
8 the bond
9 redemption ac-
10 count of
11 unused bond
12 funds author-
13 ized by Pri-
14 vate and Spe-
15 cial Law 1969,
16 chapter 179,
17 for school aid
18 and construc-
19 tion bonds
20 totaling
21 \$358,740.03
22 and as author-
23 ized by Pri-
24 vate and Spe-
25 cial Law 1971,
26 chapter 122,
27 for conversion
28 of the heating
29 system at the
30 Boys Training
31 Center total-
32 ing
33 \$61,338.97.

34 TOTAL PART B \$(1,530,012) \$(1,644,039)

35 PART C

36 **Adjustments to General Fund.** In order to provide
37 for necessary adjustments of the General Fund to
38 implement the recommendations of the Joint Standing
39 Committee on Audit and Program Review, appropriations
40 are increased by the amounts designated in the fol-
41 lowing tabulations.

1	<u>DEPARTMENT OR AGENCY</u>	<u>APPROPRIATIONS</u>
2		<u>FROM GENERAL FUND</u>
3		<u>1983-84</u>
4	<u>CORRECTIONS, DEPARTMENT</u>	<u>1984-85</u>
5	<u>OF</u>	
6	Probation and Parole	
7	Positions	(34) (34)
8	Personal Services	\$414,526 \$873,382
9	All Other	65,790 133,800
10	Capital Expendi-	5,021 2,240
11	tures	
12		_____
13	Total	\$485,337 \$1,009,422
14	Provides for the	
15	transfer of a	
16	total of 26	
17	court intake	
18	positions from	
19	court intake and	
20	8 aftercare	
21	workers from the	
22	Maine Youth Cen-	
23	ter to the Divi-	
24	sion of Proba-	
25	tion and Parole.	
26	Administration - Cor-	
27	rections	
28	Positions	(1) (1)
29	Personal Services	\$13,483 \$14,305
30	Provides for the	
31	transfer of	
32	clerical support	
33	from the Maine	
34	Youth Center for	
35	the Division of	
36	Probation and	
37	Parole.	

1 EXECUTIVE DEPARTMENT

2 Division of Community
3 Services

4 All Other \$12,000 \$12,000

5 Provides for
6 expense reim-
7 bursement for
8 the members of
9 the advisory
10 board to the
11 Division of Com-
12 munity Services.

13 FINANCE AND ADMINISTRA-
14 TION, DEPARTMENT OF

15 Public Improvements,
16 Bureau of

17 Building and
18 Grounds Operations

19 All Other \$525,713 \$528,345

20 Provides for the
21 transfer of Gen-
22 eral Funds from
23 the Department
24 of Mental Health
25 and Mental
26 Retardation to
27 the Bureau of
28 Public Improve-
29 ments to ensure
30 that the Augusta
31 Mental Health
32 Institute's
33 expenditures do
34 not reflect the
35 cost of services
36 to other state
37 agencies.

38 TOTAL PART C \$1,036,533 \$1,564,072

Emergency clause. This Act shall become effective on July 1, 1983, except that Part A, sections 5, 6 and 23 to 27 and those sections in Parts B and C which relate to the transfer of aftercare and court intake workers to the Division of Probation and Parole shall become effective on January 1, 1984.

STATEMENT OF FACT

This bill implements the recommendations of the Joint Standing Committee on Audit and Program Review in accordance with the Maine Sunset Law. Part A makes statutory amendments to repeal, modify or leave intact the programs reviewed. Parts B and C make adjustments to General Fund appropriations.

14 Section 1 continues state agencies scheduled for
15 termination on June 30, 1983, under the provisions of
16 the Maine Sunset Law.

17 Section 2 requires that money from bond issues
18 passed by the Legislature that has not been spent 10
19 years after the sale of the bonds will lapse to Gen-
20 eral Fund debt service.

21 Section 3 defines in the statutes the objectives
22 and programs of the Division of Community Services
23 and creates an advisory board representing community
24 action agencies.

25 Sections 4 to 6 provide for the consolidation of
26 community correction services for youth into one
27 unit.

28 Section 7 allows a person alleged to be incapacitated, in a proceeding for appointment of a guardian under the Probate Code, to be examined by a licensed psychologist in lieu of a physician.

32 Sections 8 and 9 reorganize the Governor's Com-
33 mittee on Employment of the Handicapped and revise
34 its responsibilities.

35 Section 10 requires an applicant for a license to
36 practice chiropractic to be a graduate of a chiro-
37 practic college accredited by an approved accrediting
38 agency.

1 Section 11 allows the Governor to accept nominations
2 for membership on the Board of Dental Examiners
3 from the Maine Dental Association and other sources.

4 Section 12 changes the procedure for nominating
5 nurses for membership on the State Board of Nursing.

6 Sections 13 and 14 provide that nursing licenses
7 will be renewed on the licensees' birthdays.

8 Section 15 removes the limit on the number of
9 branch offices the Board of Optometry may authorize
10 an optometrist to operate.

11 Section 16 enlarges the Board of Registration in
12 Medicine by adding one public member and one physician.
13

14 Section 17 deletes a reference to a physician's
15 duty to report a colleague whom he is treating for
16 alcohol or drug abuse.

17 Section 18 allows the Governor to accept nominations
18 to the Examiners of Podiatrists from the Maine
19 Podiatry Association and from other sources.

20 Section 19 repeals statutes on the practice of
21 healing arts and science.

22 Section 20 allows the Commissioner of Corrections
23 to provide information on inmate earnings to other
24 state and federal agencies for the purpose of determining
25 inmate tax or child support obligations.

26 Sections 21 and 22 relieve the Department of Corrections
27 of the obligation to publish an annual report on the juvenile justice system.
28

29 Sections 23 to 27 provide for the consolidation
30 of community correction services for youth into one
31 unit.

32 Section 28 deletes a reference to the Maine Association
33 of Retarded Citizens.

34 Section 29 establishes a Board of Visitors for
35 the Military and Naval Children's Home and requires

1 the Department of Mental Health and Mental Retarda-
2 tion to report on the home.

3 Section 30 repeals the statutes establishing
4 state tuberculosis sanatoriums.

5 Section 31 repeals the statutes authorizing the
6 Commissioner of Mental Health and Mental Retardation
7 to establish a residential facility for children at
8 the former site of the Stevens School.

9 Section 32 establishes the Office of Children's
10 Services within the Department of Mental Health and
11 Mental Retardation.

12 Section 33 repeals legislation incorporated
13 instead into the reorganized statutes for the
14 Governor's Committee on Employment of the Handi-
15 capped.

16 Section 34 contains transition language for the
17 Division of Community Services.

18 Section 35 orders the Commissioner of Corrections
19 to review the prison industries' program and report
20 his findings to the Legislature.

21 Section 36 eliminates dedicated accounts for
22 transporting inmates in work-release programs.

23 This bill makes changes in appropriations and
24 revenues affecting the Department of Corrections, the
25 Department of Mental Health and Mental Retardation
26 and the Division of Community Services. The net ad-
27 justment to General Fund appropriations in Parts B
28 and C for fiscal year 1984 is a reduction of \$496,479
29 and for fiscal year 1985, \$82,967.

30

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