

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2602

H.P. 1905 House of Representatives, March 31, 1988
Reported by Representative ROLDE from the Committee on
Audit and Program Review, pursuant to the Maine Revised
Statutes Annotated, Title 3, chapter 23.

Reference to the Joint Standing Committee on Audit and
Program Review suggested and printing ordered under Joint Rule
18.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

1 AN ACT Relating to Periodic
2 Justification of Departments, Agencies and
3 Programs of State Government under the Maine
4 Sunset Laws.
5

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

9 Whereas, the 90-day period may not terminate until

1 after the beginning of the next fiscal year; and

2 Whereas, certain obligations and expenses incident
3 to the operation of departments and agencies will
4 become due and payable on or immediately after July 1,
5 1988; and

6 Whereas, certain independent agencies will
7 terminate unless continued by the Legislature, prior
8 to June 30, 1988; and

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

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

17 Sec. 1. 3 MRSA §507, sub-§8-A, ¶B, as amended
18 by PL 1987, c. 395, Pt. A, §4, is further amended to
19 read:

20 B. The evaluations and analyses of the
21 justification reports for the programs of the
22 following Group E-2 independent agencies shall be
23 reviewed by the Legislature no later than June 30,
24 1988:

25 (1) Board of Trustees of the University of
26 Maine;

27 (2) Board of Trustees of the Maine Maritime
28 Academy;

29 (3) State Government Internship Advisory
30 Committee;

31 (6) Electricians' Examining Board;

32 (7) Arborist Examining Board;

33 (8) Maine Occupational Information

- 1 Coordinating Committee;
- 2 (9) Bryant Pond Maine Conservation
3 School;
- 4 (10) Advisory Committee on Maine Public
5 Broadcasting;
- 6 (11) Board of Examiners of Psychologists;
- 7 (12) Board of Commissioners of the
8 Profession of Pharmacy;
- 9 (13) Alcohol and Drug Abuse Planning
10 Committee; and
- 11 (14) State Board of Social Worker Licensure.

12 Sec. 2. 3 MRSA §507, sub-§10, ¶A, as repealed
13 and replaced by PL 1987, c. 395, Pt. A, §7, is amended
14 to read:

15 A. Unless continued or modified by law, the
16 following Group E-1, independent agencies shall
17 terminate, not including the grace period, no
18 later than June 30, 1989:

- 19 (1) Board of Trustees, Group Accident and
20 Sickness or Health Insurance;
- 21 (2) Maine Labor Relations Board;
- 22 (3) State Civil Service Appeals Board;
- 23 (4) Educational Leave Advisory Board;
- 24 (5) Workers' Compensation Commission; and
- 25 (6) Board of Accountancy; and
- 26 (7) State Board of Social Worker Licensure.

27 Sec. 3. 3 MRSA §507-B, sub-§11 is enacted to
28 read:

1 11. Agencies scheduled for termination on June
2 30, 1988; continued. Pursuant to section 507,
3 subsection 8-A, paragraph B, the following agencies
4 scheduled for termination on June 30, 1988, are
5 continued:

6 A. Board of Trustees of the University of Maine;

7 B. Board of Trustees of the Maine Maritime
8 Academy;

9 C. State Government Internship Advisory Committee;

10 D. Electricians' Examining Board;

11 E. Arborist Examining Board;

12 F. Maine Occupational Information Coordinating
13 Committee;

14 G. Maine Conservation School;

15 H. Board of Examiners of Psychologists;

16 I. Board of Commissioners of the Profession of
17 Pharmacy; and

18 J. Alcohol and Drug Abuse Planning Committee.

19 Sec. 4. 4 MRSA §801-B, as enacted by PL 1977,
20 c. 604, §1, is amended to read:

21 §801-B. Budget

22 The board shall submit to the Chief Justice of the
23 Supreme Judicial Court its budgetary requirements in
24 the same manner as provided in Title 5, section
25 1665, and the Chief Justice shall in turn transmit
26 these requirements to the Bureau of the Budget.

27 Sec. 5. 5 MRSA §18 sub-§1 ¶B, as amended by PL
28 1985, c. 779, §7, is further amended to read:

29 B. "Executive employee" means the constitutional
30 officers, the State Auditor and compensated

1 members of the classified or unclassified service
2 employed by the Executive Branch, but it shall not
3 include:

- 4 (1) The Governor;
- 5 (2) Employees of and members serving with
6 the National Guard;
- 7 (3) Employees of the University of Maine
8 System, the Maine Maritime Academy and State
9 vocational-technical institutes; and
- 10 (4) Employees who are employees solely by
11 their appointment to an advisory body; and
- 12 (5) The executive director of the school
13 designated by the Legislature as the Maine
14 Conservation School.

15 Sec. 6. 5 MRSA §285, sub-§1, ¶F-1, as enacted
16 by PL 1985, c. 695, §5, is amended to read:

17 F-1. Any employee of the Maine
18 Vocational-Technical Institute System; and

19 Sec. 7. 5 MRSA §285, sub-§1, ¶F-2 is enacted to
20 read:

21 F-2. Any employee of the Maine Maritime Academy;
22 and

23 Sec. 8. 5 MRSA §294, first ¶, as amended by PL
24 1985, c. 779, §11, is further amended to read:

25 The State Government Internship Program shall be
26 administered by the Bureau of Public Administration,
27 University of Maine System, whose with the advice
28 of the State Government Internship Program Advisory
29 Committee. The bureau's duties shall include the
30 following.

31 Sec. 9. 5 MRSA §294, sub-§§1, 4 and 5, as
32 enacted by PL 1967, c. 493, are amended to read:

1 1. General supervision. The bureau shall
2 exercise general supervision over the operation of the
3 program and with the advice of the internship
4 committee shall develop and put into effect
5 administrative guidelines for interns and state
6 government personnel; formulate policies and establish
7 and administer operational procedures.

8 4. Selection. Applications of interested
9 students received by the bureau shall be processed in
10 accordance with procedures to be established by the
11 bureau ~~with the advice of the internship committee.~~

12 5. Placement. With the advice of the
13 internship committee the The bureau shall place
14 students with participating agencies of State
15 Government.

16 Sec. 10. 5 MRSA §1664, 4th ¶, as amended by PL
17 1983, c. 526, §1, is further amended to read:

18 Part 3 shall embrace complete drafts or summaries
19 of the budget bills, the legislative measures required
20 to give legal sanction to the financial plan when
21 adopted by the Legislature. These bills shall include
22 General Fund appropriation bills and allocation bills
23 for the following: Highway Fund, Inland Fisheries and
24 Wildlife Fund, Federal Revenue Sharing Fund, Coastal
25 Protection Fund, Maine Nuclear Emergency Planning
26 Fund, Maine Endangered and Nongame Wildlife Fund,
27 Alcoholism Prevention, Education, Treatment and
28 Research Fund and for the administrative expenses of
29 the Bureau of Alcoholic Beverages and the State Liquor
30 Commission, authorizing expenditures for each fiscal
31 year of the ensuing biennium and such other bills as
32 may be required to provide the income necessary to
33 finance the budget.

34 Sec. 11. 5 MRSA §1666, as amended by PL 1981,
35 c. 316, Pt. G, is further amended to read:

36 §1666. Review and revision of estimates

37 The Governor-elect or the Governor, with the
38 assistance of the State Budget Officer, shall review

1 the budget estimates, altering, revising, increasing
2 or decreasing the items of said the estimates as
3 may be deemed necessary in view of the needs of the
4 various departments and agencies and the total
5 anticipated income of the State Government during the
6 ensuing biennium. Such review shall cover all budgets
7 regardless of source of funds, including, but not
8 limited to, budgets related to the Highway Fund, the
9 Alcoholism Prevention, Education, Treatment and
10 Research Fund, the Federal Revenue Sharing Fund, and
11 other special revenue funds. The State Budget
12 Officer, at the direction of the Governor-elect or the
13 Governor shall then prepare a state budget document in
14 the form required by law. The Governor-elect or the
15 Governor shall be fully responsible for all budgetary
16 recommendations made to the Legislature. The Governor
17 shall transmit the budget document to the Legislature
18 not later than the Friday following the first Monday
19 in January of the first regular legislative session.
20 A Governor-elect to his first term of office shall
21 transmit the budget document to the Legislature not
22 later than the Friday following the first Monday in
23 February of the first regular legislative session.

24 Sec. 12. 20-A MRSA c. 9, sub-c. I, as amended,
25 is repealed.

26 Sec. 13. 20-A MRSA c. 325 is enacted to read:

27 CHAPTER 325

28 CONSERVATION AND ENVIRONMENTAL EDUCATION

29 §9511. Maine Conservation School

30 1. Definition. As used in this chapter, unless
31 the context otherwise indicates, the following terms
32 have the following meanings.

33 A. "Maine Conservation School" means the school
34 which is designated by the Legislature to be the
35 Maine Conservation School.

36 2. Executive director. Notwithstanding

1 subsection 3, the board of directors of the Maine
2 Conservation School shall appoint, assign
3 responsibilities to, evaluate performance of and
4 remove for cause an executive director who shall serve
5 at the pleasure of the board and who shall not be an
6 employee of the State.

7 3. Transition clause. The present position of
8 Education Specialist II; in the Department of
9 Educational and Cultural Services, which serves as
10 Executive Director of the Maine Conservation School
11 shall be transferred to the Maine Conservation School
12 and the incumbent shall, notwithstanding section 1,
13 continue to be an employee of the State, but shall
14 serve at the pleasure of the board and not be subject
15 to the Civil Service Law.

16 When the individual presently holding this position
17 terminates employment, this state position shall be
18 abolished.

19 4. Funding. The Board of Directors of the Maine
20 Conservation School shall request funding for each
21 year of the biennium from the department in an amount
22 sufficient to pay the salary, fringe benefits and
23 support services presently being provided by that
24 department. The department shall include in its
25 future Part I budget request, as a separate line item,
26 enough funds to implement the intent of this chapter.
27 Any funds appropriated by the Legislature for the
28 purpose of this chapter shall be paid to the Maine
29 Conservation School in the form of a grant.

30 Sec. 14. 20-A MRSa §10906, sub-§1, ¶C, as
31 enacted by PL 1981, c. 693, §§5, 8, is amended to read:

32 C. Have no authority to contract debts and
33 obligations or borrow money except:

34 (1) Loans in anticipation of assured
35 revenues when approved by vote of the
36 trustees; and

37 (2) Other loans when directed by vote of the
38 trustees and duly and properly authorized by

1 the Governor.

2 All such loans shall be effected in accordance
3 with the provisions of chapter 412.

4 Sec. 15. 20-A MRSa c. 412 is enacted to read:

5 CHAPTER 412

6 TAX EXEMPT BORROWING AUTHORITY FOR THE

7 UNIVERSITY OF MAINE SYSTEM

8 §10950. Legislative findings of fact

9 The purpose of this chapter is to promote the
10 welfare and prosperity of the people of the State and
11 the continuation and improvement of their educational
12 opportunities through enabling the University of Maine
13 System to borrow money and enter into financing
14 transactions in its own name, on behalf of the State,
15 to provide money for the financing of acquisition,
16 construction, reconstruction, improvement and
17 equipping of facilities, structures and related
18 systems in furtherance of the purposes of the
19 University of Maine System, all to the public benefit
20 and good, and the exercise of the powers, to the
21 extent and manner provided in this chapter, is
22 declared to be for a public purpose and to be the
23 exercise of an essential governmental function.

24 §10951. Definitions

25 As used in this chapter, unless the context
26 otherwise indicates, the following terms have the
27 following meanings.

28 1. Assured revenues. "Assured revenues," as used
29 in this chapter and in chapter 411, means revenues to
30 be received from grants, subsidies, contracts, leases
31 or other; agreements made by or with the Federal
32 Government, the State or any political subdivision,
33 agency or instrumentality of the Federal Government or
34 the State, or others; or revenues to be received from
35 existing projects, from projects under construction or

1 from projects for which the university has entered
2 into a binding commitment for the acquisition,
3 construction or accomplishment of the project,
4 anticipated by the trustees to produce annual revenues
5 in an amount not less than the anticipated annual cost
6 of operation, maintenance and repair of such project,
7 including aggregate annual debt service payments on
8 any financing for the project, during the term of any
9 financing effected under this chapter for the project,
10 as determined by the trustees.

11 2. Cost. "Cost" as applied to a project or any
12 portion of the project, includes, but is not limited
13 to: The purchase price or acquisition cost of any
14 such project; the cost of construction, building,
15 alteration, enlargement, reconstruction, renovation,
16 improvement, equipping and remodeling; the cost of all
17 labor, materials, building systems, machinery and
18 equipment; the cost of all lands, structures, real or
19 personal property, rights, easements and franchises
20 acquired; the cost of all utility extensions, access
21 roads, site development, financing charges, premium
22 for insurance, interest prior to and during
23 construction and for 6 months thereafter; the cost of
24 working capital related to the project; the cost of
25 plans and specifications, surveys and estimates of
26 cost and of revenues; the cost of engineering,
27 feasibility studies, legal and other professional
28 services; the cost of reserves for payment of future
29 debt service related to the financing transaction and
30 for improvements; the cost of all other expenses
31 necessary or incident to determining the feasibility
32 or practicability of such construction; and
33 administrative and operating expenses and such other
34 expenses as may be necessary or incident to the
35 financing authorized.

36 3. Evidences of indebtedness. "Evidences of
37 indebtedness" means any notes, bonds or other
38 evidences of indebtedness issued pursuant to this
39 chapter.

40 4. Financing documents. "Financing documents"
41 means any evidences of indebtedness, loan agreements,
42 credit agreements, financing leases, lease-purchase

1 agreements, trust agreements, indentures, resolutions,
2 mortgages, security agreements, pledge agreements or
3 other contracts, agreements or documents executed and
4 delivered by the university in connection with a
5 financing transaction under this chapter.

6 5. Financing lease or lease-purchase agreement.
7 "Financing lease" or "lease-purchase agreement" means
8 a lease for a project or any portion of a project or
9 machinery and equipment related to a project, which
10 constitutes a conditional sale in which the interest
11 paid by the university is not includable in gross
12 income for federal income tax purposes.

13 6. Financing transaction. "Financing
14 transaction" means the borrowing of money, including
15 borrowing through a financing lease, by the university
16 on behalf of the State pursuant to this chapter.

17 7. Project. "Project" means any structure
18 designed for use as a dormitory or other housing
19 facility, dining facility, student union, academic
20 building, administrative facility, library, classroom
21 building, research facility, faculty facility, office
22 facility, athletic facility, health care facility,
23 laboratory, maintenance, storage or utility facility
24 or other building or structure essential, necessary or
25 useful for instruction in a program of education
26 provided by the university; or any multipurpose
27 structure designed to combine 2 or more of the
28 functions performed by the types of structures
29 enumerated in this paragraph, including, without
30 limitation, improvements, reconstruction, additions
31 and equipment acquired in connection with the project
32 or in connection with operation of any such currently
33 existing facilities. "Project" includes all real and
34 personal property, lands, improvements, driveways,
35 roads, approaches, pedestrian access roads, parking
36 lots, parking facilities, rights-of-way, utilities,
37 easements and other interests in land, machinery and
38 equipment, and all appurtenances and facilities either
39 on, above or under the ground which are used or usable
40 in connection with any of the structures mentioned in
41 this subsection. "Project" also includes landscaping,
42 site preparation, furniture, machinery, equipment and

1 other similar items necessary or convenient for the
2 operation of a particular facility or structure in the
3 manner for which its use is intended, but does not
4 include such items as books, fuel, supplies or other
5 items which are customarily considered as a current
6 operating charge.

7 8. State. "State" means the State of Maine.

8 9. University. "University" means the body
9 politic and corporate, established by Private and
10 Special Law 1865, chapter 532, under the name of the
11 "Trustees of the State College of Agriculture and
12 Mechanic Arts," its name having been changed to the
13 "University of Maine" by Private and Special Law 1897,
14 chapter 551, and which is an instrumentality and
15 agency of the State for the purpose for which it was
16 established and for which it has been managed and
17 maintained under Private and Special Law 1865, chapter
18 532, and supplementary legislation relating thereto,
19 including section 10903; Private and Special Law 1967,
20 chapter 229; Private and Special Law 1969, chapter
21 238; and Public Law 1985, chapter 779.

22 §10952. Powers

23 In order to carry out the purposes of this
24 chapter, the university shall have the following
25 powers, which shall be in addition to any other powers
26 that the university may have pursuant to laws of the
27 State:

28 1. Body politic and corporate. To have perpetual
29 succession as a body politic and corporate and an
30 instrumentality and agency of the State;

31 2. Sue and be sued. To sue and be sued in its
32 own name;

33 3. Official seal. To adopt and have an official
34 seal and alter it at pleasure;

35 4. Project ownership. To acquire, construct,
36 reconstruct, improve, equip, own, operate and
37 maintain any project or projects, or any combination
38 of project;

1 5. Acquisition of property. To acquire by
2 purchase, contract, lease, long-term lease or gift,
3 and hold or dispose of, real or personal property or
4 rights or interests in any such property;

5 6. Grants; subsidies; loans. To accept grants,
6 subsidies or loans of money from the Federal
7 Government or a federal agency or instrumentality, or
8 others, upon such terms and conditions as may be
9 imposed, and to pledge the proceeds of grants,
10 subsidies or loans of money received or to be received
11 from the Federal Government or any federal agency or
12 instrumentality, or others, pursuant to agreements
13 entered into between the university and the Federal
14 Government or any federal agency or instrumentality,
15 or others;

16 7. Borrow money. To borrow money pursuant to
17 this chapter and issue evidences of indebtedness to
18 finance the acquisition, construction, reconstruction,
19 improvement or equipping of any one project, or more
20 than one, or any combination of projects, or to refund
21 evidences of indebtedness hereafter issued to finance
22 any project or projects, or to refund any such
23 refunding evidences of indebtedness or for any one, or
24 more than one, or all of those purposes, or any
25 combination of those purposes, and to provide for the
26 security and payment of those evidences of
27 indebtedness and for the rights of the holders of them;

28 8. Execute contracts. To make, enter into,
29 execute, deliver and amend any and all contracts,
30 agreements, leases, instruments and documents and
31 perform all acts and do all things necessary or
32 convenient to acquire, construct, reconstruct,
33 improve, equip, finance, maintain and operate projects
34 and to carry out the powers granted to this chapter,
35 or reasonably implied from those powers; and

36 9. Maintain treasury. To retain in its treasury:

37 A. All money received from the sale of all
38 evidences of indebtedness issued under this

1 chapter;

2 B. All fees, tuitions, rentals and other charges
3 from students, faculty, staff members and others
4 using or being served by, or having the right to
5 use or the right to be served by, or to operate,
6 any project;

7 C. All fees for student activities, student
8 services and all other fees, tuitions and charges
9 collected from students matriculated, registered
10 or otherwise enrolled at and attending the
11 university, pledged under the terms of any
12 resolution authorizing financing transactions
13 pursuant to this chapter; and

14 D. All rentals from any facility or building
15 leased to the Federal Government;

16 Any and all powers granted to the university under
17 this chapter may be exercised by majority vote of the
18 trustees and may be delegated to any officer, official
19 or trustee of the university by majority vote of the
20 trustees.

21 §10953. Assured revenues financing transactions

22 In furtherance of the provisions of section 10906,
23 subsection 1, paragraph C, subparagraph (1), the
24 university may, when directed by vote of the trustees,
25 borrow money and enter into financing transactions in
26 anticipation of assured revenues in the name of the
27 university, on behalf of the State, and issue
28 evidences of indebtedness in connection with such
29 financing transactions:

30 1. Cost of project. To finance the cost of any
31 one project, or more than one, or any combination of
32 projects;

33 2. Finance temporary deficit. To finance any
34 temporary cash flow deficit or temporary operating
35 deficit that the trustees anticipate will be fully
36 paid with the proceeds of assured revenues dedicated
37 to that purpose.

1 3. Refund evidences of indebtedness. To refund
2 evidences of indebtedness issued pursuant to this
3 chapter; or

4 4. Refund refunding borrowings. To refund any
5 such refunding borrowings.

6 All evidences of indebtedness issued in connection
7 with assured revenues financing transactions entered
8 into pursuant to this section shall be authorized by
9 majority vote of the trustees.

10 §10954. Other financing transactions

11 In furtherance of the provisions of section 10906,
12 subsection 1, paragraph C, subparagraph (1), the
13 university may, when directed by vote of the trustees
14 and duly and properly authorized by the Governor,
15 borrow money and enter into financing transactions in
16 the name of the university, on behalf of the State,
17 and issue evidences of indebtedness in connection with
18 such financing transactions:

19 1. Finance. To finance the cost of any one
20 project, or more than one, or any combination of
21 projects;

22 2. Refund evidences of indebtedness. To refund
23 evidences of indebtedness issued and to finance the
24 cost of any project or projects as provided in this
25 chapter; or

26 3. Refund refunding borrowings. To refund any
27 such refunding borrowings.

28 All evidences of indebtedness issued in connection
29 with financing transactions entered into pursuant to
30 this section shall be authorized by majority vote of
31 the trustees and approved by the Governor upon
32 submission by the trustees of the vote so passed.

33 §10955. Terms of financing transactions

34 1. Form; terms; manner of sale. All evidences of

1 indebtedness issued in connection with the financing
2 transactions entered into pursuant to this chapter may
3 be in one or more series; bear such date or dates; be
4 in such denomination or denominations; mature at such
5 time or times not exceeding 40 years from the
6 respective dates of maturity; mature in such amount or
7 amounts; bear interest at such rate or rates,
8 including variable, floating or adjustable rates; be
9 payable at such time or times and be in such form,
10 either coupon or registered as to principal only or as
11 to both principal and interest; carry such
12 registration privileges, including the conversion of a
13 fully registered bond to a coupon bond or bonds and
14 the conversion of a coupon bond to a fully registered
15 bond and be executed in such manner; be made payable
16 in such medium of payment, at such place or places
17 within or without the State; be subject to such terms
18 of redemption prior to their expressed maturity, with
19 or without the State; and be subject to such terms of
20 redemption prior to their expressed maturity, with or
21 without premium, all as such votes may provide. All
22 evidences of indebtedness issued under this chapter
23 shall be sold at public or private sale in the manner
24 and under such circumstances, terms and conditions as
25 the trustees shall determine. The vote shall provide
26 that the treasurer, or such other officer or official
27 of the university as may be specified in the vote of
28 the trustees, shall sign manually all evidences of
29 indebtedness and other financing documents associated
30 with a financing transaction and that such evidences
31 of indebtedness and other financing documents shall be
32 countersigned by any officer or official specified in
33 the vote of the trustees, and such countersignature
34 may be printed, lithographed, engraved or otherwise
35 reproduced. All such evidences of indebtedness shall
36 be deemed to be negotiable instruments under the
37 Uniform Commercial Code, Title 11, Article 8.

38 2. Presumption of lawful authorization. After
39 issuance, all evidences of indebtedness of the
40 university shall be conclusively presumed to be fully
41 and duly authorized and issued under the laws of the
42 State, and any person or governmental unit shall be
43 stopped from questioning their authorization, sale,

1 issuance, execution or delivery by the university.

2 3. Voting power. The power to fix the date of
3 sale or issuance of any evidences of indebtedness,
4 receive bids or proposals, award and sell any
5 evidences of indebtedness to set the terms and
6 provisions of any evidences of indebtedness and take
7 all other action necessary to borrow money under this
8 chapter and sell and deliver any evidences of
9 indebtedness in connection with this chapter may be
10 delegated to any officer, official or trustee of the
11 university by a majority vote of the trustees.

12 4. No state debt. Money borrowed pursuant to
13 this chapter and evidences of indebtedness issued in
14 connection with this chapter shall not constitute any
15 debt or liability of the State or of any municipality
16 or any political subdivision of the State, but shall
17 be payable solely from the revenues of the university
18 or any project for which they are issued, and all such
19 evidences of indebtedness shall contain on their face
20 a statement to that effect. The borrowing of money
21 pursuant to this chapter and the issuance of evidence
22 of indebtedness under this chapter shall not directly
23 or indirectly or contingently obligate the State or
24 any municipality or political subdivision to levy or
25 to pledge any form of taxation or to make any
26 appropriation for their payment and such evidences of
27 indebtedness shall not constitute an indebtedness
28 within the meaning of any constitutional or statutory
29 debt limitation or restriction.

30 §10956. Security for indebtedness; trust agreement

31 To secure the payment of any indebtedness
32 established or issued pursuant to this chapter, the
33 university may mortgage any project or any part of the
34 project and create a lien upon any or all of the
35 revenues of any project or projects or upon any or all
36 of the real or personal property constituting a part
37 of any project or projects or upon any interests the
38 university may hold in connection with a project or
39 projects. Any trust agreement, financing document or
40 resolution may contain such other provisions as the
41 university determines reasonable and proper for the

1 security of the holders of evidences of indebtedness.

2 A trust agreement or financing document containing
3 a mortgage in respect of a project or projects or any
4 part of a project, may authorize the trustee or
5 mortgagee, as the case may be, in the event of a
6 default as defined in respect to the evidences of
7 indebtedness issued to provide for the costs of such
8 project or projects or any part of a project, to take
9 possession of all or any part of the mortgaged
10 property constituting the project or projects or any
11 part of a project, to hold, operate and manage the
12 property and, with or without such taking of
13 possession, to sell or from time to time to lease the
14 property. Remedies provided under this chapter are
15 not exclusive and these remedies shall be in addition
16 to every other remedy existing at law, in equity.
17 Upon satisfaction at any time of the obligations
18 secured by the mortgage in respect of a project,
19 projects or any part of a project, which shall be
20 deemed to include all applicable fees and expenses,
21 any surplus proceeds from such operation, sale or
22 lease of such project or projects or any part of a
23 project shall be paid to the mortgagor of a project,
24 projects or any part of a project or to those claiming
25 under the mortgagor, and subject to any sale or lease
26 under this paragraph, the mortgaged property in
27 respect of the project shall revert or be returned to
28 the mortgagor or to those claiming under the mortgagor.

29 In the discretion of the university, any evidences
30 of indebtedness issued under this chapter may be
31 secured by a trust agreement by and between the
32 university and a corporate trustee, which may be any
33 trust company or bank having the powers of a trust
34 company within or without the State. Such a trust
35 agreement or the resolution providing for the issuance
36 of such evidences of indebtedness may pledge or assign
37 all or any portion of the revenues of any project or
38 projects or any other assets of a project or projects
39 and may contain such provisions for protecting and
40 enforcing the rights and remedies of the holders of
41 evidences of indebtedness as may be reasonable and
42 proper and not in violation of law. The provisions
43 may include covenants setting forth the duties of the

1 university in relation to the acquisition of property
2 and the construction, reconstruction, renewal,
3 replacement and insurance of any project in connection
4 with which such evidences of indebtedness shall have
5 been authorized, the fees, tuition, charges, or rents
6 to be charged or other payments to be made for the use
7 of the property or payment for the property, and the
8 custody, safeguarding and application of all money.
9 Any such trust agreement may set forth the rights and
10 remedies of the holders of evidences of indebtedness
11 and of the trustee, and may restrict the individual
12 right of action by holders of evidences of
13 indebtedness.

14 All expenses incurred in carrying out the trust
15 agreement, financing document or resolution may be
16 treated as a part of the cost of the operation of a
17 project. All pledges of revenues under this chapter
18 shall be valid and binding from the time when the
19 pledge is made. All such revenues so pledged and
20 received by the university shall immediately be
21 subject to the lien of the pledges without any
22 physical delivery of them or further action under the
23 Uniform Commercial Code, Title 11, or otherwise. The
24 lien of those pledges shall be valid and binding as
25 against all parties having claims of any kind in tort,
26 contract or otherwise against the university
27 irrespective of whether the parties have notice of the
28 liens, and the liens shall automatically, without
29 further action, be perfected and have the same status
30 as a security interest perfected under the Uniform
31 Commerical Code, Title 11, Article 9.

32 §10957. Trust funds

33 All money received pursuant to the authority of
34 this chapter shall be deemed to be trust funds, to be
35 held and applied solely as provided in this chapter
36 and in the resolution of the trustees authorizing the
37 financing transaction. Any officer to whom, or any
38 bank, trust company or other fiscal agent or trustee
39 to which that money shall be paid shall act as trustee
40 of that money and shall hold and apply the money for
41 that purpose, subject to such regulations as this
42 chapter and the resolution or trust agreement may

1 provide.

2 §10958. Remedies

3 Any holder of evidences of indebtedness issued
4 under this chapter or of any of the coupons
5 appertaining to this chapter, and the trustee under
6 any resolution or trust agreement, except to the
7 extent the rights given may be restricted by the
8 resolution authorizing the issuance of evidences of
9 indebtedness or a trust agreement or applicable
10 financing document, may, by action, mandamus or other
11 proceeding, protect and enforce any and all rights
12 under the laws of the State or granted under this
13 chapter or under the resolution, financing documents
14 or trust agreement, including the appointment of a
15 receiver of pledged amounts or a project, and may
16 enforce and compel the performance of all duties
17 required by this chapter or by the resolution,
18 financing document or trust agreement to be performed
19 by the university, including the collecting of rates,
20 rents, fees and charges for the use of any or all of
21 its facilities or projects. Any such suit, action or
22 proceeding shall be brought for the benefit of all the
23 holders of evidences of indebtedness and coupons.

24 §10959. Refunding indebtedness

25 Pursuant to sections 10953 to 10955, the
26 university may enter into financing transactions and
27 issue evidences of indebtedness for the purpose of
28 refinancing obligations or evidences of indebtedness
29 issued under this chapter, including the payment of
30 any redemption premium on the evidences of
31 indebtedness and any interest accrued or to accrue to
32 the date of redemption of those obligations, and if
33 deemed advisable by the university for the additional
34 purpose of construction or enabling the construction
35 of improvements, extensions, enlargements or additions
36 of the project or projects in connection with which
37 the obligations to be refunded shall have been
38 issued. The university's refunding authority shall
39 include authority to borrow and issue evidences of
40 indebtedness for the combined purpose of refunding any
41 evidences of indebtedness issued under this chapter

1 then outstanding, including the payment of any
2 redemption premium on the evidences of indebtedness
3 and any interest accrued or to accrue to the date of
4 redemption of those obligations, and paying all or any
5 part of the cost of acquiring or constructing or
6 enabling the acquisition or construction of any
7 additional project or projects or part of a project,
8 or any improvements, extensions, enlargements or
9 additions of any project or projects. The incurring
10 of indebtedness for refunding purposes and the
11 issuance of evidences of indebtedness in connection
12 with the indebtedness, the maturities and other
13 details, the rights and remedies of the holders and
14 the rights, powers, privileges, duties and obligations
15 of the university with respect to the indebtedness
16 shall be governed by this chapter insofar as the
17 chapter may be applicable.

18 §10960. Tax exemption

19 Indebtedness incurred under this chapter and
20 evidences of indebtedness issued in connection with
21 the indebtedness shall be deemed to constitute a
22 proper public purpose and the evidences of
23 indebtedness issued, their transfer and the income
24 from them, including any profits made on the sale of
25 the evidences of indebtedness, shall at all times be
26 exempt from taxation within the State.

27 §10961. Governmental functions

28 The carrying out by the university of the powers
29 and duties conferred upon it by this chapter shall be
30 deemed to be the performance of an essential
31 governmental function. Nothing contained in this
32 chapter may in any way limit or restrict the powers
33 and duties of the university that are granted to it,
34 and nothing contained in this chapter may be construed
35 to imply that the university did not possess any of
36 the powers and duties granted under this chapter prior
37 to the enactment of this chapter. This chapter shall
38 in no way limit or restrict the power and authority of
39 the State to borrow money for the benefit of the
40 university.

1 §10962. Liberal construction

2 This chapter being necessary for the welfare of
3 the State and its inhabitants, shall be liberally
4 construed to effect the purposes of this chapter. To
5 the extent of any conflict between this chapter and
6 any other law, this chapter shall prevail, but the
7 power and authority granted by this chapter is deemed
8 to be in addition to and not in derogation of power
9 and authority granted by any other law.

10 §10963. Evidences of indebtedness

11 The evidences of indebtedness of the university
12 shall be legal investments in which all public
13 officers and public bodies of the State, its political
14 subdivisions, all municipalities and municipal
15 subdivisions, all insurance companies and associations
16 and other persons carrying on an insurance business,
17 all banks, bankers, banking associations, trust
18 companies, savings banks and savings associations,
19 including savings and loan associations, building and
20 loan associations, investment companies and other
21 persons carrying on a banking business, all
22 administrators, guardians, executors, trustees and
23 other fiduciaries, and all other persons whatsoever
24 who are now or may be authorized to invest in
25 securities of the State, may properly and legally
26 invest funds, including capital, in their control, or
27 belonging to them. Those evidences of indebtedness
28 are also made securities which may properly and
29 legally be deposited with and received by all public
30 officers and bodies of the State or any agency or
31 political subdivision and all municipalities and
32 public corporations for any purpose for which the
33 deposit of securities of the State is now or may be
34 authorized by law.

35 §10964. Actions against university

36 Neither any trustee of the university nor any
37 officer, employee or agent of the university, while
38 acting within the scope of the authority of this
39 chapter, may be subject to any personal liability
40 resulting from the exercise or carrying out of any of

1 the university's purposes or powers.

2 §10965. Validity of evidences of indebtedness

3 Evidences of indebtedness bearing duly authorized
4 signatures of officers or officials holding office on
5 the date of signing shall be valid and binding
6 obligations, notwithstanding that before the delivery
7 of and payment for the obligation any or all persons
8 whose signatures appear on the evidences of
9 indebtedness shall have ceased to be such officers or
10 officials. The validity of evidences of indebtedness
11 shall not be dependent on nor affected by the validity
12 or regularity of any proceedings to acquire any
13 project financed with the proceeds of evidences of
14 indebtedness, or to refund outstanding evidences of
15 indebtedness, or otherwise taken in connection with
16 the financing transaction.

17 Sec. 16. 22 MRSA §7102, sub-§3, as repealed and
18 replaced by PL 1983, c. 464, §1, is repealed.

19 Sec. 17. 22 MRSA §7103, sub-§2, as enacted by
20 PL 1973, c. 566, §1, is repealed.

21 Sec. 18. 22 MRSA §7103, sub-§4, as amended by
22 PL 1977, c. 78, §153, is repealed.

23 Sec. 19. 22 MRSA §7103, sub-§§5 and 6, as
24 amended by PL 1975, c. 293, §4, are repealed.

25 Sec. 20. 22 MRSA §7103, sub-§8, as amended by
26 PL 1979, c. 541, Pt. A, §157, is repealed.

27 Sec. 21. 22 MRSA §7103, sub-§§13 to 15, as
28 enacted by PL 1973, c. 566, §1, are repealed.

29 Sec. 22. 22 MRSA §7103, sub-§17, as enacted by
30 PL 1973, c. 566, §1, is amended to read:

31 17. Office. "Office" means the Office of
32 Alcoholism and Drug Abuse Prevention in the department
33 established under section ~~7104~~ 7221.

34 Sec. 23. 22 MRSA c. 1601, sub-c II, as amended,
35 is repealed.

1 Sec. 24. 22 MRSA §7108, 4th ¶, as amended by PL
2 1983, c. 464, §13, is further amended to read:

3 Members shall be appointed for a term of 3 years,
4 except that any member appointed to fill a vacancy
5 occurring prior to the expiration of the term for
6 which his predecessor was appointed shall be appointed
7 only for the remainder of such term, and except that
8 members who are Members of the current Legislature and
9 who are appointed by the President of the Senate or
10 the Speaker of the House shall serve at their
11 pleasure. Any vacancy in the council shall not affect
12 its powers, but shall be filled in the same manner by
13 which the original appointment was made. Terms of
14 appointment shall begin and expire on June 1st.

15 Sec. 25. 22 MRSA §7112, 4th ¶, as amended by PL
16 1981, c. 493, §2, is further amended to read:

17 The office Department of Human Services shall
18 cooperate with the Department of Mental Health and
19 Mental Retardation and all institutions under its
20 control in establishing and conducting programs to
21 provide treatment for alcoholics and intoxicated
22 persons and for people who abuse or are dependent on
23 drugs in or on parole from penal or special treatment
24 institutions.

25 Sec. 26. 22 MRSA §7112, 5th and 6th ¶¶, as
26 enacted by PL 1973, c. 566, §1, are amended to read:

27 The office Department of Human Services shall
28 cooperate with the Department of Public Safety and the
29 Department of Transportation in establishing and
30 conducting programs designed to deal with the problem
31 of persons operating motor vehicles while under the
32 influence of drugs or intoxicating liquor.

33 The office Department of Human Services shall
34 coordinate all drug abuse education, information and
35 training programs conducted within the State through
36 cooperation with the Department of Educational and
37 Cultural Services, school administrative districts,
38 municipal schools, police departments, courts and

1 other public and private agencies, organizations and
2 individuals. Such coordination may assist with:
3 Establishing educational programs for the prevention
4 of alcoholism and drug abuse; treatment and
5 rehabilitation of alcoholics, intoxicated persons and
6 persons dependent upon or abusing drugs; training in
7 the prevention, treatment and rehabilitation of such
8 persons; and with preparation of curriculum materials
9 thereon for use in all levels of educational programs.

10 Sec. 27. 22 MRSA §7114, as enacted by PL 1973,
11 c. 566, §1, is repealed.

12 Sec. 28. 22 MRSA §7115, as amended by PL 1977,
13 c. 694, §373, is repealed.

14 Sec. 29. 22 MRSA §7116, as amended by PL 1983,
15 c. 363, §1, is repealed.

16 Sec. 30. 22 MRSA §§7117 to 7123, as enacted by
17 PL 1973, c. 566, §1, are repealed.

18 Sec. 31. 22 MRSA §7124, as amended by PL
19 1975, c. 204, §§ 2 and 3, is repealed.

20 Sec. 32. 22 MRSA §7125, as enacted by PL 1981,
21 c. 703, Pt. A, §41, is repealed.

22 Sec. 33. 22 MRSA §7131, sub-§2, ¶C and D, as
23 enacted by PL 1983, c. 464, §19, are amended to read:

24 C. The Commissioner of Human Services; and

25 D. The Commissioner of Mental Health and Mental
26 Retardation; and

27 Sec. 34. 22 MRSA §7131, sub-§2, ¶E is enacted
28 to read:

29 E. The Commissioner of Public Safety.

30 Sec. 35. 22 MRSA §7131, sub-§3, as enacted by
31 PL 1983, c. 464, §19, is repealed and the following
32 enacted in its place:

1 3. Chairman. The Commissioner of Public Safety
2 shall serve as chairman of the planning committee.

3 Sec. 36. 22 MRSA §7132, sub-§2, ¶A, as enacted
4 by PL 1983, c. 464, § 19, is amended to read:

5 A. By January 15, 1984, and each year thereafter,
6 a report containing an evaluation of the past
7 year's progress toward obtaining established goals
8 and objectives and the planning committee's
9 recommendations regarding allocations from the
10 Alcoholism Prevention, Education, Treatment and
11 Research-Fund funding for the coming fiscal year;

12 Sec. 37. 22 MRSA §7133, first ¶, as enacted by
13 PL 1983, c. 464, §19, is amended to read:

14 The planning committee shall be staffed by a
15 director who shall be appointed by the planning
16 committee, with the advice of the Maine Council on
17 Alcohol and Drug Abuse Prevention and Treatment, and
18 with the approval of the Governor and who shall be
19 unclassified. The planning director shall be a person
20 qualified by training and experience in drug abuse and
21 alcoholism, and who has experience, knowledge and
22 skill in planning, monitoring, evaluating and
23 coordinating drug abuse prevention services.

24 Sec. 38. 22 MRSA c. 1602, first 2 lines are
25 repealed and the following enacted in their place:

26 CHAPTER 1602

27 OFFICE OF ALCOHOLISM AND DRUG ABUSE PREVENTION

28 SUBCHAPTER I

29 DRIVER EDUCATION EVALUATION PROGRAMS

30 Sec. 39. 22 MRSA c. 1602, sub-c. II is enacted
31 to read:

32 SUBCHAPTER II

1 OFFICE OF ALCOHOLISM AND DRUG ABUSE PREVENTION

2 §7221. Office of Alcoholism and Drug Abuse Prevention

3 There is created within the Department of Human
4 Services, the Office of Alcoholism and Drug Abuse
5 Prevention.

6 §7222. Definitions

7 As used in this subchapter, unless the context
8 otherwise indicates, the following terms have the
9 following meanings.

10 1. Administrative activities. "Administrative
11 activities" means an activity related to guidelines,
12 criteria, regulations, requirements or procedures for
13 operations related to drug abuse prevention.

14 2. Agreement. "Agreement" means a legally
15 binding document between 2 parties, including such
16 documents as are commonly referred to as accepted
17 proposal, contract, grant, joint or cooperative
18 agreement or purchase of services.

19 3. Alcoholic. "Alcoholic" has the same meaning
20 as set out in section 7103.

21 4. Approved treatment facility. "Approved
22 treatment facility" means a public or private alcohol
23 treatment facility meeting the standards promulgated
24 by the office pursuant to section 7227, subsection 1,
25 and approved under section 7227, subsection 3, and
26 licensed pursuant to section 7801 or pursuant to other
27 applicable provisions of state law. An approved public
28 treatment facility is a an alcohol treatment facility
29 operating under the direction and control of the
30 office or providing treatment under this subchapter
31 through a contract with the office under section 7226,
32 subsection 6, or any facility funded in whole or in
33 part by municipal, state or federal funds.

34 5. Commissioner. "Commissioner" means the
35 Commissioner of Human Services.

- 1 6. Department. "Department" means the Department
2 of Human Services.
- 3 7. Dependency related drug. "Dependency related
4 drug" means alcohol or any substance controlled under
5 chapter 551, subchapter II, and chapters 557 and 558.
- 6 8. Director. "Director" means the Director of
7 the Office of Alcoholism and Drug Abuse Prevention.
- 8 9. Drug abuser. "Drug abuser" has the same
9 meaning as set out in section 7103.
- 10 10. Drug abuse prevention. "Drug abuse
11 prevention" has the same meaning as set out in section
12 7103.
- 13 11. Drug addict. "Drug addict" has the same
14 meaning as set out in section 7103.
- 15 12. Drug dependent person. "Drug dependent
16 person" has the same meaning as set out in section
17 7103.
- 18 13. Emergency service patrol. "Emergency service
19 patrol" means a patrol established under section 7235.
- 20 14. Incapacitated by alcohol. "Incapacitated by
21 alcohol" means that a person, as a result of the use
22 of alcohol, is unconscious or has impaired judgment
23 and is incapable of realizing and making a rational
24 decision with respect to the need for treatment.
- 25 15. Incompetent person. "Incompetent person"
26 means a person who has been adjudged incompetent by a
27 court.
- 28 16. Intoxicated person. "Intoxicated person" has
29 the same meaning as set out in section 7103.
- 30 17. Office. "Office" means the Office of
31 Alcoholism and Drug Abuse Prevention established under
32 section 7221 within the Department of Human Services.
- 33 18. Planning committee. "Planning committee"

1 means the Alcohol and Drug Abuse Planning Committee
2 established under section 7131.

3 19. Prevention of drug traffic. "Prevention of
4 drug traffic" has the same meaning as set out in
5 section 7103;

6 20. Standards. "Standards" has the same meaning
7 as set out in section 7103.

8 21. Treatment. "Treatment" has the same meaning
9 as set out in section 7103.

10 21. Treatment program. "Treatment program" has
11 the same meaning as set out in section 7103.

12 §7223. Office established.

13 This chapter establishes the Office of Alcoholism
14 and Drug Abuse Prevention within the Department of
15 Human Services to administer and oversee the operation
16 of the department's alcohol and drug abuse activities,
17 including those related to the abuse of alcohol and
18 excepting those relating to the prevention of drug
19 traffic and to provide support and guidance to
20 individuals, public and private organizations and
21 especially local governments, in their drug abuse
22 prevention activities.

23 §7224. Director

24 The office shall be administered by a director,
25 who shall be appointed, subject to the Civil Service
26 Law, under the classified service by the commissioner.
27 The director shall be a person qualified by training
28 and experience with drug abuse, or alcoholism and
29 intoxication, or who has had satisfactory experience
30 of a comparable nature in the direction, organization
31 and administration of prevention or treatment programs
32 for persons affected by drug abuse or drug dependency.

33 The director shall possess full authority and
34 responsibility for administering all the powers and
35 duties of the office provided in section 7225, except
36 as otherwise provided by law. The director shall

1 assume and discharge all responsibilities vested in
2 the office.

3 The director may employ, subject to the Civil
4 Service Law and within the limits of funds available,
5 competent professional personnel and other staff
6 necessary to carry out the purposes of this chapter.
7 The director shall prescribe the duties of staff and
8 assign a sufficient number of staff full time to the
9 office to achieve its powers and duties. The director
10 may arrange to house staff or assign staff who are
11 responsible to the director and who are to provide
12 direct service to individuals or small groups of
13 individuals needing drug abuse treatment, to operating
14 units of the department, which are responsible for
15 similar functions.

16 §7225. Powers and duties

17 The office shall establish in accord with the
18 purposes and intent of this subchapter, in cooperation
19 with the planning committee, the overall planning,
20 policy, objectives and priorities for all Department
21 of Human Services' drug abuse prevention functions,
22 except prevention of drug traffic, which are conducted
23 or supported in the State. In order to carry out these
24 purposes, the office shall have the power and duty to:

25 1. Administration of resources and services.
26 Encourage and assist development of more effective,
27 more coordinated, more efficient administration of
28 resources and services available for drug abuse
29 prevention;

30 2. Information system. Develop and maintain an
31 up-to-date information system related to drugs, drug
32 abuse and drug abuse prevention. The information shall
33 be available for use by the people of the State, the
34 political subdivisions, public and private nonprofit
35 agencies and the State. Educational materials shall be
36 prepared, published and disseminated. Objective
37 devices and research methodologies shall be
38 continuously developed. Uniform methods of keeping
39 statistical information shall be specified for use by

1 public and private agencies, organizations and
2 individuals. Existing sources of information shall be
3 used to the fullest extent possible, while maintaining
4 confidentiality safeguards of state and federal law.
5 Information may be requested and shall be received
6 from any state government or public or private agency.
7 To the extent feasible, information shall maintain
8 compatibility with federal information sharing
9 standards.

10 Functions of the drug information system may include,
11 but not be limited to:

12 A. Conducting research on the causes and nature
13 of drugs, drug abuse or people who are dependent
14 on drugs, especially alcoholics and intoxicated
15 persons;

16 B. Collecting, maintaining and disseminating such
17 knowledge, data and statistics related to drugs,
18 drug abuse and drug abuse prevention as will
19 enable the office to fulfill its responsibilities;

20 C. Determining through a detailed survey the
21 extent of the drug abuse problem, and the needs
22 and priorities for the prevention of drug abuse
23 and drug dependence in the State and political
24 subdivisions. Included may be a survey of health
25 facilities needed to provide services for drug
26 abuse and drug dependence, especially alcoholics
27 and intoxicated persons;

28 D. Maintaining an inventory of the types and
29 quantity of drug abuse prevention facilities,
30 programs and services available or provided under
31 public or private auspices to drug addicts, drug
32 abusers and drug dependent persons, especially
33 alcoholics and intoxicated persons. This function
34 shall include the unduplicated count, location and
35 characteristics of people receiving treatment, as
36 well as their frequency of admission and
37 readmission, and frequency and duration of
38 treatment. The inventory shall include the amount,
39 type and source of resources for drug abuse
40 prevention; and

1 E. Conducting a continuous evaluation of the
2 impact, quality and value of drug abuse prevention
3 facilities, programs and services, including their
4 administrative adequacy and capacity. Activities
5 operated by or with the assistance of State
6 Government and the Federal Government shall be
7 evaluated. Included shall be alcohol and drug
8 abuse prevention and treatment services as
9 authorized by this subchapter and the following
10 federal laws and amendments to them as relate to
11 drug abuse prevention:

12 (1) The United States Drug Abuse Office and
13 Treatment Act of 1972, Public Law 92-255;

14 (2) The United States Community Mental
15 Health Centers Act, 42 United States Code,
16 Section 2688;

17 (3) The United States Public Health Service
18 Act, 42 United States Code;

19 (4) The United States Vocational
20 Rehabilitation Act;

21 (5) The United States Social Security Act;
22 and

23 (6) The United States Comprehensive Alcohol
24 Abuse and Alcoholism Prevention, Treatment
25 and Rehabilitation Act of 1970, Public Law
26 91-616, and similar Acts; and

27 F. Making a separate written report to the Chief
28 Justice, the Governor and the Legislature not
29 later than May 1st of each year, commencing with
30 1982, on the enforcement of laws relating to
31 drinking and driving during the preceding calendar
32 year. The report shall contain at least the
33 following information:

34 (1) The number, by county, of arrests for

- 1 attempting to or operating under the
2 influence;
- 3 (2) The number, by county, of revocations of
4 implied consent for each category of offense;
- 5 (3) The number and percentage, by court, of
6 convictions; guilty pleas to lesser charges;
7 dismissals; and not guilty for these
8 offenses, for each category of offense;
- 9 (4) The number and percentages of successful
10 completion of the Driver Education Evaluation
11 Program;
- 12 (5) The number and percentages, by court, of
13 persons whose licenses were suspended; who
14 were fined; and who spent time in jail, for
15 each category of offense;
- 16 (6) The average, minimum and maximum, fine,
17 jail sentence and period of license
18 suspension, by court, for each category of
19 operating under the influence offense;
- 20 (7) The number and percentages, by court, of
21 convictions for operating after suspension
22 and for being a habitual offender; guilty
23 pleas to a lesser charge; dismissals; and not
24 guilty findings;
- 25 (8) The average, minimum and maximum, fine,
26 jail sentence and period of license
27 suspension for operating after suspension and
28 for being a habitual offender, by court; and
- 29 (9) Other items that are considered
30 important to the review of the enforcement of
31 the laws relating to drinking and driving.
- 32 The office may call upon the assistance of the
33 Department of Public Safety, the State Court
34 Administrator, the office of the Secretary of State
35 and the district attorneys in preparing these reports.

1 The Office of Alcoholism and Drug Abuse Prevention may
2 revise the contents of the report by including new
3 information or excluding previously reported
4 information in response to changes in the law or other
5 circumstances. The office may request assistance of
6 the Department of Public Safety, the State Court
7 Administrator, the office of the Secretary of State,
8 and the district attorneys in preparing these reports;

9 3. Prevention or treatment programs. Plan,
10 establish and maintain necessary or desirable
11 prevention or treatment programs for individuals or
12 groups of individuals, except that the office and its
13 staff, whether assigned to the office or to operating
14 units, may provide direct service only to a drug
15 dependent individual or groups of such individuals,
16 whose drug dependency is related to alcohol. The
17 office may use the full range of its powers and duties
18 to serve any drug dependent person through indirect
19 services provided for by agreements;

20 4. Organizational unit. Function as the
21 organizational unit of the Department of Human
22 Services with responsibility for conducting and
23 coordinating, with the advice and cooperation of the
24 planning committee as provided for in section 7131,
25 programs and activities authorized by this subchapter,
26 and by the United States Comprehensive Alcohol Abuse
27 and Alcoholism Prevention, Treatment and
28 Rehabilitation Act of 1970, as amended, and by the
29 United States Drug Abuse Office and Treatment Act of
30 1972, as amended; and other programs or Acts of the
31 State or United States related to drug abuse
32 prevention which are not the specific responsibility
33 of another state agency under federal or state law;

34 5. Mobilize resources. Help communities mobilize
35 their resources to deal with drug abuse. The office
36 shall provide, or coordinate the provision of
37 information, technical assistance and consultation to
38 state, regional and local governments; and to public
39 and private nonprofit agencies, institutions,
40 organizations and individuals. The help shall be for
41 the purpose of encouraging, developing and assisting
42 with the initiation, establishment and administration

1 of any plans, programs or services to prevent drug
2 abuse.

3 Included in this duty is authority to coordinate the
4 efforts and enlist the assistance of all public and
5 private agencies, organizations and individuals
6 interested in drug abuse prevention, especially
7 alcoholism and treatment of alcoholics and intoxicated
8 persons. The support and assistance of interested
9 persons in the community, particularly recovered
10 alcoholics and abusers of drugs, shall be utilized to
11 encourage alcoholics and drug abusers voluntarily to
12 undergo treatment;

13 6. Funds. Seek and receive funds from Federal
14 Government and private sources to further its
15 activities. Included in this function is authority to
16 solicit, accept, administer, disburse and coordinate
17 for the State in accordance with the intent,
18 objectives and purposes of this chapter; and within
19 any limitation which may apply from the sources of
20 such funds, the efforts to obtain and the use of any
21 funds from any source to treat alcoholism or prevent
22 drug abuse. Any gift of money or property made by will
23 or otherwise, and any grant or other funds
24 appropriated, services or property available from the
25 Federal Government, the State or any political
26 subdivision of the State and from all other sources,
27 public or private, may be accepted and administered.
28 The office may do all things necessary to cooperate
29 with the Federal Government or any of its agencies in
30 making application for any funds;

31 7. Agreements. Enter into agreements necessary
32 or incidental to the performance of its duties.
33 Included is the power to make agreements with
34 qualified community, regional and state level, private
35 nonprofit and public agencies, organizations and
36 individuals in this and other states to develop or
37 provide drug abuse prevention and treatment
38 facilities, programs and services. These agreements
39 may include provisions to pay for prevention or
40 treatment rendered or furnished to an alcoholic,
41 intoxicated person, drug abuser, drug addict, drug
42 dependent person or person in need of assistance due

1 to use of a dependency-related drug. The contracts
2 shall be executed only with agencies that meet the
3 standards for treatment promulgated by the office
4 under section 7227, subsection 1, and approved under
5 section 7227, subsection 3, and licensed pursuant to
6 section 7801 or other applicable provisions of law.
7 The office may engage expert advisors and assistants
8 who may serve without compensation, or to the extent
9 funds may be available by appropriation, grant, gift
10 or allocation from a state department, the office may
11 pay for such expert advisors or assistants;

12 8. Rules. Prepare, adopt, amend, rescind and
13 administer policies, priorities, procedures and rules
14 to govern its affairs and the development and
15 operation of facilities, programs and services. The
16 office may adopt rules to carry out the powers and
17 duties conducted under the authority in accordance
18 with the purpose and objectives of this subchapter.
19 The office shall especially adopt such rules as may be
20 necessary to define contractual terms, conditions of
21 agreements and all other rules as are necessary for
22 the proper administration of this subchapter. The
23 adoption, amendment and rescission shall be made as
24 provided under the Maine Administrative Procedure Act,
25 Title 5, chapter 375;

26 9. Operating and treatment standards. Establish
27 operating and treatment standards, inspect and issue a
28 certificate of approval for any drug abuse treatment
29 facility or program, including residential treatment
30 centers, which meet the standards promulgated under
31 section 7227, subsection 1, and licensed pursuant to
32 section 7801 and other applicable provisions of law.
33 The office shall periodically enter, inspect and
34 examine the treatment facility or program, and examine
35 their books and accounts. The office shall fix and
36 collect the fees for the inspection and certificate.
37 Insofar as licensing and certification of drug abuse
38 prevention facilities and programs may also be the
39 responsibility of another administrative unit of the
40 department, the office may assign performance of this
41 responsibility to such a unit or make other mutually
42 agreeable arrangements with such a unit for assisting
43 with performance of this responsibility;

1 10. Educational program. Develop and implement,
2 as an integral part of treatment programs, an
3 educational program for use in the treatment of
4 alcoholics and intoxicated persons and persons who
5 abuse or are dependent on drugs; assist in the
6 development of, and the cooperation with, alcoholic
7 education and treatment programs for employees of
8 state and local governments and businesses and
9 industries in the State; convene and conduct
10 conferences of public and private nonprofit
11 organizations concerned with the development and
12 operation of drug abuse prevention programs. Included
13 shall be the power to encourage general hospitals and
14 other appropriate health facilities to admit without
15 discrimination alcoholics and intoxicated persons who
16 abuse or are dependent on drugs and to provide them
17 with adequate and appropriate treatment. Also included
18 is the power to encourage all health and disability
19 insurance programs to include alcoholism as a covered
20 illness;

21 11. Training programs. Foster, develop,
22 organize, conduct or provide for the conduct of
23 training programs for all persons in the field of
24 treating alcoholics and intoxicated persons and drug
25 abusers;

26 12. Activities and programs. Coordinate
27 activities and cooperate with drug abuse prevention
28 programs in this and other states for the common
29 advancement of drug abuse prevention and alcoholism
30 programs;

31 13. Principal office. Establish and maintain a
32 principal office at the department's general
33 headquarters, and such other offices within the State
34 as it may deem necessary; and

35 14. Purposes and authority. Do other acts and
36 exercise such other powers necessary or convenient to
37 execute and carry out the purposes and authority
38 expressly granted in this subchapter.

39 §7226. Comprehensive program on alcoholism and drug

1 abuse

2 1. Drug abuse prevention and treatment. A
3 comprehensive and coordinated program of drug abuse
4 prevention and treatment, especially of alcoholics and
5 intoxicated persons, is established. Nothing in
6 subsequent sections may be interpreted as preventing
7 the establishment of additional drug abuse prevention
8 and treatment programs, including programs which the
9 office considers necessary or desirable for
10 intoxicated persons and alcoholics.

11 2. Program. The program shall include:

12 A. Emergency treatment provided by a facility
13 affiliated with or part of the medical service of
14 a general hospital;

15 B. Inpatient treatment;

16 C. Intermediate treatment; and

17 D. Outpatient and follow-up treatment.

18 3. Alcoholics and intoxicated persons. The
19 office shall provide for adequate and appropriate
20 treatment for alcoholics and intoxicated persons
21 admitted under sections 7229 to 7232. Treatment may
22 not be provided at a correctional institution, except
23 for inmates.

24 4. Facilities. The office shall maintain,
25 supervise and control all facilities operated by it
26 subject to policies of the department. The
27 administrator of each facility shall make an annual
28 report of its activities to the director in the form
29 and manner the director specifies.

30 5. Public and private resources. All appropriate
31 public and private resources shall be coordinated with
32 and utilized in the program, if possible.

33 6. Approved public treatment facility. The
34 office may contract for the use of any facility as an
35 approved public treatment facility, if the director,

1 subject to the policies of the department, considers
2 this to be an effective and economical course to
3 follow.

4 §7227. Standards for public and private alcohol or
5 drug abuse treatment facilities; enforcement
6 procedures; penalties

7 1. Standards. The department shall establish
8 standards for approved treatment facilities that must
9 be met for a treatment facility to be approved as a
10 public or private treatment facility, and fix the fees
11 to be charged by the department for the required
12 inspections. The standards may concern only the health
13 standards to be met and standards of treatment to be
14 afforded patients. The standards of treatment may
15 include provision for special education services for
16 any exceptional children, as defined by Title 20-A,
17 section 7001, subsection 1, residing in a facility,
18 pursuant to Title 20-A, chapter 303

19 2. Inspection. The department periodically shall
20 inspect approved public and private treatment
21 facilities at reasonable times and in a reasonable
22 manner.

23 3. List. The department shall maintain a list of
24 approved public and private treatment facilities.

25 4. File. Each approved public and private
26 treatment facility shall file with the department on
27 request data, statistics, schedules and information
28 the department reasonably requires. An approved public
29 or private treatment facility that without good cause
30 fails to furnish any data, statistics, schedules or
31 information as requested, or files fraudulent returns
32 of that material, shall be removed from the list of
33 approved treatment facilities.

34 5. Procedures. Procedures for the amendment,
35 modification, refusal to issue or renew, revocation or
36 suspension of approval shall be as set forth by the
37 Maine Administrative Procedure Act, Title 5, chapter
38 375. In addition, the department may seek relief in

1 the District Court for violations of the provisions of
2 this section.

3 6. Books and accounts. The department may at
4 reasonable times enter to inspect and examine the
5 books and accounts of any approved public or private
6 treatment facility refusing to consent to inspection
7 or examination by the department or which the
8 department has reasonable cause to believe is
9 operating in violation of this subchapter.

10 \$7228. Acceptance for treatment of alcoholics and
11 intoxicated persons; rules

12 The director shall adopt and may amend and repeal
13 rules for acceptance of persons into the treatment
14 program, considering available treatment resources and
15 facilities, for the purpose of early and effective
16 treatment of alcoholics and intoxicated persons.

17 In establishing the rules, the director shall be
18 guided by the following standards.

19 1. Voluntary basis. If possible, a patient shall
20 be treated on a voluntary rather than an involuntary
21 basis.

22 2. Initial assignment. A patient shall be
23 initially assigned or transferred to outpatient or
24 intermediate treatment, unless the patient is found to
25 require inpatient treatment.

26 3. Denial of treatment. A person shall not be
27 denied treatment solely because that person has
28 withdrawn from treatment against medical advice on a
29 prior occasion or has relapsed after earlier treatment.

30 4. Individualized treatment plan. An
31 individualized treatment plan shall be prepared and
32 maintained on a current basis for each patient.

33 5. Coordinated treatment. Provision shall be
34 made for a continuum of coordinated treatment
35 services, so that a person who leaves a facility or a
36 form of treatment will have available and utilize

1 other appropriate treatment.

2 6. Denial of treatment services. No person, firm
3 or corporation licensed by the Department of Human
4 Services as an alcohol or drug treatment facility,
5 under section 8001, to provide shelter or
6 detoxification service, and which receives any funds
7 administered by the department, may deny treatment to
8 any person because of that person's inability or
9 failure to pay any assessed fees.

10 §7229. Voluntary treatment of alcoholics

11 1. Voluntary treatment. An alcoholic may apply
12 for voluntary treatment directly to an approved public
13 treatment facility. If the proposed patient is a minor
14 or an incompetent person, that person, a parent, a
15 legal guardian or other legal representative may make
16 the application.

17 2. Determination. Subject to rules adopted by
18 the director, the administrator in charge of an
19 approved public treatment facility may determine who
20 shall be admitted for treatment. If a person is
21 refused admission to an approved public treatment
22 facility, the administrator, subject to rules adopted
23 by the director, shall refer the person to another
24 approved public treatment facility for treatment if
25 possible and appropriate.

26 3. Outpatient or intermediate treatment. If a
27 patient receiving inpatient care leaves an approved
28 public treatment facility, that patient shall be
29 encouraged to consent to appropriate outpatient or
30 intermediate treatment. If it appears to the
31 administrator in charge of the treatment facility that
32 the patient is an alcoholic who requires help, the
33 office shall arrange for assistance in obtaining
34 supportive services and residential facilities.

35 4. Discharge. If a patient leaves an approved
36 public treatment facility, with or against the advice
37 of the administrator in charge of the facility, the
38 office shall make reasonable provisions for that
39 patient's transportation to another facility or to the

1 patient's home. If that person has no home, the
2 patient shall be assisted in obtaining shelter. If the
3 patient is a minor or an incompetent person, the
4 request for discharge from an inpatient facility shall
5 be made by a parent, legal guardian or other legal
6 representative or by the minor or incompetent, if the
7 minor or incompetent was the original applicant.

8 §7230. Treatment and services for intoxicated persons
9 and persons incapacitated by alcohol

10 1. Intoxicated person. An intoxicated person may
11 come voluntarily to an approved public treatment
12 facility for emergency treatment. A person who appears
13 to be intoxicated and to be in need of help, if that
14 person consents to the proffered help, may be assisted
15 home, an approved public treatment facility, an
16 approved private treatment facility or other health
17 facility by the police or the emergency service patrol.

18 2. Incapacitated person. A person who appears to
19 be incapacitated by alcohol shall be taken into
20 protective custody by the police or the emergency
21 service patrol and immediately brought to an approved
22 public treatment facility for emergency treatment. If
23 no approved public treatment facility is readily
24 available, that person shall be taken to an emergency
25 medical service customarily used for incapacitated
26 persons. The police or the emergency service patrol,
27 in detaining the person and in taking that person to
28 an approved public treatment facility, is taking that
29 person into protective custody and shall make every
30 reasonable effort to protect that person's health and
31 safety. In taking the person into protective custody,
32 the detaining officer may take reasonable steps for
33 self-protection. A taking into protective custody
34 under this section is not an arrest. No entry or other
35 record may be made to indicate that the person has
36 been arrested or charged with a crime.

37 3. Voluntary commitment. A person who comes
38 voluntarily or is brought to an approved public
39 treatment facility shall be examined by a licensed
40 physician immediately. That person may then be
41 admitted as a patient or referred to another health

1 facility. The referring approved public treatment
2 facility shall arrange for that person's
3 transportation.

4 4. Length of stay. A person, who by medical
5 examination is found to be incapacitated by alcohol at
6 the time of admission or to have become incapacitated
7 at any time after admission, may not be detained at
8 the facility once that person is no longer
9 incapacitated by alcohol, or if that person remains
10 incapacitated by alcohol for more than 48 hours after
11 admission as a patient, unless committed under
12 section 7231. A person may consent to remain in the
13 facility as long as the physician in charge believes
14 appropriate.

15 5. Shelter. A person who is not admitted to an
16 approved public treatment facility, is not referred to
17 another health facility and has no funds may be taken
18 home. If that person has no home, the approved public
19 treatment facility shall provide assistance in
20 obtaining shelter.

21 6. Notification. If a patient is admitted to an
22 approved public treatment facility, the family or next
23 of kin shall be notified as promptly as possible. If
24 an adult patient who is not incapacitated requests
25 that there be no notification, the request shall be
26 respected.

27 7. Official duty. The police or members of the
28 emergency service patrol who act in compliance with
29 this section are acting in the course of their
30 official duty and are not criminally or civilly liable.

31 8. Further diagnosis and voluntary treatment. If
32 the administrator in charge of the approved public
33 treatment facility determines it is for the patient's
34 benefit, the patient shall be encouraged to agree to
35 further diagnosis and appropriate voluntary treatment.

36 §7231. Emergency commitment of an incapacitated or
37 intoxicated person

38 1. Commitment. An intoxicated person who has

1 threatened, attempted or inflicted physical harm on
2 another and is likely to inflict physical harm on
3 another unless committed, or is incapacitated by
4 alcohol, may be committed to an approved public
5 treatment facility for emergency treatment. A refusal
6 to undergo treatment does not in itself constitute
7 evidence of lack of judgment as to the need for
8 treatment.

9 2. Application for commitment. The spouse,
10 guardian or relative of the person to be committed, or
11 any other responsible person, may make a written
12 application for commitment under this section,
13 directed to the administrator of the approved public
14 treatment facility. The application shall state facts
15 to support the need for emergency treatment and be
16 accompanied by a physician's certificate stating that
17 the physician has examined the person to be committed
18 within 2 days before the date of the application for
19 admission and facts supporting the need for emergency
20 treatment. A physician employed by the admitting
21 facility or the division is not eligible to be the
22 certifying physician. The certifying physician shall
23 be someone other than the person making the written
24 application for commitment.

25 3. Approval of application. Upon approval of the
26 application by the administrator in charge of the
27 approved public treatment facility, the person shall
28 be brought to the facility by a peace officer, health
29 officer, emergency service patrol, the applicant for
30 commitment, the patient's spouse, the patient's
31 guardian or any other interested person. The person
32 shall be retained at the facility or transferred to
33 another appropriate public or private treatment
34 facility, until discharged under subsection 5.

35 4. Refusal of application. The administrator in
36 charge of an approved public treatment facility shall
37 refuse an application if, in the opinion of a
38 physician or physicians employed by a facility, the
39 application and certificate fail to sustain the
40 grounds for commitment.

41 5. Discharge. When on the advice of the medical

1 staff the administrator determines that the grounds
2 for commitment no longer exist, the administrator
3 shall discharge a person committed under this section.
4 No person committed under this section may be detained
5 in any treatment facility for more than 5 days. If a
6 petition for involuntary commitment under section 7232
7 has been filed within the 5 days and the administrator
8 in charge of an approved public treatment facility
9 finds that grounds for emergency commitment still
10 exist, the administrator may detain the person until
11 the petition has been heard and determined, but no
12 longer than 10 days after filing the petition.

13 6. Opportunity to consult counsel. A copy of the
14 written application for commitment and of the
15 physician's certificate, and a written explanation of
16 the person's right to counsel, shall be given to the
17 person within 24 hours after commitment by the
18 administrator, who shall provide a reasonable
19 opportunity for the person to consult counsel.

20 §7232. Involuntary commitment of alcoholics or
21 incapacitated persons

22 1. Commitment. A person may be committed to the
23 custody of the office by the District Court upon the
24 petition of a spouse or guardian, relative or the
25 administrator in charge of any approved public
26 treatment facility. The petition shall allege that the
27 person is an alcoholic who habitually lacks
28 self-control as to the use of alcoholic beverages and
29 has threatened, attempted or inflicted physical harm
30 on another and unless committed is likely to inflict
31 physical harm on another or is incapacitated by
32 alcohol. A refusal to undergo treatment does not in
33 itself constitute evidence of lack of judgment as to
34 the need for treatment. The petition shall be
35 accompanied by a certificate of a licensed physician
36 who has examined the person within 2 days before
37 submission of the petition, unless the person whose
38 commitment is sought has refused to submit to a
39 medical examination, in which case the fact of refusal
40 shall be alleged in the petition. The certificate
41 shall set forth the physician's findings in support of
42 the allegations of the petition. A physician employed

1 by the admitting facility or the division is not
2 eligible to be the certifying physician. The
3 certifying physician shall be someone other than the
4 person bringing the petition.

5 2. Petition. Upon filing the petition, the court
6 shall fix a date for a hearing no later than 10 days
7 after the date the petition was filed. A copy of the
8 petition and of the notice of the hearing, including
9 the date fixed by the court, shall be served on the
10 petitioner, the person whose commitment is sought,
11 next of kin other than the petitioner, a parent or a
12 legal guardian, the administrator in charge of the
13 approved public treatment facility to which the person
14 has been committed for emergency care and any other
15 person the court believes advisable. A copy of the
16 petition and certificate shall be delivered to each
17 person notified.

18 3. Hearing. At the hearing, the court shall hear
19 all relevant testimony, including, if possible, the
20 testimony of at least one licensed physician who has
21 examined the person whose commitment is sought. The
22 person shall be present, unless the court believes
23 that the person's presence is likely to be injurious
24 to that person. In this event, the court shall appoint
25 a guardian ad litem to represent the person throughout
26 the proceeding. The court shall examine the person in
27 open court, or if advisable, shall examine the person
28 out of court. If the person has refused to be examined
29 by a licensed physician, the person shall be given an
30 opportunity to be examined by a court-appointed
31 licensed physician. If that person refuses and there
32 is sufficient evidence to believe that the allegations
33 of the petition are true, or if the court believes
34 that more medical evidence is necessary, the court may
35 make a temporary order committing that person to the
36 division for a period of not more than 5 days for
37 purposes of a diagnostic examination.

38 4. Findings. If, after hearing all relevant
39 evidence, including the results of any diagnostic
40 examination by the office, the court finds that
41 grounds for involuntary commitment have been
42 established by clear and convincing proof, it shall

1 make an order of commitment to the office. It may not
2 order commitment of a person, unless it determines
3 that the office is able to provide adequate and
4 appropriate treatment and the treatment is likely to
5 be beneficial.

6 5. Custody. A person committed under this
7 section shall remain in the custody of the office for
8 treatment for a period of 30 days unless sooner
9 discharged. At the end of the 30-day period, the
10 person shall be discharged automatically, unless the
11 office before expiration of the period obtains a court
12 order for recommitment upon the grounds set forth in
13 subsection 1 for a further period of 90 days, unless
14 sooner discharged. If a person has been committed as
15 an alcoholic likely to inflict physical harm on
16 another, the office shall apply for recommitment, if
17 after examination it is determined that the likelihood
18 still exists.

19 6. Recommitment. A person recommitted under
20 subsection 5 who has not been discharged by the office
21 before the end of the 90-day period shall be
22 discharged at the expiration of that period, unless
23 the office before expiration of the period obtains a
24 court order on the grounds set forth in subsection 1
25 for the recommitment for a further period not to
26 exceed 90 days. If a person has been committed as an
27 alcoholic likely to inflict physical harm on another,
28 the office shall apply for recommitment if after
29 examination it is determined that the likelihood still
30 exists. Only 2 recommitment orders under this
31 subsection and subsection 5 are permitted.

32 7. Petition for recommitment. Upon the filing
33 of a petition for recommitment under subsection 5 or
34 6, the court shall fix a date for hearing no later
35 than 10 days after the date the petition was filed. A
36 copy of the petition and of the notice of hearing,
37 including the date fixed by the court, shall be served
38 on the petitioner, the person whose commitment is
39 sought, next of kin other than the petitioner, the
40 original petitioner under subsection 1, if different
41 from the petitioner for recommitment, one parent or a
42 legal guardian and any other person the

1 court believes advisable. At the hearing the court
2 shall proceed as provided in subsection 3.

3 8. Treatment. The office shall provide for
4 adequate and appropriate treatment of a person
5 committed to its custody. The office may transfer a
6 person committed to its custody from one approved
7 public treatment facility to another, if transfer is
8 medically advisable.

9 9. Discharge. A person committed to the custody
10 of the office for treatment shall be discharged at any
11 time before the end of the period for which that
12 person has been committed if either of the following
13 conditions is met:

14 A. In case of an alcoholic committed on the
15 grounds of likelihood of infliction of physical
16 harm upon another, that person is no longer an
17 alcoholic or the likelihood no longer exists; or

18 B. In case of an alcoholic committed on the
19 grounds of the need of treatment and incapacity,
20 the incapacity no longer exists, further treatment
21 will not be likely to bring about significant
22 improvement in the person's condition or treatment
23 is no longer adequate or appropriate.

24 10. Right to contest. The court shall inform the
25 person whose commitment or recommitment is sought of
26 the right to contest the application, be represented
27 by counsel at every stage of any proceedings relating
28 to commitment and recommitment and have counsel
29 appointed by the court or provided by the court, if
30 that person wants the assistance of counsel and is
31 unable to obtain counsel. If the court believes that
32 the person needs the assistance of counsel, the court
33 shall require, by appointment if necessary, counsel
34 regardless of that person's wishes. The person whose
35 commitment or recommitment is sought shall be informed
36 of the right to be examined by a licensed physician of
37 that person's choice. If the person is unable to
38 obtain a licensed physician and requests examination
39 by a physician, the court shall employ a licensed
40 physician.

1 11. Private treatment facility. If a private or
2 public treatment facility agrees with the request of a
3 competent patient or a parent, sibling, adult child or
4 guardian to accept the patient for treatment, the
5 administrator of the public treatment facility shall
6 transfer the patient to the private treatment facility.

7 12. Habeas corpus. A person committed under this
8 subchapter may at any time seek to be discharged from
9 commitment by writ of habeas corpus.

10 13. Venue for proceedings. The venue for
11 proceedings under this section is the place in which
12 the person to be committed resides or is present.

13 §7233. Records

14 1. Registration and records. The registration
15 and other records of treatment facilities shall remain
16 confidential and are privileged to the patient.

17 2. Information for research. Notwithstanding
18 subsection 1, the director may make available
19 information from patients' records for purposes of
20 research into the causes and treatment of alcoholism
21 and drug abuse. Information under this subsection
22 shall not be published in a way that discloses
23 patients' names or other identifying information.

24 §7234. Visitation and communication of patients

25 1. Hours of visitation. Subject to reasonable
26 rules regarding hours of visitation which the director
27 may adopt, patients in any approved treatment facility
28 shall be granted opportunities for adequate
29 consultation with counsel and for continuing contact
30 with family and friends consistent with an effective
31 treatment program.

32 2. Communication. Neither mail nor other
33 communication to or from a patient in any approved
34 treatment facility may be intercepted, read or
35 censored. The director may adopt reasonable rules
36 regarding the use of telephone by patients in approved

1 treatment facilities.

2 3. Restrictions. Except to the extent the
3 director determines that it is necessary for the
4 medical welfare of the patient to impose restrictions,
5 and unless a patient has been restored to legal
6 capacity and except where specifically restricted by
7 other statute or regulation, but not solely because of
8 the fact of admission to a mental hospital, to
9 exercise all civil rights, including, but not limited
10 to, civil service status, the right to vote, rights
11 relating to the granting, renewal, forfeiture or
12 denial of a license, permit, privilege or benefit
13 pursuant to any law, and the right to enter
14 contractual relationships and to manage the patient's
15 property.

16 §7235. Emergency service patrol; establishment; rules

17 1. Emergency service patrols. The office,
18 counties and municipalities may establish emergency
19 service patrols. A patrol consists of persons trained
20 to give assistance in the streets and in other public
21 places to persons who are intoxicated due to the use
22 of alcohol or dependency related to drugs. Members of
23 an emergency service patrol shall be capable of
24 providing first aid in emergency situations and shall
25 transport intoxicated persons to their homes and to
26 and from public treatment facilities.

27 2. Rules. The director shall adopt rules for the
28 establishment, training and conduct of emergency
29 service patrols.

30 §7236. Payment for treatment; financial ability of
31 patients

32 1. Payment. If treatment is provided by an
33 approved public treatment facility and the patient has
34 not paid the charge, the treatment facility is
35 entitled to any payment received by the patient or to
36 which the patient may be entitled because of the
37 services rendered, and from any public or private
38 source available to the treatment facility because of
39 the treatment provided to the patient.

1 2. Liability. A patient in an approved treatment
2 facility, or the estate of the patient, or a person
3 obligated to provide for the cost of treatment and
4 having sufficient financial ability, is liable to the
5 treatment facility for cost of maintenance and
6 treatment of the patient in accordance with rates
7 established.

8 3. Finances. The director shall adopt rules
9 governing financial ability that take into
10 consideration the income, savings, other personal and
11 real property and any support being furnished to any
12 other person that that person is required by law to
13 support.

14 §7237. Criminal law limitations

15 1. Laws. No county, municipality or other
16 political subdivision may adopt or enforce a local
17 law, ordinance, resolution or rule having the force of
18 law that includes drinking, being a common drunkard or
19 being found in an intoxicated condition as one of the
20 elements of the offense giving rise to a criminal or
21 civil penalty or sanction.

22 2. Interpretation. No county, municipality or
23 other political subdivision may interpret or apply any
24 law of general application to circumvent subsection 1.

25 3. Affect. Nothing in this subchapter affects
26 any law, ordinance, resolution or rule against drunken
27 driving, driving under the influence of alcohol, or
28 other similar offense involving the operation of a
29 vehicle, snowmobile, aircraft, boat, machinery or
30 other equipment, or regarding the sale, purchase,
31 dispensing, possessing or use of alcoholic beverages
32 at stated times and places or by a particular class of
33 persons.

34 Sec. 40. 23 MRSA, §61, sub-§4, as enacted by PL
35 1985, c. 13, is repealed and the following enacted in
36 its place:

37 4. Proceeds from sale, lease or vacating. The

1 State's share of all gross proceeds from a sale, lease
2 or vacating of property shall be deposited into the
3 Highway Fund and shall only be expended upon
4 allocation by the Legislature. The Federal
5 Government's share shall be deposited in the account
6 from which it originated.

7 Sec. 41. 23 MRSA §153, next to last ¶, as
8 amended by PL 1987, c. 267, §4, is further amended to
9 read:

10 Where property is to be purchased or taken over
11 and held for the State, the department shall first
12 cause the property or interest therein necessary to be
13 acquired to be surveyed and described and a plan
14 thereof made and to be appraised by one or more
15 appraisers who in making each appraisal shall
16 contact the owner or one of the owners or his
17 designated representative if reasonably possible.
18 The owner or the owner's designated representative
19 shall be given an opportunity to accompany the
20 appraisers during the appraiser's inspection of the
21 property. All persons employed by the department are
22 authorized, to the extent necessary for surveys and
23 preliminary engineering, to enter and cross all lands
24 within, adjoining and adjacent to the area to be
25 surveyed in carrying out the objectives of this
26 section.

27 Sec. 42. 24 MRSA §2329, sub-§2, ¶ C, as enacted
28 by PL 1983, c. 527, §1, is amended to read:

29 C. "Treatment plan" means a written plan
30 initiated at the time of admission, approved by a
31 Doctor of Medicine, Doctor of Osteopathy or a
32 Registered Licensed Substance Abuse Counselor
33 employed by a certified or licensed substance
34 abuse program, including, but not limited to, the
35 patient's medical, drug and alcoholism history;
36 record of physical examination; diagnosis;
37 assessment of physical capabilities; mental
38 capacity; orders for medication, diet and special
39 needs for the patient's health or safety and
40 treatment, including medical, psychiatric,
41 psychological, social services, individual, family
42 and group counseling; and educational, support and

1 referral services.

2 Sec. 43. 32 MRSA §1101, sub-§2, as repealed and
3 replaced by PL 1973, c. 363, is amended to read:

4 2. Electrical installations. "Electrical
5 installations" shall mean the installation, repair,
6 alteration and maintenance of electrical conductors,
7 fittings, devices and fixtures for heating, lighting,
8 power purposes or heat activated fire alarms,
9 intrusion alarms, energy management, telephone,
10 telegraph, cable and closed circuit television, sound
11 systems, conduit and raceway systems and electrically
12 supervised manual fire alarms and sprinkler systems.
13 They shall not include the installation or repair of
14 portable appliances and other portable electrical
15 equipment, installation of which involves only the
16 insertion of an attachment plug into a fixed
17 receptacle outlet. It is the meaning and intent of
18 this subsection that the word "portable" shall not
19 include or apply to any type of fixed electrically
20 operated or driven equipment.

21 Sec. 44. 32 MRSA §1101, sub-§3-A, as enacted by
22 PL 1987, c. 395, Pt. B, §3, is amended to read:

23 3-A. Journeyman-in-training electrician.
24 "Journeyman-in-training electrician" means a person
25 doing work of installing electrical wires, conduits,
26 apparatus, fixtures and other electrical equipment
27 under the supervision of a journeyman or a master
28 electrician. ~~The biennial renewal fee for a~~
29 ~~journeyman-in-training-electrician-license-is-\$20.~~

30 Sec. 45. 32 MRSA §1101, sub-§4, as repealed and
31 replaced by PL 1983, c. 413, §31, is further amended
32 to read:

33 4. Journeyman electrician. "Journeyman
34 electrician" means a person doing work of installing
35 electrical wires, conduits, apparatus, fixtures and
36 other electrical equipment in the employment of a
37 master electrician. ~~The biennial renewal fee for a~~
38 ~~journeyman-electrician-license-is-\$40.~~

1 Sec. 46. 32 MRSA §1101, sub-§5, as amended by
2 PL 1981, c. 577, §8, is further amended to read:

3 5. Limited license. A limited electrician's
4 license to install and service the electrical work
5 related to a specific type of electrically operated
6 equipment or to specific electrical installations
7 shall be granted to any person who has passed a
8 satisfactory examination before the board. It shall
9 specify the name of such person who shall be limited
10 to engage in the occupation of installing and
11 servicing the electrical work related to the type of
12 equipment or to specific electrical installations only
13 authorized by this license. ~~The biennial renewal fee~~
14 ~~for a limited electrician's license shall be \$60.~~

15 Sec. 47. 32 MRSA §1101, sub-§6, as amended by
16 PL 1981, c. 577, §9, is further amended to read:

17 6. Master electrician. "Master electrician" shall
18 mean a person, firm or corporation, qualified under
19 this chapter, engaging in, or about to engage in, the
20 business of installing electrical wires, conduits,
21 apparatus, fixtures and other electrical equipment.
22 The certificate shall specify the name of the person,
23 who, in case of a firm, shall be one of its members or
24 employees and in case of a corporation, one of its
25 officers or employees passing said examination, by
26 which he or it shall be authorized to enter upon or
27 engage in business as set forth in this chapter. In
28 the case of a firm or corporation, the license shall
29 become void upon the death of, or the severance from
30 the company of, said person. ~~The biennial renewal~~
31 ~~fee for a master electrician's license shall be \$100.~~

32 Sec. 48. 32 MRSA §1102-B, sub-§4, as enacted by
33 PL 1981 c. 432, §2 is repealed and the following
34 enacted in its place:

35 4. Procedures and fees. Pursuant to the Maine
36 Administrative Procedure Act, Title 5, chapter 375,
37 the board may adopt procedures and fees for permit
38 applications and the conduct of inspections. The
39 combined fee for permit and inspection shall be paid
40 with every application for a permit. The board shall

1 adopt a schedule and appropriate fees, but in no event
2 may the fee be less than \$13.50.

3 Sec. 49. 32 MRSA §1151, first ¶, as amended by
4 PL 1983, c. 812, §202, is further amended to read:

5 The Electricians' Examining Board, as established
6 by Title 5, section 12004, subsection 1, and in this
7 chapter called the "board," shall consist of 6 members
8 appointed by the Governor, called the "appointive
9 members," and the Commissioner of Business,
10 Occupational and Professional and Financial
11 Regulation or a representative appointed by the
12 commissioner.

13 Sec. 50. 32 MRSA 1151, 3rd ¶, as repealed and
14 replaced by PL 1983, c. 413, §34, is amended to read:

15 Appointments shall be made for a 5-year 3-year
16 term, except that at least one appointive member's
17 term shall expire each calendar year and appointments
18 for terms of less than 5 3 years may be made in
19 order to comply with this limitation. No person may
20 be eligible to serve more than 2 3 full consecutive
21 terms, provided that for this purpose only a period
22 actually served which exceeds 1/2 of the 5-year
23 3-year term shall be deemed a full term. Upon
24 expiration of a member's term, he shall serve until
25 his successor is qualified and appointed. The
26 successor's term shall be 5 3 years from the date
27 of that expiration, regardless of the date of his
28 appointment.

29 Sec. 51. 32 MRSA §1153, as repealed and
30 replaced by PL 1983, c. 413, §35, is amended to read:

31 §1153. Meetings; rules

32 The board shall hold regular meetings at least
33 twice a year. Additional meetings shall be held as
34 necessary to conduct the business of the board, and
35 may be convened at the call of the chairman or 4 of
36 the board members. At the first meeting in each
37 calendar year, the 6 appointive members shall choose
38 one appointive member to act as chairman. A quorum of

1 the board shall consist of not less than 4 members.
2 The board shall keep correct records of all its
3 proceedings and may adopt, pursuant to the Maine
4 Administrative Procedure Act, Title 5, chapter 375,
5 subchapter II, such rules as it shall deem necessary
6 for the holding of examinations and for carrying out
7 this chapter; provide for the licensing requirements
8 of Title 8, section 653; and provide for reciprocity
9 of licensing with similar boards of other states which
10 maintain electrical standards at least equal to those
11 of this State. Reciprocal licenses shall not be
12 denied on the basis of current residency.

13 Sec. 52. 32 MRSA §1202, sub-§1, ¶B, as repealed
14 and replaced by PL 1987, c. 395, Pt. B, §7, is amended
15 to read:

16 B. For a master electrician's license, a person
17 must:

18 (1) Complete at least 4,000 hours of service
19 as a journeyman electrician or at least
20 12,000 hours of experience in electrical
21 installations, as defined in section 1101,
22 and complete a program of study comprising
23 576 hours as approved by the Electricians'
24 Examining Board or from an accredited
25 institution. The 576 hours shall consist of
26 450 hours of required study, including a
27 course of not less than 45 hours in an
28 approved course in the current National
29 Electrical Code and 126 hours of
30 degree-related courses;

31 Any person who holds a journeyman
32 electrician's or limited license under this
33 section or under former section 1202,
34 subsection 1, prior to July 1987, shall be
35 eligible to take the examination for a master
36 electrician's license, provided that the
37 applicant has completed the number of hours
38 of service or experience required by this
39 subsection and has completed 45 hours of
40 current National Electrical Code.

1 Sec. 53. 32 MRSA §1202, sub-§2, as amended by
2 PL 1981, 577, §10, is further amended to read:

3 2. Apprentice or helper. The board may issue a
4 license upon payment of a an annual fee of \$10
5 as adopted by the board, not to exceed \$20, to any
6 person who applies therefor, without examination,
7 provided such applicant submits evidence satisfactory
8 to the board that he has entered the employ of a
9 licensed electrician as an apprentice electrician or
10 to assist him as an electrician's helper or is a
11 full-time student in an electrical course at a
12 regional vocational-technical center, a Maine
13 vocational region, or a vocational-technical
14 institute. Any such person employed by an electrician
15 as an apprentice for the purpose of qualifying for any
16 license mentioned in section 1203, or as electrician's
17 helper, shall apply for a license as such immediately
18 after commencing such employment or immediately after
19 starting school in an electrical course.

20 Sec. 54. 32 MRSA §1203, first ¶, as amended by
21 PL 1987, c. 395, Pt. B, §8, is repealed and and the
22 following enacted in its place:

23 Applicants for licensure shall present to the
24 board a written application for examination and
25 license, containing such information as the board may
26 require. The board shall adopt application,
27 examination, licensure and renewal fees in amounts
28 which are reasonable and necessary for their
29 respective purposes, but in amounts not to exceed the
30 following:

- 31 1. Applications.....\$25
- 32 2. Examinations.....\$50
- 33 3. Licensure:
 - 34 A. Journeyman/Journeyman-in-training.....\$40
 - 35 B. Master.....\$75
 - 36 C. Limited.....\$50

1 Sec. 55. 32 M RSA §1951, as amended by PL 1979,
2 c. 166, §1, is further amended to read:

3 §1951. Definitions

4 As used in this subchapter, unless the context
5 otherwise specifies, the following words shall
6 terms have the following meanings:

7 1. Arborist. "Arborist" means a person who, for
8 compensation, takes down or fells, diagnoses or
9 evaluates the condition of shade or ornamental trees;
10 or solicits, recommends or supervises the treatment of
11 such trees; or in any manner or for any purpose treats
12 or cares for such trees or parts thereof; or takes
13 down or fells such trees by topping or by sections,
14 except pursuant to a permit issued under section
15 2051-A; or for control of any diseases, injuries or
16 insects, sprays or treats by any other method such
17 trees-or-forest-trees.

18 2. Board. "Board" means the Arborist Examining
19 Board.

20 3. Bureau. "Bureau" means the Bureau of Forestry
21 within the Department of Conservation.

22 4. Director of the board. "Director of the
23 board" means the Commissioner of Business Regulation
24 or-the-person-designated-by-him.

25 5. Ornamental trees. "Ornamental trees" means
26 trees of shade, beauty or landscape value, or those
27 trees intended to become such.

28 6. Person. "Person" means an individual,
29 partnership or any group of persons, whether
30 incorporated or not.

31 7. Shade trees. "Shade trees" means trees grown,
32 established or used to screen persons, grounds,
33 structures, walks, pools, etc. or other similar
34 objects, from direct wind, sunlight or,
35 observation or both, or those trees intended to
36 become-such sound.

1 8. Takes down or fells. "Takes down or fells"
2 means taking down trees by topping or by sections;
3 Taking down of those trees which can safely be felled
4 whole, and similar to a woodsman felling a forest
5 tree, does not require licensing the cutting for
6 removal of any part of the entire tree by topping, by
7 sections or felled whole.

8 9. Treats or cares for. "Treats or cares for"
9 means the pruning, trimming, shaping, installing
10 lightning protections, cabling, bracing, feeding or
11 fertilizing and excavating, draining or filling
12 decayed-and-cavity-areas of trees.

13 Sec. 56. 32 MRSA §1952, sub-§§2 and 3, as
14 amended by PL 1965, c. 226, §70, are further amended
15 to read:

16 2. Personnel. Any individual performing labor or
17 services on or in connection with trees at the
18 direction and under the personal supervision of a
19 licensed arborist while in the performance of such
20 functions, provided that employed personnel with
21 supervisory responsibility, foremen and salesmen are
22 required to qualify for and hold a license on a site
23 where a licensed arborist is present;

24 3. Certain employees. State, county, municipal,
25 quasi-municipal or public utility employees while
26 engaged in their regular line of duty or those
27 individuals contracted during emergencies resulting in
28 public hardships;

29 Sec. 57. 32 MRSA §2001, first ¶, as amended by
30 PL 1985, c. 779, §77, is further amended to read:

31 The Arborist Examining Board, as established by
32 Title 5, section 12004, subsection 1, within the
33 Department of Business, Occupational and
34 Professional and Financial Regulation and called "the
35 board," shall administer this chapter and shall
36 consist of 6 members. The Governor shall appoint 4
37 6 members as follows: Two members shall be licensed
38 commercial arborists, each of whom shall have been

1 continuously engaged in practice as licensed
2 commercial arborists for a period of 10 years prior
3 to his appointment; one member shall be a plant
4 pathologist who is either on the state or University
5 of Maine System staff and part of whose work is
6 concerned with trees; and one member shall be a
7 representative of the public; one member, whose work
8 is concerned partially with urban forestry, shall be
9 appointed from the Bureau of Forestry; and one member,
10 whose work is partially concerned with state
11 registration of pesticides, shall be appointed from
12 the Department of Agriculture, Food and Rural
13 Resources. The remaining 2 members shall be
14 selected by the Director of the Bureau of Forestry
15 from the Bureau of Forestry and shall be ex officio
16 members.

17 Sec. 58. 32 MRSa §2003, as amended by PL 1983,
18 c. 413, §105, is repealed and the following enacted in
19 its place:

20 §2003. Lists of licenses; suspension or revocation
21 of licenses

22 The Department of Professional and Financial
23 Regulation, Division of Licensing and Enforcement,
24 shall compile and maintain a complete and up-to-date
25 list of all licenses issued by the board. Such a list
26 shall be made available to any person upon request and
27 payment of required fee.

28 No later than August 1st of each year, the board
29 shall submit to the Commissioner of Professional and
30 Financial Regulation, for the preceding fiscal year
31 ending June 30th, an annual report of its operations
32 together with such comments and recommendations as the
33 board deems necessary.

34 Sec. 59. 32 MRSa §2004, as amended by PL 1977,
35 c. 360, §26, is further amended to read:

36 §2004. Disposal of fees

37 Fees collected shall be credited to the board and
38 may be expended by the board for any expense incurred
39 for examining, licensing and carrying out the purposes

1 of this subchapter. The Bureau of Forestry shall be
2 reimbursed by the board for actual expense of services
3 rendered-to-the-board-in-administering-the-law.

4 Sec. 60. 32 MRSA §2055, first ¶, as amended by
5 PL 1983, c. 413, §110, is further amended to read:

6 Each license applicant shall be required to take
7 a written examination prepared by the board. An
8 oral examination may be required of the applicant to
9 enable the board to judge his qualifications for
10 certification.

11 Sec. 61. 32 MRSA §2055, 3rd ¶, as amended by PL
12 1981, c. 567, §4, is further amended to read:

13 Examinations shall be given at least once a year
14 at such times and places as the board shall determine.
15 The grading and passing of applicants shall be
16 exclusively the responsibility of the board with the
17 assistance of the board clerk.

18 Sec. 62. 32 MRSA §2057, first ¶, as amended by
19 PL 1983, c. 204, §4, is further amended to read:

20 Licenses for arborists shall expire on December
21 31st, or at such other times as the Commissioner of
22 Business Professional and Financial Regulation may
23 designate, and shall become invalid on that date
24 unless renewed.

25 Sec. 63. 32 MRSA §6025, as amended by PL 1983,
26 c. 413, §204, is further amended to read:

27 §6025. Temporary license

28 An applicant, who fulfills all the requirements
29 for licensure except professional employment or
30 examination, may apply to the board for a temporary
31 license. Upon receiving an application, accompanied
32 by the fee established in section 6028, the board
33 shall issue a temporary license, which entitles the
34 applicant to practice speech pathology or audiology
35 under supervision while completing the requirements
36 for licensure. No temporary license may be issued by

1 the board under this section unless the applicant
2 shows to the satisfaction of the board that he is or
3 will be supervised and trained by a person who holds a
4 license or the Certificate of Clinical Competency of
5 the American Speech and Hearing Association in the
6 appropriate specialty. The temporary license shall be
7 effective for one year and may be renewed once by the
8 board.

9 Sec. 64. 32 MRSA §7030, sub-§1, as enacted by
10 PL 1983, c. 413, §225, is repealed and the following
11 enacted in its place:

12 1. Licenses. The board shall evaluate the
13 qualifications and supervise the examination of
14 applicants for licensure under this chapter. The
15 board shall accommodate the special needs or
16 handicapping conditions of licensing applicants which
17 prohibit examination in the usual manner.

18 Sec. 65. 32 MRSA §7030, sub-§1-A is enacted to
19 read:

20 1-A. Enforcement. The board shall investigate or
21 cause to be investigated all complaints made to it and
22 all cases of noncompliance with this chapter.

23 Sec. 66. 32 MRSA §7053, sub-§1, as repealed and
24 replaced by PL 1987 c. 395, Pt. B, §14, is amended to
25 read:

26 1. Licensed clinical social worker. To be
27 qualified as a licensed clinical social worker, an
28 applicant shall have demonstrated to the satisfaction
29 of the board adherence to the ethics of the social
30 work profession; shall have successfully completed the
31 examination prescribed by the board; and shall have
32 received either;

33 A. A masters or doctoral degree in social work or
34 social welfare from an accredited educational
35 institution, in a clinical concentration:

36 (1) Shall have subsequently completed 2 years
37 of social work experience with 96 hours of

1 consultation in a clinical setting; or

2 (2) Shall have demonstrated 2 years of
3 full-time clinical social work experience or
4 its equivalent and have completed the
5 graduate degree prior to January 1, 1987, and
6 have completed 2 years of subsequent social
7 work experience with 96 hours of consultation
8 in a private setting; or

9 B. A masters or doctoral degree in social work in
10 a nonclinical concentration from an accredited
11 educational institution:

12 (1) Shall have subsequently completed 4
13 years of social work experience with 192
14 hours of consultation in a clinical setting;
15 or

16 (2) Shall have demonstrated 2 years of
17 full-time clinical social work experience or
18 its equivalent and have completed the
19 graduate degree prior to January 1, 1987, and
20 have completed 4 years of subsequent social
21 work experience with 192 hours of
22 consultation in a private setting.

23 The board may waive up to one year of the subsequent 2
24 years of social work experience pursuant to this
25 subsection for those candidates who demonstrate to the
26 satisfaction of the board equivalent clinical
27 experience.

28 The board shall issue rules, in accordance with the
29 Maine Administrative Procedure Act, Title 5, chapter
30 375, defining the clinical experience required for
31 this level of licensure.

32 Sec. 67. 38 MRSA §562 sub-§10, as amended by PL
33 1985, c. 491, §5, is further amended to read:

34 10. Responsible party. "Responsible party" means
35 any one or more of the following persons:

36 A. The owner or operator of the underground oil

1 storage facility where a prohibited discharge has
2 occurred;

3 B. The person to whom the underground oil storage
4 facility where a prohibited discharge has occurred
5 is registered;

6 C. Any person other than those identified in
7 paragraph A or B who caused the prohibited
8 discharge of oil or who had custody or control of
9 the oil at the time of the prohibited
10 discharge; or

11 D. Any person who owned or operated the
12 underground oil storage facility from the time any
13 oil, petroleum products or their by-products
14 arrived there.

15 As set out in this subsection, "responsible party"
16 does not include a person who can demonstrate by a
17 preponderance of the evidence that that person neither
18 knew nor had reason to know of the existence of an
19 underground oil storage facility.

20 Sec. 68. 38 MRSA §568, sub-§4, as repealed and
21 replaced by PL 1987, c. 491, §15, is repealed and the
22 following enacted in its place:

23 4. Enforcement; penalties; punitive damages.
24 Enforcement, penalties and punitive damages are as
25 follows.

26 A. Any person who causes, or is responsible for,
27 a discharge to ground water in violation of
28 section 543 shall not be subject to any fines or
29 penalties for the discharge if that person
30 promptly reports and removes that discharge in
31 accordance with the rules and orders of the
32 department and the board.

33 B. Any responsible party who fails without
34 sufficient cause to undertake removal or remedial
35 action promptly in accordance with a clean-up
36 order issued pursuant to subsection 3 may be
37 liable to the State for punitive damages in an
38 amount at least equal to and not more than 3 times

1 the amount of any sums expended from the fund as a
2 result of such failure to take prompt action.

3 Sec. 69. P&SL 1865, c. 532, §§5, 6, 8, 15, 16
4 and 17 are repealed.

5 Sec. 70. P&SL 1865, c. 532, §19 is enacted to
6 read:

7 Sec. 19. Affiliated support groups. An
8 affiliated support group, defined as any independent
9 organization whose principal purpose is to raise funds
10 and provide financial or other support for the
11 activities of a campus within the University of Maine
12 System may be authorized by the board of trustees to
13 use the name, seal or logo of the university campus
14 involved, and at the president's discretion, to use
15 space, equipment and staff support in the performance
16 of its support activities. No independent group, not
17 so recognized, which purports to raise funds or
18 otherwise provide support for university programs may
19 expressly or by implication use the name, seal or logo
20 of the University of Maine System, or the name, seal
21 or logo of any of its campuses, facilities, sports
22 teams or programs.

23 Subject to approval of the board of trustees, a
24 campus president may designate as an affiliated
25 foundation a support group active in raising and
26 investing funds from the public-at-large for the
27 benefit of the campus. An affiliated foundation may
28 operate under bylaws established within guidelines set
29 forth by the board of trustees. Any investment policy
30 with respect to public issues adopted by the board of
31 trustees will be followed by an affiliated
32 foundation. The income from endowed gifts accepted
33 for the trustee endowment will be used exclusively for
34 purposes specified by the donors. To assure public
35 confidence in all aspects of university fund raising,
36 the records of affiliated foundations will be examined
37 in the regular university system audit, or
38 alternatively, a copy of the foundation's audited
39 financial statements will be provided each year to the
40 board of trustees.

1 Sec. 71. P&SL 1967, c. 229, §4-C, next to last
2 ¶ is amended to read:

3 Any property previously or hereafter received by
4 the university which has been designated or limited
5 for particular purposes or uses shall be used by the
6 university only for those purposes.

7 Sec. 72. P&SL 1987, c. 21, Pt. A, §§16 and 17
8 are amended to read:

9 Sec. 16. Unified state budget. The Governor,
10 when submitting the budget to the Legislature, shall
11 submit the budget document and the General Fund,
12 Highway Fund, Alcoholism Prevention, Education,
13 Treatment and Research Fund and funds of the
14 Department of Inland Fisheries and Wildlife bills in a
15 manner that will identify the gross amount of
16 resources for each program. The gross unified budget
17 bills and budget document shall encompass resources
18 from all funds, including, but not limited to, the
19 General Fund, Highway Fund, Federal Fund, Federal
20 Block Grant Fund and other special revenue funds.
21 Separate gross unified budget bills shall be submitted
22 for the General Fund, the Highway Fund, the Alcoholism
23 Prevention, Education, Treatment and Research Fund and
24 the Department of Inland Fisheries and Wildlife funds.

25 Sec. 17. Line category amounts of General Fund,
26 Highway Fund, Alcoholism Prevention, Education,
27 Treatment and Research Fund and the Department of
28 Inland Fisheries and Wildlife funds. The amounts
29 included in the unified state budget by line category
30 are the amounts included immediately under the
31 "appropriations and allocations" section of the
32 individual pages in the budget document for the
33 General Fund, the Highway Fund, the Alcoholism
34 Prevention, Education, Treatment and Research Fund and
35 the Department of Inland Fisheries and Wildlife
36 funds. These amounts, as adjusted by the Legislature,
37 will be used when preparing work programs by fund for
38 each fiscal year of the biennium.

39 Sec. 73. Transition for members of the
40 Electricians' Examining Board. Members of the

1 Electricians' Examining Board who have been appointed
2 to terms extending beyond the effective date of this
3 Act shall continue their service on the board until
4 they complete their current terms of appointment.

5 Those members of the board who have served a
6 single 5-year term of appointment which expires after
7 the effective date of this chapter shall be eligible
8 for one 3-year reappointment.

9 Those members of the board who have been appointed
10 to 2 terms of service prior to the effective date of
11 this chapter shall not be eligible for reappointment.

12 Sec. 74. Transition for members of the Maine
13 Council on Alcohol and Drug Abuse Prevention and
14 Treatment. Members of the Maine Council on Alcohol
15 and Drug Abuse Prevention and Treatment who have been
16 appointed to terms extending beyond the effective date
17 of this Act shall continue their service on the
18 council until their current terms expire. Current
19 council members shall continue to serve until new
20 appointments are commissioned in June of that year.

21 Emergency clause. In view of the emergency
22 cited in the preamble, this Act shall take effect when
23 approved.

24

STATEMENT OF FACT

25 Sections 1 to 3 update the law with a name change;
26 continue the State Board of Social Work Licensure for
27 one year; continue those independent agencies
28 scheduled for review this year; and terminate the
29 Advisory Committee for Maine Public Broadcasting for
30 failing to continue it.

31 Section 4 corrects an error.

32 Section 5 enables the director of the private,
33 nonprofit Maine Conservation School to participate in
34 fund-raising activities.

1 Sections 6 and 7 add Maine Maritime Academy
2 employees to the list of eligible participants in the
3 state health insurance plan.

4 Sections 8 and 9 require the Bureau of Public
5 Administration to be advised by the State Government
6 Internship Program Advisory Committee on all facets of
7 the program's administration.

8 Sections 10, 11 and 72 require the alcohol premium
9 bill to be submitted to the Legislature as a unified
10 budget that reflects all substance abuse service funds
11 in the allocation request.

12 Section 12 repeals the law regarding the Advisory
13 Committee on Maine Public Broadcasting.

14 Section 13 clarifies the nature of the State's
15 involvement with the Maine Conservation School and
16 allows the incumbent executive director to retain
17 status as a state employee who serves at the pleasure
18 of the board.

19 Sections 14 and 15 establish that certain
20 borrowing authorities currently employed by the Board
21 of Trustees of the University of Maine System are tax
22 exempt.

23 Sections 16 to 23, 25 to 32, 38 and 39 reorganize
24 the Alcoholism and Drug Abuse Act by segregating
25 policy statements from the Department of Human
26 Services' program provisions.

27 Section 24 clarifies that appointments to the
28 Maine Council on Alcohol and Drug Abuse Prevention and
29 Treatment change on June 1st.

30 Sections 33 to 35 add the Department of Public
31 Safety to the Alcohol and Drug Abuse Planning
32 Committee and name the commissioner.

33 Section 36 requires the Alcohol and Drug Abuse
34 Planning Committee to make recommendations to the
35 Legislature on all substance abuse funding.

1 Section 37 directs the Alcohol and Drug Abuse
2 Planning Committee to appoint its planning director
3 with the advise of the Maine Council on Alcohol and
4 Drug Abuse Prevention and Treatment.

5 Section 40 requires the proceeds from the sale of
6 surplus property to be deposited into the account of
7 origin.

8 Section 41 specifies that the property owner be
9 given an opportunity to accompany the appraiser during
10 the appraiser's inspection of the property.

11 Section 42 clarifies legislative intent regarding
12 substance abuse treatment plans.

13 Section 43 updates the definition of electrical
14 installations.

15 Sections 44 to 47 and 54 separate the licensing
16 examination fee from the licensing application fee for
17 the Electricians' Examining Board.

18 Section 48 authorizes the Electricians' Examining
19 Board to set permit and inspection fees through the
20 public rule-making process.

21 Section 49 updates the reference to the Department
22 of Professional and Financial Regulation.

23 Section 50 decreases the length of an appointment
24 to the Electricians' Examining Board to 3 years and
25 increases the limit on the total number of
26 appointments to 3.

27 Section 51 clarifies that reciprocal licenses
28 shall not be denied on the basis of current residency.

29 Section 52 requires all candidates for a master
30 electrician license to complete a 45-hour electrical
31 code course.

32 Section 53 caps the apprentice and helper
33 electrician licensing fees.

1 Section 55 makes a number of minor refinements in
2 statutory definitions used to regulate licensed
3 arborists.

4 Section 56 broadens the exemption from arborist
5 licensing requirements to include individuals employed
6 as arborists during public emergencies. This section
7 also broadens the exemption for personnel performing
8 arborist services on a site supervised by a licensed
9 arborist.

10 Section 57 expands membership of the Arborist
11 Examining Board to 6 gubernatorially appointed voting
12 members.

13 Section 58 makes a number of technical corrections
14 concerning the Arborist Examining Board and
15 establishes that the board may charge a fee for a
16 requested list of licensed arborists.

17 Section 59 deletes an obsolete provision
18 concerning the Arborist Examining Board's former
19 relationship with the Bureau of Forestry.

20 Section 60 authorizes the Arborist Examining Board
21 to administer exams prepared by the board.

22 Section 61 clarifies that the Arborist Examining
23 Board may use its board clerk to assist in the
24 processing of examinations.

25 Section 62 updates a reference to the Department
26 of Professional and Financial Regulation.

27 Section 63 corrects an omission.

28 Sections 64 and 65 direct the State Board of
29 Social Workers Licensure to accommodate the special
30 needs of licensing applicants.

31 Section 66 authorizes the board to waive up to one
32 year of post-graduate clinical experience.

33 Section 67 changes the definition of "responsible
34 party."

1 Section 68 authorizes additional enforcement
2 action for the protection of ground water.

3 Section 69 repeals obsolete sections of the
4 legislative charter for the Board of Trustees of the
5 University of Maine System.

6 Section 70 adds a section to the legislative
7 charter for the Board of Trustees of the University of
8 Maine System which establishes that groups of
9 organizations which raise funds on behalf of the
10 University of Maine System or any of its campuses must
11 be affiliated with the board of trustees and subject
12 to its policies on affiliated support groups.

13 Section 71 clarifies that any property regardless
14 of when received by the University of Maine System for
15 a particular purpose shall be used only for its
16 original purpose.

17 Section 73 provides a transition clause for the
18 Electricians' Examining Board.

19 Section 74 provides a transition clause for the
20 Maine Council on Alcohol and Drug Abuse Prevention and
21 Treatment.

22

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