

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1689

H.P. 1217

House of Representatives, May 24, 1989

Reported by Representative ROLDE for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 23.

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

A handwritten signature in cursive script that reads "Ed Pert".

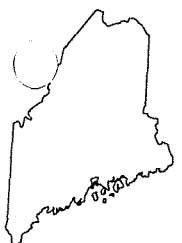
EDWIN H. PERT, Clerk

STATE OF MAINE

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

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

(EMERGENCY)



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

5 Whereas, the 90-day period will terminate before the
6 beginning of the next fiscal year; and

7
8 Whereas, certain obligations and expenses incident to the
9 operation of departments and agencies will become due and payable
10 on or immediately after July 1, 1989; and

11
12 Whereas, certain independent agencies will terminate unless
13 continued by Act of the Legislature prior to June 30, 1989; and

14
15 Whereas, in the judgment of the Legislature, these facts
16 create an emergency within the meaning of the Constitution of
17 Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
19 safety; now, therefore,

20
21 **Be it enacted by the People of the State of Maine as follows:**

22
23 **PART A**

24
25 **Sec. 1. 2 MRSA §6, sub-§3**, as amended by PL 1987, c. 715, §1,
26 is further amended to read:

27
28 3. **Range 89.** The salaries of the following state officials
29 and employees shall be within salary range 89:

30 Director of Public Improvements;

31 State Budget Officer;

32 State Controller;

33 Director of the Bureau of Forestry;

34 Chief of the State Police;

35 Director, State Planning Office;

36 Director, Energy Resources Office;

37 Public Advocate;

38 Commissioner of Defense and Veterans' Services; and

39 Director of Human Resources;~~-and.~~

40 Executive-Director,~~-Retirement-System.~~

1 §924. Justification reports

3 1. Report required. Each agency and independent agency
5 shall prepare and submit to the Legislature, through the
7 committee, a justification report no later than March 31st of the
 calendar year prior to the review year specified in section 927.

9 2. Contents of justification reports. Each report shall
11 include the following information, in a concise but complete
 manner:

13 A. Enabling or authorizing law or other relevant mandate;

15 B. A description of the program, including its priorities,
17 objectives, effectiveness, operation, communication lines,
 population served, staffing and future plans;

19 C. A financial summary;

21 D. A list of related programs having similar or
 complementary objectives; and

23 E. Any other information specifically requested.

25 §925. Committee analysis and recommendations

27 1. Objectives. For each agency and independent agency
29 subject to review pursuant to this chapter, the committee may
31 conduct an analysis which shall include, but not be limited to,
33 an evaluation of the justification report and the extent to which
 the legislative mandate and objectives of the agency or
 independent agency have been achieved. The Legislative Council
 shall provide the committee with assistance as required for the
 purposes of this subsection.

35 2. Findings and recommendations. The committee shall
37 submit to the Legislature the findings, recommendations and
39 legislation required to implement its study of the agencies and
41 independent agencies scheduled in section 927 by the dates listed
 in section 927.

43 The committee shall submit to the Legislature its evaluations and
45 analyses of justification reports of unscheduled agencies
 submitted pursuant to section 927 no later than 14 months after
 those reports are submitted to the Legislature.

47 3. Maine Historical Society. Notwithstanding the fact that
49 the Maine Historical Society is a private, nonprofit corporation,
51 it shall be reviewed by the committee no later than June 30,
 1997, and at least every 10 years thereafter, as long as it
 receives an appropriation from the State. The termination

1 provisions of this chapter shall not apply to the Maine
2 Historical Society.

3 **§926. Termination of independent agencies**

5
6 **1. Termination process.** Unless continued by Act of the
7 Legislature prior to June 30th of the year specified in section
8 927, each independent agency shall be accorded a grace period of
9 not more than one year from June 30th of the year specified in
10 section 927, in which to complete its business prior to
11 termination. During the grace period, the statutory powers and
12 duties of the independent agency shall not be limited or reduced.

13
14 **2. Disposition of property, funds and records.** During the
15 period of grace, the Legislature shall determine the disposition
16 of:

17 **A. All property, including any land, buildings, equipment**
18 **and supplies used by the independent agency;**

19 **B. All funds remaining in any account of the independent**
20 **agency; and**

21 **C. All records resulting from the activities of the**
22 **independent agency.**

23
24 **3. Expiration of grace period.** Upon the expiration of the
25 grace period, the independent agency shall cease its activities
26 and terminate.

27 **§927. Justification schedules and termination dates**

28
29 The committee shall submit its evaluation, analysis and
30 recommendations regarding the following agencies and independent
31 agencies to the Legislature no later than June 30th of the years
32 specified in this section.

33 **1. 1990.**

34 **A. Agencies:**

35 **(1) Department of Finance;**

36 **(2) Office of Treasurer of State;**

37 **(3) Department of Audit;**

38 **(4) Department of Administration, except for the**
39 **Bureau of Human Resources, Bureau of Employee**
40 **Relations, Bureau of Public Improvements and the state**
41 **employee health insurance program;**

- 1 (5) Department of Public Safety, but limited to the
2 Bureau of Capitol Security;
3
4 (6) Board of Emergency Municipal Finance;
5
6 (7) Finance Authority of Maine; and
7
8 (8) Maine Municipal Bond Bank;

9
10 B. Independent agencies:

- 11 (1) State Liquor Commission;
12
13 (2) Capitol Planning Commission; and
14
15 (3) Educational Leave Advisory Board.
16
17

18 2. 1991.

19 A. Agencies:

- 20 (1) Department of Agriculture, Food and Rural
21 Resources;
22
23 (2) Department of Defense and Veterans' Services; and
24
25 (3) Department of the Attorney General.
26
27

28 B. Independent agencies:

- 29 (1) Maine Blueberry Commission;
30
31 (2) Blueberry Advisory Committee;
32
33 (3) Seed Potato Board;
34
35 (4) Maine Milk Commission;
36
37 (5) State Harness Racing Commission;
38
39 (6) Maine Agricultural Bargaining Board;
40
41 (7) State Board of Veterinary Medicine;
42
43 (8) Maine Dairy and Nutrition Council;
44
45 (9) Board of Pesticides Control;
46
47 (10) State Planning Office;
48
49 (11) State Lottery Commission;
50
51

- 1 (12) Maine Dairy Promotions Board;
3 (13) Maine High-Risk Insurance Organization;
5 (14) State Board of Property Tax Review;
7 (15) Maine Vocational-Technical Institute System;
9 (16) Maine Commission for Women; and
11 (17) Maine Human Rights Commission.

13 3. 1992.

15 A. Agencies:

- 17 (1) Department of Transportation;
19 (2) Department of Public Safety, except for the Bureau
21 of Capitol Security;
23 (3) Department of the Secretary of State;
25 (4) Maine Turnpike Authority; and
27 (5) Maine Educational Loan Authority.

29 B. Independent agencies:

- 31 (1) Maine State Pilotage Commission;
33 (2) State Board of Registration for Professional
35 Engineers; and
37 (3) State Board of Registration for Land Surveyors.

39 4. 1993.

41 A. Agency:

- 43 (1) Department of Human Services, including the Office
45 of Emergency Medical Services.

47 B. Independent agencies:

- 49 (1) State Board of Funeral Service;
51 (2) Board of Hearing Aid Dealers and Fitters;
 (3) Maine Human Services Council; and
 (4) Advisory Commission on Radioactive Waste.

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5. 1994.

A. Agencies:

- (1) Department of Mental Health and Mental Retardation;
- (2) Maine Indian Tribal-State Commission; and
- (3) Department of Corrections.

B. Independent agencies:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) Nursing Home Administrators Licensing Board;
- (4) Board of Registration in Medicine;
- (5) State Board of Nursing;
- (6) State Board of Optometry;
- (7) Board of Osteopathic Examination and Registration;
- (8) Board of the Maine Children's Trust Fund;
- (9) Examiners of Podiatrists;
- (10) Maine Medical Laboratory Commission;
- (11) State Planning and Advisory Council on Developmental Disabilities;
- (12) Maine Committee on the Problems of the Mentally Retarded;
- (13) Governor's Committee on Employment of the Handicapped; and
- (14) Division of Community Services.

6. 1995.

A. Agencies:

- (1) Department of Conservation;
- (2) Department of Inland Fisheries and Wildlife; and

1 (3) Baxter State Park Authority.

3 B. Independent agencies:

5 (1) Advisory Board for Licensure of Water Treatment
7 Plant Operators;

9 (2) Keep Maine Scenic Committee;

11 (3) Office of Energy Resources;

13 (4) Saco River Corridor Commission;

15 (5) State Soil and Water Conservation Commission;

17 (6) Acupuncture Licensing Board;

19 (7) Board of Licensing of Auctioneers;

21 (8) Board of Licensing of Dietetic Practice; and

23 (9) Board of Commercial Driver Education.

25 7. 1996.

27 A. Agencies:

29 (1) Department of Environmental Protection; and

31 (2) Department of Marine Resources.

33 B. Independent agencies:

35 (1) Maine Sardine Council;

37 (2) Atlantic Sea Run Salmon Commission;

39 (3) Public Utilities Commission;

41 (4) Atlantic States Marine Fisheries Commission;

43 (5) Maine Development Foundation;

45 (6) Board of Directors, Maine Municipal and Rural
47 Electrification Cooperative Agency;

49 (7) Lobster Advisory Council;

51 (8) Board of Environmental Protection; and

(9) Board of Underground Oil Storage Tank Installers.

1 8. 1997.

3 A. Agencies:

5 (1) Department of Professional and Financial
7 Regulation; and

9 (2) Maine Low-level Radioactive Waste Authority.

11 B. Independent agencies:

13 (1) Real Estate Commission;

15 (2) Maine Athletic Commission;

17 (3) State Claims Commission;

19 (4) Board of Examiners on Speech Pathology and
Audiology;

21 (5) Maine State Board for Licensure of Architects and
23 Landscape Architects;

25 (6) State Board of Barbers;

27 (7) State Board of Cosmetology;

29 (8) Manufactured Housing Board;

31 (9) State Board of Substance Abuse Counselors;

33 (10) State Board of Licensure for Professional
Foresters;

35 (11) State Board of Certification for Geologists and
37 Soil Scientists;

39 (12) Board of Examiners in Physical Therapy;

41 (13) Oil and Solid Fuel Board; and

43 (14) Plumbers' Examining Board.

45 9. 1998.

47 A. Agencies:

49 (1) The Department of Educational and Cultural
Services;

51 (2) Maine State Housing Authority; and

1 (3) Maine Health and Higher Educational Facilities
2 Authority.

3 B. Independent agencies:

4 (1) Maine Conservation Corps;

5 (2) Office of State Historian;

6 (3) Maine Arts Commission;

7 (4) Maine State Museum Commission;

8 (5) Maine Historic Preservation Commission;

9 (6) Maine Health Care Finance Commission;

10 (7) Maine Health Facilities Authority;

11 (8) Board of Occupational Therapy Practice;

12 (9) Board of Respiratory Care Practitioners; and

13 (10) Radiologic Technology Board of Examiners.

14 10. 1999.

15 A. Agency:

16 (1) Department of Economic and Community Development.

17 B. Independent agencies:

18 (1) Board of Trustees of the University of Maine
19 System;

20 (2) Board of Trustees of the Maine Maritime Academy;

21 (3) State Government Internship Program Advisory
22 Committee;

23 (4) Arborist Examining Board;

24 (5) State Board of Examiners of Psychologists;

25 (6) Board of Commissioners of the Profession of
26 Pharmacy; and

27 (7) Alcohol and Drug Abuse Planning Committee.

28 11. 2000.

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A. Agencies:

(1) Maine State Retirement System;

(2) Department of Labor; and

(3) Department of Administration, but limited to the Bureau of Human Resources, Bureau of Employee Relations, Bureau of Public Improvements and State Employee Health Insurance Program.

B. Independent agencies:

(1) State Civil Service Appeals Board;

(2) Maine Labor Relations Board;

(3) Workers' Compensation Commission;

(4) Board of Accountancy;

(5) Educational Leave Advisory Board;

(6) State Board of Social Worker Licensure;

(7) Electricians' Examining Board;

(8) Maine Occupational Information Coordinating Committee; and

(9) State Employee Health Commission.

§928. Special sunset reviews

Any agency or independent agency designated by joint resolution of the Legislature for review in addition to those already scheduled shall submit justification reports to the Legislature following the passage of the joint resolution as directed by the committee.

The committee may review any aspect or element of any agency or independent agency scheduled for review under this Act when the committee determines it necessary.

§929. Future or reorganized agencies and independent agencies

The Legislature shall establish schedules for the submittal of periodic justification reports by agencies and independent agencies created or substantially reorganized after the effective date of this chapter and for the termination of independent agencies created or substantially reorganized after the effective

1 date of this chapter. All such agencies or independent agencies
2 shall be subject to the provisions of this chapter.

3 **§930. Legislative Council**

4 The Legislative Council shall be responsible for and,
5 subject to the approval of the Legislature, shall issue rules
6 necessary for the efficient administration of this chapter.

7 **§931. Legal claims**

8 Termination, modification or establishment of agencies or
9 independent agencies as a result of the review required by this
10 chapter shall not extinguish any legal claims against the State,
11 any state employee or state agency or independent agency. The
12 provisions of this chapter shall not relieve the State or any
13 agency or independent agency of responsibility for making timely
14 payment of the principal and interest of any debt issued in the
15 form of a bond or note.

16 **§932. Review**

17 The Legislature shall review the provisions and effects of
18 this chapter no later than June 30, 1999, and at least once every
19 10 years thereafter.

20 **Sec. 5. 5 MRSA §21, sub-§4,** as enacted by PL 1985, c. 167, is
21 amended to read:

22 **4. State employee.** "State employee" means any employee
23 subject to chapters 51 to 57, of an agency, independent agency or
24 parts of agencies which receive support from the General Fund or
25 that are established, created or incorporated by reference to the
26 laws, except nonpartisan staff of the Legislature.

27 **Sec. 6. 5 MRSA §21, sub-§6** is enacted to read:

28 **6. Legislative inquiry.** "Legislative inquiry" means any
29 request made by a legislative committee or individual Legislator,
30 to a state employee for public information or their personal
31 opinion.

32 **Sec. 7. 5 MRSA §22,** as enacted by PL 1985, c. 167, is amended
33 to read:

34 **§22. Right to provide testimony**

35 Every state employee has State employees have the right to
36 represent himself themselves and testify before a legislative
37 committee on his their own time. No State employees have the
38 right to respond to any legislative inquiry. A state employee

1 who complies with this chapter may shall not be denied the right
to testify before a legislative committee.

3

5 **Sec. 8. 5 MRSA §285, sub-§5**, as repealed and replaced by PL
1987, c. 731, §4, is amended to read:

7 **5. Purchase of policies.** The commission shall purchase, by
competitive bidding, from one or more insurance companies or
9 nonprofit organizations, or both, a policy or policies of group
accident and sickness or health insurance, including major
11 medical insurance, to provide the benefits specified by this
section. The purchase of policies by the commission shall be
13 accomplished by use of a written contract which shall be fully
executed within 90 calendar days of notification of bid
15 acceptance from the commission to the insurer. Notwithstanding
this subsection, with the consent of the policyholder and of the
17 insurer and at the sole discretion of the commission, existing
policies of insurance covering at least 1,000 of the employees
19 defined as eligible by this section may be amended to provide the
benefits specified by this section and assigned to the
21 Commissioner of Administration for the benefit of all those
eligible under this section. The company or companies or
23 nonprofit organizations must be licensed under the laws of the
State. The policy provisions shall be subject to and as provided
25 for by the insurance laws of this State.

27 **Sec. 9. 5 MRSA §285-A, sub-§1**, as enacted by PL 1987, c. 731,
§6, is amended to read:

29

31 **1. Establishment.** The State Employee Health Commission is
established to serve as trustees of the group accident and
sickness or health insurance in this subchapter and to advise the
33 ~~Director of State Employee Health~~ director of the state employee
health insurance program on health insurance issues and ~~other~~ the
35 Director of the Bureau of State Employee Health on issues
concerning employee health and wellness, the ~~employee-assistance~~
37 ~~program~~ State Employee Assistance Program and the use of the
State Employee Health Internal Service Fund Account, section 956.

39

41 **Sec. 10. 5 MRSA §723**, as amended by PL 1985, c. 785, Pt. B,
§21, is further amended to read:

43 **§723. Educational Leave Advisory Board**

45 The Educational Leave Advisory Board, established by section
12004 ~~12004-I~~, subsection 10 11, shall advise and consult with
47 the Bureau of Human Resources to review and authorize all
educational leave requests from classified and unclassified state
49 employees for durations of more than one week. The board shall
consist of ~~3~~ 5 members as follows: The Director of Human
51 Resources who shall serve as ~~chairman~~ chair of the board, the
Commissioner of Educational and Cultural Services or his a

1 designee; the manager of human resource development within the
2 Bureau of Human Resources; and one-member 2 members who shall be
3 a state employee employees, at least one of whom shall be a state
4 employee as defined in Title 26, section 979-A, subsection 6.
5 Each state employee member is to be appointed by the Governor to
6 serve for a term of 3 years. Members of the board shall be
7 compensated as provided in chapter 379.

9 **Sec. 11. 5 MRSA §954**, as enacted by PL 1985, c. 785, Pt. C,
10 §1, is amended to read:

11 **§954. Bureau of State Employee Health**

12
13 The Bureau of State Employee Health is established within
14 the Department of Administration to promote the health and safety
15 of state employees by working with the Office of Employee
16 Relations, other bureaus and departments in the Executive
17 Department, and state employees and their representatives to
18 mutually establish policies and provide programs to minimize the
19 risk of injury to and incidence of illness among state employees
20 and to provide--and--administer--health--insurance--for--state
21 employees--and conserve public funds by minimizing the direct and
22 indirect costs associated with injury and illness. The bureau
23 shall be responsible for the administration of the State Employee
24 Assistance Program, Title 22, chapter 254-A.

25
26 The bureau shall also administer a first aid and health
27 service in the State House complex for state employees and State
28 House visitors.

29
30 **Sec. 12. 5 MRSA §955, 3rd ¶**, as amended by PL 1987, c. 731,
31 §8, is further amended to read:

32
33 The director shall work with the Bureau of Employee
34 Relations, the State Employee Health Commission established in
35 section 285-A, and other labor management groups to maximize the
36 involvement of state employees and their representatives in the
37 planning and execution of all programs under the charge of the
38 bureau, including, but not limited to, the health insurance and
39 wellness issues, the employee assistance program and the planning
40 and use of the State Employee Health Internal Service Fund
41 Account.

42
43 **Sec. 13. 5 MRSA §1728-A, sub-§1**, as amended by PL 1987, c.
44 778, §1, is further amended to read:

45
46 1. **Duties.** The director shall provide insurance advice and
47 services for the State Government and any department or agency
48 thereof for all forms of insurance, except for those departments
49 or agencies and those types of insurance otherwise provided for
50 by law. The director shall provide insurance advice and services
51 for family foster homes, as defined in Title 22, section 8101,

1 subsection 3, and respite care providers, as defined in Title
2 34-B, section 6201, subsection 2-A, ambulance services, as
3 defined in Title 32, section 83, subsection 5, emergency medical
4 services' persons, as defined in Title 32, section 83, subsection
5 12, and first responder services, as defined in Title 32, section
6 83, subsection 14. The director shall be responsible for the
7 acquisition and administration of all insurance purchased by the
8 State, including the authority to purchase, on a competitive bid
9 basis, insurance for the State for automobile, fire, liability
10 and any other type of coverage which may be necessary to protect
11 the State from financial loss. The director may enter into
12 contracts for various types of claims management services in
13 order to insure the most economically advantageous insurance
14 protection in the operation of the State's insurance coverage
15 program. In these regards, the director has the following
16 duties:

17
18 A. To review annually the entire subject of insurance as it
19 applies to all state property and activities and other
20 persons pursuant to this section, and to provide to the
21 commissioner a statement of its activities during the year
22 ending the preceding June 30th. This report shall include:

23 (1) An evaluation of the state insurance program;

24 (2) A complete statement of all types and costs of
25 insurance in effect;

26 (3) Names of agents and companies of record; and

27 (4) Such other matters as the director determines to
28 be appropriate and necessary or as the commissioner may
29 request;

30
31 B. To recommend to the commissioner such insurance
32 protection as the director may deem necessary or desirable
33 for the protection of all state property or activities or
34 other insureds under this section;

35
36 C. Pursuant to programs approved by the commissioner, to
37 provide insurance protection for state property and
38 liability insurance in accordance with the Maine Tort Claims
39 Act, Title 14, section 8116, and premises liability, when
40 required by a state lease or private property approved by
41 the Attorney General, by self-insured retention, as
42 provided, or purchase of insurance from companies or agents
43 licensed to do business in this State, or by both, to effect
44 the best possible contracts as to services, coverages and
45 costs. The purchase of insurance under this section normally
46 shall be made upon competitive bidding, except that the
47 director may, in appropriate circumstances, purchase
48 insurance by negotiation.
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In the event of the purchase of insurance upon competitive bidding by qualified insurers, the director shall announce the low bid at a meeting advertised for the opening of bids, which, when approved by the commissioner, shall constitute an award of a contract of insurance;

D. To determine and review the values of property in which the State has an insurable or legal interest and recommend limits and types of insurance protection for that property;

E. To establish and promote safety and other loss prevention programs;

F. To receive and, with the assistance of the Attorney General, administer all claims for personal injury and property damage against the State; and

G. With the assistance of the Attorney General, to pursue all claims against 3rd parties in all cases in which the State may be subrogated to the rights of injured employees or where damage to state property may have resulted from the negligence of a 3rd party.

Sec. 14. 5 MRSA §1731, as repealed and replaced by PL 1985, c. 785, Pt. C, §2, is amended to read:

§1731. Reserve fund for self-insured retention losses

A reserve fund, in this chapter called the "fund," is created to indemnify the State for self-insured retention losses and related loss adjustment expenses from those perils insured against under a deductible or self-insured retention program, as recommended by the director and approved by the commissioner. With the approval of the commissioner, the fund may be used for loss prevention programs administered by either the Risk Management Division or the Bureau of State Employee Health. The total amount of the fund provided for loss prevention programs in any given year may not exceed 5% of the fund as of July 1st of that fiscal year. The fund shall be a continuing fund and shall not lapse. Funds provided from the reserve fund to the Bureau of State Employee Health shall be similarly nonlapsing and shall be carried forward through the Bureau of State Employee Health Internal Service Fund Account.

As approved by the commissioner, up to 15% of the amount of the fund as of July 1st of each fiscal year may be used to ensure the prompt payment of workers' compensation claims for state agencies as required by law. Any funds so transferred shall be repaid to the fund by use of a written agreement which specifies reimbursement within the same biennium in which the transfer was made.

1
3 **Sec. 15. 5 MRSA §1742, sub-§7**, as amended by PL 1973, c. 154,
§2, is further amended to read:

5 **7. Approve plans for public improvements.** To approve all
7 proposals, plans, specifications and contracts for public
improvements which the State of Maine or any of its agencies hold
9 in fee or by leasehold interest and for school administrative
unit projects costing in excess of ~~\$25,000~~ \$50,000. The
11 commissioner shall, upon the request of a school administrative
unit, provide consultation for any public improvement regardless
of cost;

13
15 **Sec. 16. 5 MRSA §1742, sub-§22**, as amended by PL 1987, c. 733,
§1 and c. 741, §1, is repealed.

17 **Sec. 17. 5 MRSA §1742-C** is enacted to read:

19 **§1742-C. Institutions of higher education**

21 The Department of Administration, through the Bureau of
23 Public Improvements, shall provide the following services to
institutions of higher education.

25 **1. University of Maine System.** Notwithstanding section
27 1742, the Bureau of Public Improvements is not required to
provide services to the University of Maine System.

29 **2. Maine Vocational-Technical Institute System; Maine**
31 Maritime Academy. The Bureau of Public Improvements shall
33 provide any of the services set out in section 1742, subsections
1 to 9, 12 to 14, 19 and 23 to the Maine Vocational-Technical
35 Institute System and the Maine Maritime Academy. Application of
section 1742, subsection 23 to these institutions is limited to
all public improvements:

37 **A. Costing \$25,000 or more; or**

39 **B. Costing less than \$25,000 when building codes or other**
41 legal requirements exist.

43 **Sec. 18. 5 MRSA §1743-A**, as enacted by PL 1973, c. 154, §3,
is amended to read:

45 **§1743-A. Competitive bids; advertisement**

47 Any contract for the construction, major alteration or
49 repair of school buildings involving a total cost in excess of
~~\$25,000~~ \$50,000, except contracts for professional, architectural
and engineering services, shall be awarded by competitive bids.
51 The school district directors, school committee, building
committee or whatever agency has responsibility for the

1 construction, major alteration or repair shall, after
consultation with the State Director of the Bureau of Public
3 Improvements, seek sealed proposals. Sealed proposals shall be
addressed to the responsible agency and shall remain sealed until
5 publicly opened in the presence of the responsible agency or a
committee thereof at such time as the responsible agency may
7 direct. Competitive bids may be waived in individual cases
involving unusual circumstances with the written approval of the
9 Director of the Bureau of Public Improvements and the
Commissioner of Educational and Cultural Services.

11
13 **Sec. 19. 5 MRSA §1745**, as repealed and replaced by PL 1977,
c. 303, §2, is amended to read:

15 **§1745. Advertisement for sealed proposals; bonds**

17 The trustees, commissioners or other persons in charge of
any public improvement in an amount in excess of ~~\$25,000~~ \$50,000,
19 which is subject to chapters 141 to 155 shall, after consultation
with the Director of the Bureau of Public Improvements, advertise
21 for sealed proposals not less than 2 weeks in such papers as the
Governor may direct. The last advertisement shall be at least one
23 week before the time named therein for the closing of such bids.
Sealed proposals for any public improvements shall be addressed
25 to the trustees, commissioners or such other persons having the
construction in charge and shall remain sealed until opened at
27 the time and place stated in the advertisement or as the Governor
may direct.

29
31 If a public improvement has been properly advertised in
accordance with this chapter, and no proposals have been received
from a qualified person who has been bonded in accordance with
33 the requirements of Title 14, section 871, the Director of the
Bureau of Public Improvements is authorized to accept proposals
35 from persons that are not bonded in accordance with the
requirements of Title 14, section 871. The Director of the
37 Bureau of Public Improvements is authorized to set reasonable
standards to ensure the interest of the State in the
39 consideration of persons mentioned in this paragraph.

41 **Sec. 20. 5 MRSA §1746**, as amended by PL 1973, c. 223, is
further amended by inserting at the end a new paragraph to read:

43
45 The Director of the Bureau of Public Improvements may
approve contracts with a provision for daily financial incentive
for projects completed before the scheduled date when it can be
47 demonstrated that the early completion will result in a financial
savings to the owner or to the State. The financial incentive
49 may not be greater than the projected daily rate of savings to
the owner or the State.

1 Sec. 21. 5 MRSA §1747 is repealed and the following enacted
in its place:

3 §1747. Questionnaire as prebid qualification

5 The public official may require, from any person proposing
7 to bid on public work duly advertised, a standard form of
9 questionnaire and financial statement, containing a complete
11 statement of the person's financial ability and experience in
 performing public work, before furnishing that person with plans
 and specifications for the proposed public work advertised.

13 The Director of the Bureau of Public Improvements, after
15 consultation with the appropriate department head or
 superintendent of schools, may refuse to release plans and
17 specifications to a contractor for the purpose of bidding on a
 project:

19 1. Untimely completion. If the contractor has not
21 completed in a timely manner a prior construction project or
 projects and the resulting noncompletion clearly reflects
23 disregard for the completion date and has created a hardship for
 the owner;

25 2. Incomplete work. If that contractor has a history of
 inability to complete similar work;

27 3. Insufficient resources. If, in the opinion of the
29 director, the contractor does not have sufficient resources to
 successfully complete the work; and

31 4. Misconduct. If the contractor has been convicted of
33 collusion or fraud or any other civil or criminal violation
 relating to construction projects.

35 Sec. 22. 5 MRSA §1749, first ¶, as amended by PL 1971, c. 543,
37 §22, is repealed and the following enacted in its place:

39 Any contractor dissatisfied with the Director of the Bureau
41 of Public Improvements' decision under section 1747 may appeal
 the decision to the Commissioner of Administration within 5
43 calendar days of the receipt of notice from the director that the
 contractor has been excluded from receiving plans and
45 specifications or the director has refused to accept the
 contractor's bid. The appeal process shall be conducted at the
47 discretion of the commissioner, but must be completed and a final
 decision rendered within 5 calendar days after the contractor's
49 written notice of appeal unless extended by the commissioner.
 The decision of the commissioner shall be final and binding. Any
51 contractor who requests a hearing under this section shall be
 allowed to receive plans and specifications for a particular duly
 advertised public improvement and bid on that improvement. The

1 bid of any contractor submitted under this section may be
2 disallowed upon final decision of the commissioner.

3 **Sec. 23. 5 MRSA §7072**, as enacted by PL 1985, c. 785, Pt. B,
4 §38, is amended to read:

5
6 **§7072. Training and apprenticeship programs**

7
8 The director shall devise plans for and cooperate with
9 appointing authorities and other supervising officials in the
10 development and conduct of employee training and--registered
11 apprenticeship programs to recruit and develop well qualified
12 employees, to aid in meeting affirmative action requirements and
13 to otherwise carry out the State's role as a responsible and
14 effective employer.

15
16 ~~The Bureau of Labor Standards shall assist the director in
17 determining which classifications are apprenticeable and in
18 encouraging and assisting state agencies to utilize the benefits
19 of apprenticeship programs or other training programs.~~

20
21 Consistent with the Code of Fair Practices and other merit
22 system and affirmative action requirements, the State, through
23 the Bureau of Human Resources, the Bureau of Labor Standards and
24 its other departments and agencies, shall support the policies of
25 the United States Job Opportunity Act of 1981. ~~The State shall
26 seek to meet a target of filling 10% of registered state
27 apprenticeships established with qualified candidates who are
28 recipients of Aid to Families with Dependent Children. The State
29 shall make a good faith effort to expeditiously establish as many
30 of these apprenticeships as possible.~~

31
32 ~~1. Listing of apprenticeable classifications. With the
33 assistance of the Bureau of Labor Standards and other state
34 agencies, the director shall develop a list of apprenticeable
35 classifications. The list shall be revised annually.~~

36
37 2. Agency review. The Bureau of Labor Standards and each
38 agency utilizing using apprenticeable classifications shall
39 determine where apprenticeships should be established subject to
40 the authorization of the Director of the Bureau of Human
41 Resources and the State Apprenticeship and Training Council.

42
43 3. Annual report. The director shall include a summary of
44 training programs in the annual report of the Bureau of Human
45 Resources ~~the following information:~~

46
47 A. ~~A review of the development and operation of training
48 and apprenticeship programs;~~

49
50 B. ~~The list of apprenticeable classifications pursuant to
51 subsection 1;~~

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~~C.---A--summary--of--the--agencies--and--types--of--positions
involved;~~

~~D.---A--summary--of--registered--apprenticeships;~~

~~E.---The--number--of--persons--who--applied--for--apprenticeship
positions--under--this--chapter;~~

~~F.---The--number--of--persons--who--were--accepted--into--the
apprenticeship--program--under--this--chapter;~~

~~G.---The--number--of--persons,--under--this--chapter,--who
successfully--completed--and--the--number--of--persons--who--failed
to--complete--the--program--established--under--this--chapter;~~

~~H.---The--number--of--persons--who,--following--the--successful
completion--of--the--program,--remain--employed;~~

~~I.---A--summary--of--other--training--programs--established;--and~~

~~J.---A--breakdown--of--the--total--number--of--persons,--defined--in
paragraphs--E,--F--and--G,--by--sex,--race--and--any--other
characteristics--deemed--by--the--director--to--be--pertinent--to
the--intent--of--this--chapter.~~

4. Bargaining agreements. Nothing in this section may operate to invalidate or supersede the provisions of a collective bargaining agreement between an employee organization and the State.

Sec. 24. 5 MRSA §12004-G, sub-§25, as enacted by PL 1987, c. 786, §5, is amended to read:

25.	Labor	State Apprenticeship and Training Council	Expenses Only	26 MRSA §1002
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Sec. 25. 5 MRSA §17102, sub-§1-A is enacted to read:

1-A. Retirement system employees ineligible. The executive director and the employees of the retirement system may not serve on the board of trustees.

Sec. 26. 5 MRSA §17102, sub-§6, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

6. Compensation. The trustees shall be compensated, as provided in chapter 379, from the funds of the retirement system. Notwithstanding section 12004-F, subsection 9, certain trustees shall be compensated as follows.

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A. A trustee who is selected according to section 17102, subsection 1, paragraphs B and E shall not receive the legislative per diem. That trustee's employer may not reduce the compensation of the trustee for that trustee's absence during normal working hours if the absence is caused by an activity compensable under section 12002-B. An amount equal to the legislative per diem, which would otherwise be paid from the funds of the retirement system to the trustee, shall be paid directly to that person's employer.

B. The trustee elected according to section 17102, subsection 1, paragraph C shall not receive the legislative per diem. That trustee's employer may not reduce the compensation of the trustee for that trustee's absence during normal working hours if the absence is caused by an activity compensable under section 12002-B.

Sec. 27. 5 MRSA §17103, sub-§§7 and 8, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

7. Administrative and financial decisions. The board shall make the final decision on all matters pertaining to administration, actuarial assumptions, actuarial recommendations and the reserves and the investments of the retirement system. The board is exempt from the requirements of chapters 143, 153, 155 and 158, except that the board is subject to the requirements of section 1742, subsection 19. The Department of Administration shall provide services to the Maine State Retirement System at the request of the board.

A. ~~Where~~ If the decision is related to or results in rules, rules shall be adopted as provided in subsection 4.

B. ~~Where~~ If the decision determines the rights, credits or privileges of an individual member or group of members, the determination shall be considered an adjudicatory proceeding under chapter 375, subchapter IV and shall be made only after the giving of notice as required in that subchapter and after hearing if a hearing is requested by a person whose rights, credits or privileges are to be determined. Any hearing shall be conducted in accordance with the ~~provisions~~ provisions of chapter 375.

C. If the decision is related to the acquisition or use of data processing and telecommunications services, equipment or systems, the board of trustees shall submit to the Office of Information Services all information relating to the proposal. The Deputy Commissioner of the Office of Information Services shall submit a review of the proposal to the board within 30 days or the next regular meeting of the board of trustees, whichever comes later. The board of

1 trustees shall consider the recommendations of the Office of
2 Information Systems in making their final decision.

3
4 8. **Executive director.** The board shall appoint an
5 executive director whose salary shall be set by the board subject
6 to the requirements of Title 2, section 6-D.

7
8 **Sec. 28. 5 MRSA §17103, sub-§11, ¶B,** as amended by PL 1987, c.
9 247, §5, is further amended to read:

11 B. Any proposed legislation amending the retirement system
12 law which the board recommends to improve the retirement
13 system; and

14 **Sec. 29. 5 MRSA §17103, sub-§11, ¶C,** as enacted by PL 1987, c.
15 247, §6, is amended to read:

16 C. A discussion of the progress toward meeting the goals of
17 chapter 161,; and

18 **Sec. 30. 5 MRSA §17103, sub-§11, ¶D** is enacted to read:

19 D. A review of the operations of the retirement system,
20 including a summary of administrative expenses and
21 improvements in the delivery of services to members of the
22 retirement system.

23
24 **Sec. 31. 14 MRSA §871, sub-§3,** as amended by PL 1985, c. 554,
25 §2, is further amended to read:

26 3. **Surety bonds.** ~~Unless specifically exempted by statute,~~
27 Except as provided in Title 5, section 1745, before any contract,
28 exceeding \$25,000 ~~\$50,000~~ in amount, for the construction,
29 alteration or repair of any public building or other public
30 improvement or public work, including highways, is awarded to any
31 person by the State or by any political subdivision or
32 quasi-municipal corporation, or by any public authority, such
33 person shall furnish to the State or to such other contracting
34 body, as the case may be, the following surety bonds:

35 A. A performance bond in an amount equal to the full
36 contract amount, conditioned upon the faithful performance
37 of the contract in accordance with the plans, specifications
38 and conditions thereof. Such bond shall be solely for the
39 protection of the State or the contracting body awarding the
40 contract, as the case may be; and

41 B. A payment bond in an amount equal to the full amount of
42 the contract solely for the protection of claimants
43 supplying labor or materials to the contractor or his
44 subcontractor in the prosecution of the work provided for in
45

1 such contract. The term "materials" shall include rental of
equipment.

3
5 When required by the contracting authority, the contractor shall
furnish bid security in an amount which the contracting authority
7 considers sufficient to guarantee that if the work is awarded the
contractor will contract with the contracting agency.

9 The bid security may be in the form of United States postal money
11 order, official bank checks, cashiers' checks, certificates of
deposit, certified checks, money in escrow, bonds from parties
13 other than bonding companies subject to an adequate financial
standing documented by a financial statement of the party giving
the surety, bond or bonds from a surety company or companies duly
15 authorized to do business in the State.

17 The bid security may be required at the discretion of the
contracting authority to assure that the contractor is bondable.

19
21 The bid securities other than bid bonds shall be returned to the
respective unsuccessful bidders. The bid security of the
23 successful bidder shall be returned to the contractor upon the
execution and delivery to the contracting agency of the contract
and performance and payment bonds, in terms satisfactory to the
25 contracting agency for the due execution of the work.

27 In the case of contracts on behalf of the State, the bonds shall
be payable to the State and deposited with the contracting
29 authority. In the case of all other contracts subject to this
section, the bonds shall be payable to and deposited with the
31 contracting body awarding the contract.

33 **Sec. 32. 22 MRSA §42, sub-§3**, as amended by PL 1987, c. 737,
Pt. C, §§64 and 106, and as amended by PL 1989, c. 6; c. 9, §2;
35 and c. 104, Pt. C, §§8 and 10, is further amended to read:

37 **3. Subsurface waste water disposal.** The department shall
adopt minimum rules relating to ~~plumbing and~~ subsurface sewage
39 disposal systems and the installation and inspection thereof
consistent with Title 30-A, chapter 185, subchapter III, and
41 Title 32, chapter 49, but this does not preempt the authority of
municipalities under Title 30-A, section 3001, to adopt more
43 restrictive ordinances; and ~~shall~~ may hold hearings ~~on the first~~
~~Tuesday of February of each year~~ for the purpose of considering
45 changes in the rules pertaining to ~~plumbing and~~ subsurface sewage
disposal systems and the installation and inspection thereof.
47 These rules may regulate the location of water supply wells to
provide minimum separation distances from subsurface sewage
49 disposal systems. The department may require a deed covenant or
deed restriction when determined necessary.

51

1 Any person who violates the rules adopted under this subsection,
3 or who violates a municipal ordinance adopted pursuant to Title
5 30-A, sections 4201 and 4211 or uses a subsurface waste water
7 disposal system not in compliance with rules applicable at the
9 time of installation or modification shall be penalized in
11 accordance with Title 30-A, section 4506. Enforcement of the
13 rules shall be the responsibility of the municipalities rather
15 than the department. The department or a municipality may seek to
17 enjoin violations of the rules or municipal ordinances. In the
19 prosecution of a violation by a municipality, the court shall
21 award reasonable attorney's fees to a municipality if that
23 municipality is the prevailing party, unless the court finds that
25 special circumstances make the award of these fees unjust.

15 **Sec. 33. 22 MRSA §42, sub-§3-B,** as amended by PL 1985, c. 612,
17 §3, is further amended to read:

19 **3-B. Inspection of subsurface waste water disposal systems.**
21 The department shall adopt rules providing for the inspection of
23 plumbing--and subsurface waste water disposal systems. In
25 municipalities, the municipal officers shall provide for the
27 appointment of one or more plumbing subsurface waste water
29 disposal inspectors. In plantations, the assessors shall appoint
31 plumbing subsurface waste water disposal inspectors in accordance
33 with Title ~~30~~ 30-A, section ~~3222~~ 4221. In the unorganized areas
35 of the State, the department shall appoint plumbing subsurface
37 waste water disposal inspectors or act in the capacity of a
39 plumbing subsurface waste water disposal inspector until a person
41 is appointed.

31 **Sec. 34. 22 MRSA §4008, sub-§3, ¶F,** as amended by PL 1987,
33 c.744, §7, is further amended to read:

35 F. Where When the information concerns teachers and other
37 professional personnel issued certificates under Title 20-A,
39 persons employed by schools approved pursuant to Title 20-A
41 or any employees of schools operated by the Department of
43 Educational and Cultural Services, the information shall be
45 disclosed to the Commissioner of Educational and Cultural
47 Services. ~~This paragraph is repealed on June 30, 1989,~~
49 ~~pending review by the joint standing committee having~~
51 ~~jurisdiction over audit and program review and unless~~
~~continued by legislative Act.~~

45 **Sec. 35. 22 MRSA c. 1071, sub-c. XII** is enacted to read:

47 **SUBCHAPTER XII**

49 **HOSPITAL-BASED SUSPECTED CHILD ABUSE AND NEGLECT COMMITTEES**

51 **§4091. Purpose**

1 The purpose of this subchapter is to encourage the
3 implementation of statewide standards to be developed by the
5 Department of Human Services and participating hospitals for the
7 identification and management of suspected child abuse and
 neglect cases presented at hospitals by providing financial
 support for the establishment of hospital-based suspected child
 abuse and neglect committees.

9 **§4092. Definitions**

11 As used in this subchapter, unless the context indicates
13 otherwise, the following terms have the following meanings.

15 1. Case plan prescription. "Case plan prescription" means
 a plan developed by the family support team.

17 2. Family support team. "Family support team" means a
19 specialized team of professionals evaluating children who are
21 suspected victims of child abuse and neglect as defined in
 section 4002, subsection 1. Evaluations shall include a family
 diagnosis and recommendations for treatment and follow-up.

23 3. Protocols. "Protocols" means procedures developed for
25 the interaction of the suspected child abuse and neglect
 committee and family support team.

27 4. Suspected child abuse and neglect committee. "Suspected
29 child abuse and neglect committee" means a committee representing
31 public and private community agencies, hospital departments and
 the department which are directly involved in providing services
 to suspected victims of child abuse and the victims' families.

33 **§4093. Hospital-based suspected child abuse and neglect committees**

35 Each hospital may establish a suspected child abuse and
37 neglect committee and family support team under this subchapter.
39 The committee shall meet regularly to provide the ongoing
41 development and monitoring of the specialized family support team
 and the approval of protocols. These hospitals shall serve as a
 resource to other institutions desiring to form such a program.

43 The family support team shall be coordinated by a team
45 manager who shall be hired by the participating hospital. The
47 team shall be available to evaluate children who are the
 suspected victims of abuse and neglect. The department shall
 contract for the services of the family support team manager.

49 The family support team shall provide a multidisciplinary
51 approach for suspected child abuse cases that are initially
 identified in hospital emergency rooms, inpatient pediatric
 departments and ambulatory clinics. The child protective staff
 of the Bureau of Social Services shall participate on the teams.

1 The team shall report immediately to the department as required
2 in section 4011.

3
4 The team shall review the nature, extent and severity of
5 abuse or neglect and the needs of the child and other family
6 members. The team shall develop a case plan prescription for the
7 treatment, management and follow-up of the child abuse victims
8 and their families, and shall forward these recommendations to
9 the department.

11 **Sec. 36.** 26 MRSA §63, sub-§1, ¶B, as enacted by PL 1985, c.
12 372, Pt. A, §7, is repealed.

13 **Sec. 37.** 26 MRSA §63, sub-§1, ¶C, as enacted by PL 1985, c.
14 372, Pt. A, §7, is amended to read:

15
16 C. No loan may be made in an amount in excess of \$15,000
17 \$50,000 to any single applicant, ~~not~~ or at a an fixed
18 interest rate in excess of a ~~rate equal to 2~~ percentage
19 ~~points below the prime rate in effect in the Boston~~
20 ~~metropolitan area; 3 %.~~ The maximum term of an individual
21 loan shall be 10 years. The Commissioner of Labor may waive
22 the limitation on the amount, the duration, or both, of a
23 loan to address severe circumstances, as funds are available;
24

25 **Sec. 38.** 26 MRSA §142, sub-§8, as enacted by PL 1973, c. 33,
26 §2, is repealed and the following enacted in its place:

27
28 **8. Water under pressure.** Vessels for containing water
29 under pressure, including those containing air, the compression
30 of which serves only as a cushion, when none of the following
31 limitations is exceeded:

32
33 A. A design pressure of 300 pressure pounds per square
34 inch; or

35
36 B. A design temperature of 210° Fahrenheit;

37
38 **Sec. 39.** 26 MRSA §178, sub-§1, as amended by PL 1981, c. 348,
39 §§1 and 2, is repealed and the following enacted in its place:

40
41 **1. Licenses.** In order to safeguard life, health and
42 property, the Board of Boiler Rules shall provide for the
43 mandatory licensing of stationary steam engineers and boiler
44 operators.

45
46 Those persons operating boilers exempt under section 142 and
47 those persons employed by companies under the jurisdiction of the
48 Public Utilities Commission or the United States Atomic Energy
49 Commission shall be exempt from the licensing requirements.
50

1 **Sec. 40. 26 MRSA §243**, as amended by PL 1971, c. 620, §13, is
further amended to read:

3 **§243. Insurance**

5 ~~In case~~ When a boiler is insured and inspected by a duly
7 accredited insurance company licensed to do business in this
State, a copy of the record of each internal inspection of such
9 the boiler shall be filed with the bureau.

11 ~~In case~~ When an insurance company cancels insurance upon any
boiler requiring inspection under section 244 which is not exempt
13 by under section 142 or the policy expires and is not renewed,
notice shall immediately be given to the bureau. Any insurance
15 company shall ~~likewise~~ notify said the bureau immediately upon
~~the placing of insurance on such~~ insuring a boiler pursuant to
17 this section.

19 **Sec. 41. 26 MRSA §246, sub-§5** is amended to read:

21 5. Copies of rules. To publish and distribute, among
boiler manufacturers and others requesting them, copies of the
23 rules adopted by the board at a cost sufficient only to cover the
printing and mailing expenses of distribution; and

25 **Sec. 42. 26 MRSA §474, 3rd ¶**, as amended by PL 1985, c. 310,
27 is further amended to read:

29 Any order or decision of the board or any rule formulated by
the board shall be subject to review by the Superior Court
31 pursuant to Title 5, section 8058 or chapter 375, ~~chapter~~
subchapter VII.

33 **Sec. 43. 26 MRSA §490-G, sub-§7**, as enacted by PL 1977, c.
35 543, §4, is amended to read:

37 7. Copies of rules. To publish and distribute among
elevator and tramway owners, lessees, manufacturers, repair
39 companies and others requesting them, copies of the rules as
adopted by the board, at a cost sufficient only to cover the
41 printing and mailing expenses of distribution, except those rules
which are American National Standards Institute ~~standard~~
43 standards, which must be obtained from the publisher.

45 **Sec. 44. 26 MRSA §1001, sub-§2**, as amended by PL 1985, c. 821,
§§16 and 17, is further amended to read:

47 2. **Apprentice agreement.** "Apprentice agreement" shall mean
49 a written agreement entered into by an apprentice or organization
of employees with an employer or with an association of employers
51 or organizations of employees, which agreement provides for ~~his~~
the apprentice's participation in a definite ~~sequence~~ sequence of

1 job training, and for such related and supplemental instruction
2 as may be deemed necessary to qualify as a journeyman in the
3 particular trade affected.

5 Sec. 45. 26 MRSA §1002, as amended by PL 1985, c. 821, §§16
and 17, is further amended to read:

7
9 **§1002. State Apprenticeship and Training Council**

11 The State Apprenticeship and Training Council, as
12 established by Title 5, section 12004 ~~12004-G~~, subsection 8 25,
13 shall be composed of ~~11~~ 12 members to be appointed by the
14 Governor and made up as follows: 4 members shall be
15 representatives of employees and shall be bona fide members of a
16 recognized major labor organization; 4 members shall be
17 representatives of employers and shall be bona fide employers or
18 authorized representatives of bona fide employers; ~~and--3~~ 2
19 members shall be representatives of the public ~~and--shall--be,~~
20 selected from neither industrial employers nor employees, nor
21 shall they be directly concerned with any particular industrial
22 employer or employee; and 2 members who shall represent the
23 interests of women, minorities and aid to families with dependent
24 children recipients in apprenticeship. The appointments shall be
25 made so that the term of one member of each group shall expire
26 each year. Each member shall hold office until ~~his--successor~~ a
27 successor is appointed and qualified, and any vacancy shall be
28 filled by appointment for the unexpired portion of the term. The
29 ~~chairman~~ chair and secretary of the council shall be named by the
30 members of the council and the ~~chairman~~ chair shall be a member
31 of the council. The Associate Commissioner of Vocational
32 Education, the Director of the Bureau of Labor Standards and the
33 Commissioner of Labor shall be ex officio members of the council
34 without vote. The members of the council shall be compensated
35 according to the provisions of Title 5, chapter 379.

37 The budget request of the council shall be incorporated in
38 the overall budget of the Bureau of Labor Standards, and the
39 director shall be responsible for the disbursement of these funds
40 according to council policy. The director shall be responsible
41 for the selection and supervision of all personnel who may be
42 employed by the council.

43 The council shall:

45 1. Establish standards. Establish standards, through joint
46 action of employers and employees, and assist in the development
47 of apprenticeship programs in conformity with this chapter and
48 generally encourage and promote the establishment of
49 apprenticeship programs;

1 2. **Registration.** Register or terminate or cancel the
3 registration of apprenticeship programs and apprenticeship
agreements;

5 3. **Certificates of completion.** Issue such certificates of
7 completion of apprenticeship as shall be authorized by the
8 council to apprentices who have been certified by a joint
9 apprenticeship committee or employer as satisfactorily completing
their training;

11 4. **Records.** Keep a record of apprenticeship programs and
13 apprentice agreements;

15 5. **Cooperate with others.** Cooperate with the State
16 ~~Department of Educational and Cultural Services~~ Board of Trustees
17 of the Maine Vocational-Technical Institute System and the local
18 school authorities in the organization and establishment of
19 classes of related and supplemental instruction for apprentices
employed under approved agreements;

21 6. **Rules and regulations.** Issue such rules and
22 regulations, pursuant to Title 5, ~~section 8051-et-seq,~~ chapter
23 372, subchapter II, as may be necessary to carry out the intent
24 and purpose of this chapter;

25 7. **Reports.** Make a report to the Governor of its
26 activities and the results thereof, including those activities
27 specifically undertaken to increase the participation of aid to
28 families with dependent children recipients in apprenticeships
29 and to promote state sponsored apprenticeships, which report
30 shall be incorporated in the biennial report of the Director of
31 the Bureau of Labor Standards; and

32 8. **Prison industries programs.** Cooperate and consult with
33 the Department of Corrections to develop policies concerning the
34 issues of job safety for prisoners involved in prison industries
35 programs, work release programs and job displacement created by
36 such programs and to develop opportunities for jobs in the prison
37 industries programs consistent with Title 34-A, section 1403,
38 subsection 9-~~i~~;

39 9. **Commitment to apprenticeships for aid to families with**
40 **dependent children recipients.** Cooperate, consult and coordinate
41 with the advisory council to the Maine Aid to Families with
42 Dependent Children Coordinating Committee, established by Title
43 22, section 3773, and other relevant groups to identify the
44 obstacles which may prevent the greater participation of aid to
45 families with dependent children recipients in apprenticeships,
46 and the necessary measures to be taken to overcome them; and

47 10. **State sponsored apprenticeships.** Promote and develop
48 apprenticeships in State Government in cooperation with the

1 Bureau of Human Resources, recognized state employee
2 organizations and other interested parties.

3
4 Meetings of the council shall be held quarterly and as often
5 as is necessary in the opinion of the majority of the council.
6 The chairman chair shall designate the time and place of the
7 meetings and the secretary shall notify all council members at
8 least one week in advance of each meeting. A majority of the
9 membership of the council shall constitute a quorum, provided
10 that each group has at least one representative present.

11 **Sec. 46. 26 MRSA §1004, sub-§3, as amended by PL 1971, c. 610,**
12 **§21, is further amended to read:**

13
14 3. Hours. A statement of educational subjects to be studied
15 and mastered. Where formal classroom instruction can be
16 established by the ~~State Department of Educational and Cultural~~
17 ~~Services~~ Board of Trustees of the Maine Vocational-Technical
18 Institute System a statement that such classes shall operate at
19 least 144 hours per year;

20 **Sec. 47. 26 MRSA §1005-A is enacted to read:**

21 **§1005-A. Preapprenticeship training**

22
23 The State Apprenticeship and Training Council shall assist
24 the Department of Educational and Cultural Services, the State's
25 vocational-technical institutes and other groups which may wish
26 to establish preapprenticeship training programs, in developing
27 training courses, the successful completion of which will enable
28 a participant to meet the qualifying standards for the
29 apprenticeship or apprenticeships for which the participant has
30 expressed a serious interest. All preapprenticeship training
31 programs are subject to approval by the council.

32 **Sec. 48. 26 MRSA §1006 is amended to read:**

33 **§1006. Local, regional and state joint apprenticeship committees**

34
35 Local and state joint apprenticeship committees may be
36 approved, in any trade or group of trades, in cities, regions of
37 the state or trade areas, by the council, whenever the apprentice
38 training needs of such trade or group of trades or such regions
39 justify such establishment. Such ~~These~~ local, regional or state
40 joint apprenticeship committees shall be composed of an equal
41 number of employer and employee representatives selected by the
42 respective local or state employer and employee organizations in
43 such ~~the~~ trade or groups of trades; and such advisory members
44 representing local boards or other agencies as may be deemed
45 advisable. Each local, regional or state joint apprenticeship
46 committee will include an even number of members with expertise
47 in issues related to women, minorities or aid to families with
48

1 dependent children recipients in apprenticeships who shall be
2 voting members, 1/2 to be chosen by the employer representatives
3 and 1/2 to be chosen by the employee representatives. In a trade
4 or groups of trades in which there is no bona fide employer or
5 employee organization, a joint committee may be composed of
6 persons known to represent the interests of employers and of
7 employees respectively, or a state joint apprenticeship committee
8 may be approved as the joint committee in such trade or group of
9 trades. Subject to the review of the council and in accordance
10 with the standards established by the council, such committees
11 may devise standards for apprenticeship agreements and give such
12 aid as may be necessary in their operation in their respective
13 trades and localities. The activities of the committees shall be
14 in compliance with all applicable affirmative action rules
15 adopted by the council.

17 **Sec. 49. 26 MRSA c. 11, subchapter II, as amended, is repealed.**

19 **Sec. 50. 26 MRSA §1082, sub-§5, as amended by PL 1983, c. 812,**
20 **§164, is further amended to read:**

21 **5. Advisory council.** The Commissioner of Labor shall
22 appoint a state advisory council, as established by Title 5,
23 section 12004, subsection 10, consisting of not more than 9
24 members composed of an equal number of employer representatives
25 and employee representatives who may fairly be regarded as
26 representative because of their vocation, employment or
27 affiliations and an equal number of members representing the
28 general public. ~~Sueh~~ The council shall meet no less than 4 3
29 times a year and shall aid the commissioner in formulating
30 policies and discussing problems related to the administration of
31 this chapter and in ~~assuring~~ ensuring impartiality and freedom
32 from political influence in the solution of ~~sueh~~ those problems.
33 The advisory council may also make recommendations to the
34 Legislature for ~~sueh~~ those changes in this chapter as in their
35 opinion will aid in accomplishing the objectives of this chapter.
36 Each member of the advisory council shall be compensated
37 according to the provisions of Title 5, chapter 379.

39 **Sec. 51. 30-A MRSA c. 185, sub-c. III, first 2 lines, as amended, are**
40 **repealed and the following enacted in their place:**

43 **SUBCHAPTER III**

45 **REGULATION AND INSPECTION OF SUBSURFACE WASTE WATER**
46 **DISPOSAL**

47 **Sec. 52. 30-A MRSA §4201, sub-§3, as enacted by PL 1987, c.**
48 **737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6;**
49 **c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.**

51

1 **Sec. 53. 30-A MRSA §4211**, as enacted by PL 1987, c. 737, Pt.
A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2;
3 and c. 104, Pt. C, §§8 and 10, is further amended to read:

5 **§4211. Subsurface waste water disposal regulations**

7 **1. Municipal ordinances.** Municipalities may enact
ordinances under their home rule authority which are more
9 restrictive than rules governing ~~plumbing~~ or subsurface waste
water disposal systems adopted by the department. The department
11 may provide technical assistance to municipalities in the
development of ordinances under this subchapter. The
13 municipality shall enforce any such ordinance.

15 **2. State rules.** No municipal ordinance may be less
restrictive than the rules of the department relating to ~~plumbing~~
17 or subsurface waste water disposal systems as adopted under Title
22, section 42. The department shall establish minimum permit
19 fees by rule. The rules of the department relating to all
~~plumbing~~ or subsurface waste water disposal systems have full
21 force and effect, provided that, to the extent that a
municipality has enacted more restrictive ordinances, the
23 provisions of those ordinances prevail.

25 **3. Subsurface waste water disposal system.** No person may
erect a structure that requires a subsurface waste water disposal
27 system until documentation has been provided to the municipal
officers that the disposal system can be constructed in
29 compliance with rules adopted under Title 22, section 42, and
this section.

31 **A.** For the purposes of this section, "expansion" means the
enlargement or change in use of a structure using an
33 existing subsurface waste water disposal system that brings
the total structure into a classification that requires
35 larger subsurface waste water disposal system components
under rules adopted pursuant to Title 22, section 42, and
37 this section.

39 **B.** No person may expand a structure using a subsurface
waste water disposal system until documentation is provided
41 to the municipal officers and a notice of the documentation
is recorded in the appropriate registry of deeds that, in
43 the event of a future malfunction of the system, the
disposal system can be replaced and enlarged to comply with
45 the rules adopted under Title 22, section 42, and any
municipal ordinances governing subsurface waste water
47 disposal systems. No requirement of these rules and
ordinances may be waived for an expanded structure.
49

1 (1) The department shall prescribe the form of the
3 notice to be recorded in the registry of deeds. The
notice shall include a site plan showing:

5 (a) The exact location of the replacement system;

7 (b) The approximate location of lot lines; and

9 (c) The exact location of existing wells serving
11 the lot on which the replacement system will be
located and those located on abutting lots.

13 (2) The person seeking to expand a structure shall
15 send copies of the notice by certified mail, return
receipt requested, to all owners of abutting lots.

17 (3) After the notice required by this paragraph is
19 recorded, no abutting landowner may install a well on
that landowner's property in a location which would
21 prevent the installation of the replacement septic
system. The owner of the lot on which the replacement
23 system will be installed may not erect any structure on
the proposed site of the replacement system or conduct
25 any other activity which would prevent the use of the
designated site for the replacement system.

27 4. Enforcement and penalty. Any person who violates this
29 section shall be penalized in accordance with section 4506. The
municipality or the department may seek to enjoin violations of
this section.

31 **Sec. 54. 30-A MRSA §4212, sub-§§1 and 2,** as enacted by PL 1987,
33 c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.
6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended
35 to read:

37 1. Administration of rules. The department is responsible
for ensuring the proper administration of the ~~plumbing--and~~
39 subsurface waste water disposal rules by municipalities. The
department shall assist municipalities in complying with this
41 subchapter and with section 3428.

43 2. Review. The department shall review the administration
of ~~plumbing--and~~ subsurface waste water disposal rules and laws in
45 each municipality for compliance with this subchapter and with
section 3428. This review shall be made on a regular basis and
47 may be made in response to a written complaint from any person as
necessary. The department shall inspect the municipality's
49 records and discuss the administration of the program with the
local plumbing subsurface waste water disposal inspector. The
51 local plumbing subsurface waste water disposal inspector shall be
available during the department's review and shall cooperate in

1 providing all necessary information. The department shall report
2 the results of its review in writing to the municipality and,
3 when applicable, to the complainant. The written notice shall
4 set forth the department's findings of whether the municipality
5 is in compliance with this subchapter and section 3428.

7 **Sec. 55. 30-A MRSA §§4213 and 4214**, as enacted by PL 1987, c.
8 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6;
9 c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to
10 read:

11 **§4213. Right of entry on inspection**

12
13 The department and any duly designated representative or
14 employee of the department, including the local plumbing
15 subsurface waste water disposal inspector, may enter any property
16 at reasonable hours, enter any building with the consent of the
17 property owner, occupant or agent, inspect the property or
18 structure for compliance with the applicable rules or investigate
19 alleged conditions which do not comply with the rules. Upon the
20 request of the occupant of the premises, the department's
21 representative or the local plumbing subsurface waste water
22 disposal inspector shall present proper credentials before
23 entering the premises.

24
25 If entry is denied, entry shall not be attempted until after
26 obtaining an order of the court.

27
28 **§4214. Rule enforcement**

29
30 ~~It is the intent of the Legislature that local~~ Local
31 jurisdictions have shall retain primary responsibility for
32 enforcing rules adopted by the department governing the
33 installation and inspection of ~~plumbing and~~ subsurface waste
34 water disposal systems. The adoption of rules by the department
35 does not deny municipal authority under section 3001 to adopt
36 more restrictive ordinances.

37
38 **Sec. 56. 30-A MRSA §4215, sub-§1, ¶A**, as enacted by PL 1987,
39 c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.
40 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

41
42 **Sec. 57. 30-A MRSA §4215, sub-§§2 to 4**, as enacted by PL 1987,
43 c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.
44 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended
45 to read:

46
47 2. **Permit for seasonal conversion.** Before converting a
48 seasonal dwelling which is located in the shoreland zoning area,
49 as defined in Title 38, section 435, to a year-round or principal
50 dwelling, a conversion permit must be obtained from the local
51 plumbing subsurface waste water disposal inspector. The

1 inspector shall issue a permit for conversion of a seasonal
dwelling to a year-round or principal dwelling if one of the
3 following conditions is met:

5 A. A subsurface water disposal application, completed after
July 1, 1974, exists indicating that the dwelling's waste
7 water disposal system substantially complies with
departmental rules and applicable municipal ordinances,
9 provided that the disposal system was installed with the
required permit and certificate of approval;

11 B. A replacement for an existing waste water disposal
13 system has been constructed so that it substantially
complies with departmental rules and applicable municipal
15 ordinances;

17 C. The dwelling unit's waste water is connected to an
approved sanitary sewer system; or

19 D. A variance has been granted under this paragraph. The
owner of a seasonal dwelling, upon application, shall be
21 granted a variance from the requirements of this subsection
if, based upon the site evaluation, the plumbing subsurface
23 waste water disposal inspector finds that in the event of a
malfunction of the existing system a replacement subsurface
25 waste water system can be installed which will be in
substantial compliance with departmental rules and
27 applicable municipal ordinances and that the new system will
not be likely to endanger the quality of the adjacent water
29 bodies or of adjacent private water supplies.

31 (1) The applicant for a variance shall have a notice
33 documenting the finding of the plumbing subsurface
waste water disposal inspector recorded in the
35 appropriate registry of deeds and shall send a copy of
that notice by certified mail, return receipt
37 requested, to each owner of an abutting lot. The
department shall prescribe the form of the notice to be
39 used. The notice shall include a site plan showing:

41 (a) The exact location of the replacement system;

43 (b) The approximate location of lot lines; and

45 (c) The exact location of existing wells serving
the lot on which the replacement system will be
47 located and those located on abutting lots.

49 (2) After the notice required by subparagraph (1) is
recorded, an abutting landowner may not install a well
51 on property in a location which would prevent the
installation of the replacement septic system. The

1 owner of the lot on which the replacement system would
2 be installed may not erect any structure on the
3 proposed site of the replacement system or conduct any
4 other activity which would prevent the use of the
5 designated site for the replacement system.

7 (3) In the event of a malfunction of a system for
8 which a variance has been granted, the owner of the
9 converted seasonal dwelling shall obtain a permit and
10 repair or replace the existing subsurface disposal
11 system to bring the system into substantial compliance
12 with departmental rules and applicable municipal
13 ordinances and ensure that the system will not endanger
14 the quality of adjacent water bodies or adjacent
15 private water supplies. No variance for a new,
16 expanded or replacement subsurface disposal system may
17 be approved within the shoreland zoning area which is
18 less restrictive than the requirements of this
19 paragraph or rules adopted to carry out this
20 paragraph. A seasonal conversion permit shall not be
21 approved if a holding tank is used as a means of waste
22 water disposal or storage.

23
24 **3. Penalties.** Any person who installs or orders the
25 installation of any ~~plumbing~~ or subsurface waste water disposal
26 system without the permit required by this section or who
27 otherwise violates this section shall be penalized in accordance
28 with section 4506. The municipality or the department may seek
29 to enjoin violations of this section.

31 **4. Fees.** The plumbing subsurface waste water disposal
32 inspector shall issue any permit under this section upon receipt
33 and approval of a completed application form as prescribed by the
34 commissioner and payment by the applicant of the fee established
35 by the municipality. The fee must be at least the minimum amount
36 determined by rule of the department. One-quarter of the amount
37 of the minimum fee shall be paid through the department to the
38 Treasurer of State to be maintained as a permanent fund and used
39 by the department to implement its ~~plumbing~~ and subsurface waste
40 water disposal rules and to train and certify local ~~plumbing~~
41 subsurface waste water disposal inspectors. The remainder of the
42 fee shall be paid to the treasurer of the municipality.

43
44 **Sec. 58. 30-A MRSA c. 185, sub-c. III, art. 3, first line,** as amended,
45 is repealed and the following enacted in its place:

47 **ARTICLE 3. LOCAL SUBSURFACE WASTE WATER**
48 **DISPOSAL INSPECTORS**

49
50 **Sec. 59. 30-A MRSA §§4221 to 4223,** as enacted by PL 1987, c.
51 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.

1 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended
to read:

3

§4221. Subsurface waste water disposal inspectors

5

1. Appointment; compensation; removal. In every
7 municipality, the municipal officers shall appoint one or more
inspectors of plumbing subsurface waste water disposal, who need
9 not be residents of the municipality for which they are
appointed. Plumbing Subsurface waste water disposal inspectors
11 shall be appointed under section 2526, subsection 9 for a term of
one year. An individual properly appointed as plumbing
13 subsurface waste water disposal inspector and satisfactorily
performing the duties may continue in that capacity after the
15 term has expired until replaced. The municipal officers shall
notify the department of the appointment of a plumbing subsurface
17 waste water disposal inspector in writing within 30 days of the
appointment.

19

20 Compensation of plumbing subsurface waste water disposal
21 inspectors shall be determined by the municipal officers and
shall be paid by the respective municipalities.

23

24 The municipal officers may remove a plumbing subsurface waste
25 water disposal inspector for cause, after notice and hearing.

27

2. Certification requirements. A person may not hold the
office of plumbing subsurface waste water disposal inspector
29 unless currently certified as qualified by the commissioner. The
commissioner shall establish the certification standards for
31 plumbing subsurface waste water disposal inspectors.
Certification is effective for a period of 3 years unless sooner
33 revoked or suspended by the Administrative Court upon complaint
by the commissioner on grounds of fraud, negligence, misconduct
35 or incompetence in the performance of duties. The commissioner
may grant temporary certification for a period not to exceed 6
37 months.

39

A. The commissioner shall also establish certification
standards and a program to certify familiarity with court
41 procedures for:

43

(1) Plumbing Local plumbing inspectors appointed under
this Title 32, section 3462;

45

47

(2) Code enforcement officers, as set forth in section
4506 and in Title 38, section 441; and

49

51

(3) Department of Environmental Protection employees,
as set forth in Title 38, section 342, subsection 7-; and

1 (4) Subsurface waste water disposal inspectors
3 appointed under this section.

5 Certification under this paragraph is effective for a period
7 of 3 years unless sooner revoked or suspended by the
9 Administrative Court upon complaint by the commissioner on
11 grounds of fraud, negligence, misconduct or incompetence in
13 the performance of duties. After being certified by the
15 commissioner under this paragraph, a plumbing or subsurface
 waste water disposal inspector may serve civil process on
 persons who violate the plumbing and subsurface waste water
 disposal rules ~~of the department~~. The municipal officers
 may also authorize the inspector to represent the
 municipality in District Court under section 4506.

17 2-A. Certification of local plumbing inspectors. The
 department shall certify local plumbing inspectors pursuant to
19 Title 32, section 3462, until June 1, 1990. This subsection is
 repealed effective June 1, 1990.

21 3. Duties. Plumbing Subsurface waste water disposal
23 inspectors shall:

25 A. Inspect all plumbing subsurface waste water disposal
 systems for which permits are granted, within their
27 respective municipalities, to ensure compliance with state
 rules and municipal ordinances and investigate all
29 construction or work covered by those rules and ordinances;

31 B. Condemn and reject all work done or being done or
 material used or being used which does not comply with state
33 rules and municipal ordinances, and order changes necessary
 to obtain compliance;

35 C. Issue a certificate of approval for any work that the
37 inspector has approved;

39 D. Keep an accurate account of all fees collected and
 transfer those fees to the municipal treasurer;

41 E. Keep a complete record of all essential transactions of
43 the office;

45 F. Perform other duties as provided by municipal ordinance;
 and

47 G. Investigate complaints of alleged violations relating to
49 plumbing--or subsurface waste water disposal and take
 appropriate action as specified by the department by rule in
51 the State of Maine Enforcement Manual, and the Procedures
 for Correcting Violations to the Subsurface Waste Water
 Disposal and Plumbing Rules.

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§4222. Approving own work forbidden

No inspector of plumbing subsurface waste water disposal may inspect or approve any plumbing subsurface waste water disposal work, site evaluation or installation of a subsurface disposal system, done by that inspector, or by any person by whom the inspector is employed, or who is employed by or with the inspector.

§4223. Annual reports

Inspectors of plumbing subsurface waste water disposal shall annually, before February 1st, make a full report in detail to their respective municipalities and to the department of all their proceedings during the previous calendar year under this subchapter.

Sec. 60. 30-A MRSA §4506, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; and c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Enforcement. ~~A--municipal~~ An official, ~~such--as~~ including, but not limited to, a municipal code enforcement officer, local plumbing inspector, state plumbing inspector, subsurface waste water disposal inspector or building inspector, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in subsection 5, may:

- A. With the consent of the property owner, occupant or agent, enter any property or building at reasonable hours to inspect the property or structure for compliance with the laws or ordinances set forth in subsection 5;
- B. Issue a summons to any person who violates a law or ordinance which the official is empowered to enforce; and
- C. When specifically authorized by the municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws which the official is empowered to enforce.

Sec. 61. 30-A MRSA §4506, sub-§5, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The ~~plumbing-and~~ subsurface waste water disposal rules adopted by the Department of Human Services pursuant to Title 22, section 42, including the land area of the State

1 which is subject to the jurisdiction of the Maine Land Use
2 Regulation Commission;

3

4 **Sec. 62. 30-A MRSA §4506, sub-§5, ¶¶P and Q**, as enacted by PL
5 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL
6 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further
7 amended to read:

8 P. Waste water discharge licenses issued pursuant to Title
9 38, section 413, subsection 8; and

10

11 Q. Shoreland zoning ordinances adopted pursuant to Title
12 38, sections 435 to 447, including those which were
13 state-imposed; and

14

15 **Sec. 63. 30-A MRSA §4506, sub-§5, ¶R** is enacted to read:

16

17 R. Rules regarding plumbing and the installation and
18 inspection of the plumbing adopted pursuant to Title 32,
19 chapter 49.

20

21 **Sec. 64. 32 MRSA §1202, sub-§1, ¶C**, as enacted by PL 1987, c.
22 395, Pt. B, § 7, is amended to read:

23

24 C. For a limited electrician's license, a person must meet
25 the following requirements.

26

27 (1) A limited electrician in water pumps shall have 90
28 hours of electrical education as approved by the
29 Electricians' Examining Board or from an accredited
30 institution and 2,000 hours of experience. The
31 privileges of practice shall be restricted to
32 electrical work between the branch circuits and power
33 supplies.

34

35 (2) A limited electrician in outdoor signs, including
36 sign lighting, shall have 90 hours of electrical
37 education as approved by the Electricians' Examining
38 Board or from an accredited institution and 2,000 hours
39 of experience. The privileges of practice do not
40 include branch circuit wiring.

41

42 (3) A limited electrician in gasoline dispensing shall
43 have 90 hours of electrical education as approved by
44 the Electricians' Examining Board or from an accredited
45 institution and 2,000 hours of experience. The
46 privileges of practice shall be restricted to
47 electrical work between the branch circuit and the
48 power supply.

49

50 (4) A limited electrician in traffic signals,
51 including outdoor lighting of traffic signals, shall

1 have 90 hours of electrical education as approved by
3 the Electricians' Examining Board or from an accredited
institution and 2,000 hours of experience.

5 (5) A limited electrician in house wiring shall have
7 225 hours of electrical education as approved by the
Electricians' Examining Board or from an accredited
9 institution and 4,000 hours of experience. Privileges
of practice shall be restricted to one-family and
11 2-family dwellings, including modular and mobile homes.
Any person having a limited license in mobile homes
13 prior to the effective date of this section shall
automatically be licensed as a limited electrician in
15 house wiring.

17 (6) A limited electrician in refrigeration shall have
270 hours of electrical education as approved by the
19 Electricians' Examining Board or from an accredited
institution and 6,000 hours of experience. Graduates
21 of a Maine vocational-technical institute electrical
program in refrigeration approved by the Electricians'
23 Examining Board or from an accredited institution shall
be credited with 4000 hours of experience upon
25 graduation. Privileges of practice shall be restricted
to all associated wire from the loadside of
27 distribution.

29 (7) A limited electrician in low energy, including
fire alarms, shall have 270 hours of electrical
31 education as approved by the Electricians' Examining
Board or from an accredited institution and 4,000 hours
33 of experience. Any person having a limited license in
fire alarms or experience in the installation of
35 low-energy electronics, as defined by the National
Electrical Code, prior to the effective date of this
37 section, shall automatically be licensed as a limited
electrician in low energy.

39 **Sec. 65. 32 MRS §3301, sub-§5-A is enacted to read:**

41 5-A. Plumbing. "Plumbing" means the installation,
43 alteration or replacement of pipes, fixtures and other apparatus
for bringing in potable water, removing waste water and
45 connecting heating systems using water. Except for the initial
connection to a potable water supply and the final connection
47 that discharges indirectly into a public sewer or waste water
disposal system, the following are excluded from this definition:

49 A. The installation, alteration or replacement of all
51 piping, equipment or material used exclusively for
manufacturing or industrial processes;

- 1 B. The installation or alteration of automatic sprinkler
3 systems used for fire protection and standpipes connected to
 automatic sprinkler systems;
- 5 C. The installation, alteration or replacement of building
7 drains outside the foundation wall or structure;
- 9 D. The replacement of fixtures with similar fixtures at the
 same location without any alteration of pipes; and
- 11 E. The sealing of leaks within an existing line.

13 Sec. 66. 32 MRSA §3304, sub-§3 is enacted to read:

15 3. Rules violations. Any person who violates rules
17 promulgated pursuant to this chapter shall be penalized in
 accordance with Title 30-A, section 4506. Enforcement of rules
19 shall be the responsibility of the municipalities rather than the
 board. The board or a municipality may seek to enjoin violations
21 of the rules or municipal ordinances. In the prosecution of a
 violation by a municipality, the court shall award reasonable
23 attorney's fees to a municipality if that municipality is the
 prevailing party, unless the court finds that special
25 circumstances make the award of these fees unjust.

27 Sec. 67. 32 MRSA §3306 is enacted to read:

29 §3306. Permits

31 1. Permit required. A permit is required to install
 plumbing in a building and is valid for work commenced within 24
33 months after the permit is issued.

35 2. Penalties. Any person who installs or orders the
 installation of any plumbing without the permit required by this
37 section or otherwise violates this section shall be penalized in
 accordance with Title 30-A, section 4506. The municipality or
39 the board may seek to enjoin violations of this section.

41 3. Fees. The plumbing inspector shall issue any permit
 under this section upon receipt and approval of a completed
43 application form as prescribed by the board and payment by the
 applicant of the fee established by the municipality. The fee
45 must be at least the minimum amount determined by rule of the
 board. One-quarter of the amount of the minimum fee shall be
47 paid through the board to the Treasurer of State to be maintained
 as a permanent fund to be used by the Plumbers' Examining Board
49 to implement its plumbing rules and train and certify local
 plumbing inspectors. The remainder of the fee shall be paid to
51 the treasurer of the municipality.

1 **Sec. 68. 32 MRSA §3402**, as amended by PL 1985, c. 785, Pt. B,
§138, is further amended to read:

3 **§3402. Employees**

5 The commissioner, with the advice and consent of the board,
7 may appoint, subject to the Civil Service Law, such employees as
9 may be necessary to carry out this chapter. Any person so
employed shall be located in the department and under the
administrative and supervisory direction of the commissioner.

11 ~~Plumbing~~ State plumbing inspectors appointed under this
13 section shall have the same powers throughout the several
15 counties of the State as sheriffs have in their respective
counties, relating to enforcement of this chapter and rules
promulgated under this chapter.

17 In addition to any other powers, state plumbing inspectors
19 shall have the right of entry during usual business hours to
inspect any and all buildings and premises in the performance of
21 their duties. They may enter any building only with the
permission of the owner, occupant or person having control of the
23 building or pursuant to an order of court.

25 **Sec. 69. 32 MRSA §3403**, as amended by PL 1983, c. 553, §40,
is further amended to read:

27 **§3403. Meeting; chair; quorum**

29 The board shall meet at least once a year to conduct its
31 business and to elect a ~~chairman~~ chair and a secretary.
Additional meetings shall be held as necessary to conduct the
33 business of the board, and may be convened at the call of the
~~chairman~~ chair or a majority of the board members. ~~Two~~ Three
35 members of the board shall constitute a quorum for all purposes.
The board shall keep ~~such~~ records and minutes as ~~are~~ necessary to
37 the ordinary dispatch of its function.

39 **Sec. 70. 32 MRSA §3403-A, sub-§1**, as enacted by PL 1983, c.
413, §143, is amended to read:

41 **1. Rules.** The board may, in accordance with the Maine
43 Administrative Procedure Act, Title 5, chapter 375, subchapter
II, adopt rules commensurate with the authority vested in it by
45 this chapter. These rules may include, but not be limited to,
47 plumbing installation standards, licensing requirements,
examinations and reciprocity of licensing with similar boards of
other states which maintain standards equivalent to this State.

49 The board shall, in accordance with the Maine Administrative
51 Procedure Act, Title 5, chapter 375, subchapter II, adopt rules
providing for the inspection of plumbing systems and establishing

1 minimum requirements relating to plumbing and the installation
2 and inspection of plumbing consistent with this chapter.

3 Nothing in this subsection preempts the authority of
4 municipalities under Title 30-A, section 3001, to adopt more
5 restrictive ordinances.

6 The board may hold hearings for the purpose of considering
7 changes in the rules pertaining to plumbing and the installation
8 and inspection of plumbing.

9
10
11 **Sec. 71. 32 MRSA §3403-A, sub-§§1-A and 1-B are enacted to**
12 **read:**

13
14
15 1-A. Administration of rules. The board is responsible for
16 ensuring the proper administration of the plumbing rules by
17 municipalities. The board shall assist municipalities in
18 complying with this chapter.

19
20
21 1-B. Review. The board shall review the administration of
22 plumbing rules and laws in each municipality for compliance with
23 this chapter. This review shall be made on a regular basis and
24 may be made in response to a written complaint from any person as
25 necessary. The board shall inspect the municipality's records
26 and discuss the administration of the program with the local
27 plumbing inspector. The local plumbing inspector shall be
28 available during the board's review and shall cooperate in
29 providing all necessary information. The board shall report the
30 results of its review in writing to the municipality and, when
31 applicable, to the complainant. The written notice shall set
32 forth the board's findings of whether the municipality is in
33 compliance with this chapter.

34
35 **Sec. 72. 32 MRSA §3403-A, sub-§6 is enacted to read:**

36
37 6. Violation; penalty. If, after review, the board finds
38 any violation of this chapter, the board shall notify the
39 municipality that the municipality has 30 days in which to take
40 enforcement action and shall specify what action must be taken in
41 order to achieve compliance. The municipality shall file a plan
42 acceptable to the board setting forth how that municipality will
43 attain compliance. The board shall notify the municipality that
44 the board will review the municipality for compliance within 60
45 days of accepting the plan and shall conduct that review. Any
46 municipality which fails to file an acceptable plan with the
47 board or which remains in violation at the expiration of the
48 60-day period is subject to a civil penalty of at least \$500.
49 The board shall enforce this section in any court of competent
50 jurisdiction. Every 30-day period that a municipality remains in
51 violation after review and notification constitutes a separate
offense.

1 Sec. 73. 32 MRSA §3407 is enacted to read:

3 §3407. Local responsibility

5 Local jurisdictions shall retain primary responsibility for
7 enforcing rules adopted by the board governing the installation
 and inspection of plumbing. The adoption of rules by the board
9 does not deny municipal authority under Title 30-A, section 3001,
 to adopt more restrictive ordinances.

11 Sec. 74. 32 MRSA c. 49, sub-c. IV-A is enacted to read:

13 SUBCHAPTER IV-A
 INSPECTIONS

15 §3461. Plumbing regulations

17 1. Municipal ordinances. Municipalities may enact
19 ordinances under their home rule authority which are more
 restrictive than rules governing plumbing adopted by the board.
21 The board may provide technical assistance to municipalities in
 the development of ordinances under this subchapter. The
23 municipality shall enforce any such ordinance.

25 2. State rules. No municipal ordinance may be less
27 restrictive than the rules of the board relating to plumbing as
 adopted under this chapter. The board shall adopt rules
29 providing for the inspection of plumbing systems. The board
 shall establish minimum permit fees by rule. The rules of the
31 board relating to all plumbing have full force and effect,
 provided that, to the extent that a municipality has enacted more
33 restrictive ordinances, the provisions of those ordinances
 prevail.

35 3. Enforcement and penalty. Any person who violates this
37 section shall be penalized in accordance with Title 30-A, section
 4506. The municipality or the board may seek to enjoin
39 violations of this section.

41 §3462. Plumbing inspectors

43 1. Appointment; compensation; removal. In every
 municipality, the municipal officers shall appoint one or more
45 inspectors of plumbing who need not be residents of the
 municipality for which they are appointed. In plantations, the
47 assessors shall appoint plumbing inspectors in accordance with
 this section. In the unorganized territories of the State, the
49 board shall appoint plumbing inspectors or act in the capacity of
 a plumbing inspector until a person is appointed. Plumbing
51 inspectors shall be appointed under Title 30-A, section 2526,
 subsection 9, for a term of one year. An individual properly
 appointed as plumbing inspector and satisfactorily performing the

1 duties may continue in that capacity after the term has expired
3 until that individual is replaced. The municipal officers shall
4 notify the board of the appointment of a plumbing inspector, in
5 writing, within 30 days of the appointment.

6 Compensation of plumbing inspectors shall be determined by the
7 municipal officers and paid by the respective municipalities.

8 The municipal officers may remove a plumbing inspector for cause,
9 after notice and hearing.

10
11 2. Certification requirements. On June 1, 1990, and
12 thereafter, a person may not hold the office of plumbing
13 inspector unless certified as qualified either by the board or by
14 the Department of Human Services pursuant to Title 30-A, section
15 4221. The board shall establish the certification standards for
16 plumbing inspectors. Certification is effective for a period of
17 3 years unless sooner revoked or suspended by the Administrative
18 Court upon complaint by the board on grounds of fraud,
19 negligence, misconduct or incompetence in the performance of
20 duties. The board may grant temporary certification for a period
21 not to exceed 6 months.

22
23 Plumbing inspectors shall be certified as familiar with court
24 procedures pursuant to Title 30-A, section 4221, subsection 2,
25 paragraph A.

26
27 3. Duties. Plumbing inspectors shall:

28
29 A. Inspect all plumbing for which permits are granted,
30 within their respective municipalities, to ensure compliance
31 with state rules and municipal ordinances and investigate
32 all construction or work covered by those rules and
33 ordinances;

34
35 B. Condemn and reject all work done or being done or
36 material used or being used which does not comply with state
37 rules and municipal ordinances and order changes necessary
38 to obtain compliance;

39
40 C. Issue a certificate of approval for any work that has
41 been approved;

42
43 D. Keep an accurate account of all fees collected and
44 transfer those fees to the municipal treasurer;

45
46 E. Keep a complete record of all essential transactions of
47 the office;

48
49 F. Perform other duties as provided by municipal ordinance;
50 and
51

1 G. Investigate complaints of alleged violations relating to
3 plumbing and take appropriate action as specified by the
 board by rule.

5 §3463. Right of entry for inspection

7 The department and any duly designated representative or
9 employee of the department, including the local plumbing
11 inspector, may enter any property at reasonable hours, enter any
13 building with the consent of the property owner, occupant or
15 agent, inspect the property or structure for compliance with
 applicable rules or investigate alleged conditions which do not
 comply with the rules. Upon the request of the occupant of the
 premises, the department's representative or the local plumbing
 inspector shall present proper credentials before entering the
 premises.

17 If entry is denied, entry shall not be attempted until after
19 obtaining an order of the court.

21 §3464. Approving own work forbidden

23 No inspector of plumbing may inspect or approve any plumbing
25 work done by that inspector, any employer of the inspector or any
 person employed by or with the inspector.

27 §3465. Annual reports

29 Inspectors of plumbing shall annually, before February 1st,
31 make a full report in detail to their respective municipalities
33 and to the board of all their proceedings during the previous
 calendar year under this subchapter.

35 Sec. 75. 32 MRSA §12228, sub-§10, as enacted by PL 1987, c.
 489, §2, is amended to read:

37 10. Experience. The applicant shall show that he the
39 applicant has had 2 years of experience in the practice of public
41 accountancy or its equivalent, meeting requirements prescribed by
43 the board by rule; or, if the applicant's educational
45 qualifications comprise a baccalaureate degree meeting the
47 requirements set out in section--12228, subsection 3, and a
49 master's degree conferred by a college or university approved by
51 the board and one year of experience, then only one year of
 experience in that practice or its equivalent is required. To
 the extent the applicant's experience is as an auditor engaged in
 the examination of financial statements for the Department of
 Audit or as a revenue agent or similar position engaged in the
 examination of personal and corporate income tax returns for the
 Bureau of Taxation, the applicant shall receive credit at the
 rate of 50% toward the experience required by this subsection.
 The board shall give credit for nonpublic experience if the

1 experience is determined to be substantially equivalent to the
2 experience requirements prescribed by the board by rule.

3

4 **Sec. 76. 32 §12240, sub-§7**, as enacted by PL 1987, c. 489, §2,
5 is amended to read:

6 **7. Experience.** The applicant shall show that he the
7 applicant has had 2 years of experience in the practice of public
8 accountancy or its equivalent, meeting requirements prescribed by
9 the board by rule; or, if the applicant's educational
10 qualifications comprise a baccalaureate degree meeting the
11 requirements set out in subsection 3 and a master's degree
12 conferred by a college or university approved by the board and
13 one year of experience, then only one year of experience in that
14 practice or its equivalent is required. ~~To--the--extent--the~~
15 ~~applicant's--experience--is--as--an--auditor--engaged--in--the~~
16 ~~examination--of--financial--statements--for--the--Department--of--Audit~~
17 ~~er--as--a--revenue--agent--or--similar--position--engaged--in--the~~
18 ~~examination--of--personal--and--corporate--income--tax--returns--for--the~~
19 ~~Bureau--of--Taxation,--the--applicant--shall--receive--credit--at--the~~
20 ~~rate--of--50%--toward--the--experience--required--by--this--subsection.~~
21 The board shall give credit for nonpublic experience if the
22 experience is determined to be substantially equivalent to the
23 experience requirements prescribed by the board by rule.

24

25 **Sec. 77. 39 MRSA §62-A, sub-§2**, as enacted by PL 1979, c. 496,
26 §2, is amended to read:

27

28 **2. Notification.** Before approving or awarding any
29 compensation as limited in subsection 1, the commission shall
30 request that the Department of Manpower-Affairs Labor:

31

32 A. Inform the commission as to whether the claimant is
33 receiving unemployment benefits;

34

35 B. Notify the commission in the event that the claimant
36 subsequently applies for and receives unemployment benefits;
37 and

38

39 C. Notify the commission whenever the claimant ceases to
40 receive unemployment benefits.

41

42 Whenever the Department of Manpower-Affairs Labor so notifies the
43 commission, the commission shall notify the employer and
44 employee, advise them of both the requirements of this section
45 and the difference the employer shall make in the employee's
46 compensation. Upon receipt of this information, the employer
47 shall appropriately decrease the compensation or, if the claimant
48 has ceased to receive unemployment benefits, appropriately
49 increase the compensation.

50

51

1 **Sec. 78. 39 MRSA §91, sub-§1**, as amended by PL 1987, c. 559,
Pt. B, §39, is further amended to read:

3
4 **1. Membership; term.** The Workers' Compensation Commission,
5 as established in this section, shall consist of 12 members, who
6 shall be persons learned in the law and members of good standing
7 of the bar of this State. They shall be appointed by the
8 Governor within 60 days after a vacancy occurs or a new
9 commissioner is authorized, subject to review by the joint
10 standing committee of the Legislature having jurisdiction over
11 judiciary and to confirmation by the Legislature. One of the
12 commissioners, to be designated by the Governor as chairman
13 chair, shall be appointed for the term of 5 7 years from the date
14 of the chair's appointment and the other commissioners for a term
15 of 4 6 years each from the date of their respective appointments.

17 **Sec. 79. 39 MRSA §91, sub-§2**, as enacted by PL 1983, c. 479,
§14, is amended to read:

19
20 **2. Vacancies; removal.** Commissioners shall hold office for
21 the terms provided in subsection 1, unless removed, and until
22 their successors are appointed and qualified. They shall be
23 sworn, and for inefficiency, willful neglect of duty or for
24 malfeasance in office may be removed by the Governor, only with
25 the review and concurrence of the joint standing committee of the
26 Legislature having jurisdiction over judiciary upon hearing in
27 executive session, or by impeachment. Before removing a
28 commissioner, the Governor shall notify the President of the
29 Senate and the Speaker of the House of Representatives of the
30 removal, and the reasons for the removal. ~~In case of a vacancy~~
31 ~~occurring through death, resignation or removal, the Governor~~
32 ~~shall appoint a successor for the whole term of the member whose~~
33 ~~place he takes, subject to removal.~~ In case the office of
34 chairman chair becomes vacant, the senior appointed commissioner
35 shall act as chairman chair until the Governor makes an
36 appointment to fill the vacancy.

37
38 **Sec. 80. Transfer of information and tour guide position.** Upon the
39 retirement of the incumbent holding the position of information
40 and tour guide as of May 1, 1989, this position shall be
41 transferred from the Bureau of Public Improvements to the Maine
42 State Museum.

43
44 **Sec. 81. Legislative intent.** In providing for a checklist of
45 potentially available support services for job training
46 participants entering the system, the Legislature intends to
47 ensure adequate information about and opportunity to express need
48 for the services available under the state job training program
49 known as the "Maine Training Initiative." Approval or denial of
50 each service for which a participant has expressed a need does
51 not have to be decided at the initial interview, but may be

1 determined during the formulation of the participant's
2 employability development plan.

3
4 **Sec. 82. Telecommunication reserve account established.** There is
5 established an account for the purpose of reorganizing the
6 payment of costs associated with the central telephone
7 switchboard in accordance with Part B of this Act. Any
8 department or agency that cannot absorb its pro rata share of
9 these additional costs, based on funds budgeted for fiscal year
10 1989-90 and fiscal year 1990-91, may apply to the Bureau of the
11 Budget for use of the money in this fund.

12
13 **Sec. 83. Transition clause; transfer of internal plumbing code.** The
14 transfer of the administration of the internal plumbing code from
15 the Department of Human Services, Division of Health Engineering
16 to the Plumbers' Examining Board within the Department of
17 Professional and Financial Regulation, shall not affect the terms
18 of appointment for local plumbing inspectors. All current rules
19 regarding the Maine internal plumbing code as promulgated by the
20 Department of Human Services shall continue in effect until
21 rescinded, amended or changed by the Plumbers' Examining Board.

22
23 **Sec. 84. Transition clause; modifying the 10-year review cycle for**
24 **some independent agencies.** If an independent agency listed in the
25 Maine Revised Statutes, Title 3, section 927, has been assigned a
26 review date for a period which constitutes more or less than 10
27 years from the date of original review, it is for the sole reason
28 of logical consolidation and reorganization of the review
29 schedule. Nothing in this Act regarding these independent
30 agencies may be construed as terminating or modifying the
31 existence of the independent agency. Neither shall this
32 restructuring of the review schedule be construed as modifying
33 the powers, privileges, rights or liabilities of any independent
34 agencies that were in effect immediately prior to the effective
35 date of this Act. Each independent agency listed in the Maine
36 Revised Statutes, Title 3, section 927, is declared to continue
37 in existence, and all rules, licenses, contracts, resolutions and
38 official actions in effect or outstanding immediately prior to
39 the effective date of this Act shall be unaffected by this Act.

40
41 **PART B**

42
43 **Sec. 1. Appropriation.** The following funds are appropriated
44 from the General Fund to carry out the purposes of this Act.

45
46
47
48
49

	1989-90	1990-91
ADMINISTRATION, DEPARTMENT OF		
Bureau of Public Improvements		

1			
3	Positions	(-7)	(-7)
	Personal Services	(\$145,667)	(\$147,513)
5	Transfers 7 positions involved		
7	with the central telephone		
	switchboard to the		
9	telecommunications division		
	within the Office of		
	Information Services.		
11	Bureau of Human Resources		
13	All Other	(\$1,697)	(\$1,697)
15	Transfers funds used to fund		
17	the State Civil Service		
19	Appeals Board to the		
	commissioner's office.		
21	Office of the Commissioner		
23	All Other	\$1,697	\$1,697
25	Provides funds for the State		
27	Civil Service Appeals Board		
	transferred from the Bureau of		
	Human Resources.		
29	DEPARTMENT OF ADMINISTRATION		
31	TOTAL	<u>(\$145,667)</u>	<u>(\$147,513)</u>
33	FINANCE, DEPARTMENT OF		
35	Bureau of the Budget		
37	Telecommunications Reserve Account		
39	All Other	\$50,000	
41	Provides funds for a reserve		
43	account to assist agencies in		
45	paying their share of central		
47	telephone switchboard operator		
	salaries. These funds shall		
	carry forward until June 30,		
	1991.		
49	DEPARTMENT OF FINANCE		
51	TOTAL	<u>\$50,000</u>	
	TOTAL APPROPRIATIONS	<u>(\$95,667)</u>	<u>(\$147,513)</u>

1 **Sec. 2. Allocation.** The following funds are allocated from
3 Other Special Revenue funds to carry out the purposes of this Act.

	1989-90	1990-91
ADMINISTRATION, DEPARTMENT OF		
Office of Information Services		
Telecommunications Division		
Positions	(7)	(7)
Personal Services	\$145,667	\$147,513
Allocates funds for the transfer of 7 positions involved with the central telephone switchboard.		
DEPARTMENT OF ADMINISTRATION		
TOTAL		\$147,513
PROFESSIONAL AND FINANCIAL REGULATION,		
DEPARTMENT OF		
Plumbers' Examining Board		
Positions		(2)
Personal Services		\$47,000
All Other		10,000
Capital Expenditures		3,000
TOTAL		\$60,000
Allocates dedicated revenue, received from permit fees from the administration of Maine's internal plumbing code, which is transferred from the Department of Human Services to the Plumbers' Examining Board by this Act.		
In addition, by July 1, 1989, the Department of Human Services shall transfer \$60,000 from the control over plumbing account to the Plumbers' Examining Board within the Department of Professional and Financial		

1 Regulation to support a State
2 Plumbing Inspector position
3 and a Clerk-typist III
4 position needed by the board
5 to administer the State's
6 internal plumbing code.

7
8 **DEPARTMENT OF PROFESSIONAL AND**
9 **FINANCIAL REGULATION**
10 **TOTAL** \$60,000

11
12
13 **TOTAL ALLOCATIONS** \$145,667 \$207,513

14 **Emergency clause.** In view of the emergency cited in the
15 preamble, this Act shall take effect when approved.
16

17
18
19 **FISCAL NOTE**

20
21 Part B, section 1 of the bill transfers funds for 7
22 positions to an enterprise account, transfers funds for the State
23 Civil Service Appeals Board to the Office of the Commissioner of
24 Administration and provides funds for a reserve account to assist
25 state agencies in meeting unbudgeted assessments for
26 telecommunications.

27
28 Part B, section 2 allocates funds, for the transfer of 7
29 positions, to an enterprise account and allocates dedicated
30 revenue to the Plumbers' Examining Board for the administration
31 of the internal plumbing code.

32
33 **STATEMENT OF FACT**

34
35
36
37 **PART A**

38 Sections 1, 2 and 27 of the bill allow the Board of Trustees
39 of the Maine State Retirement System to set the salary of the
40 executive director with the limitation that it be set no higher
41 than the highest rate available to any state employee.
42

43 Section 3 repeals the outdated and overly complicated Maine
44 Sunset Act and section 4 replaces it with new, up-to-date laws
45 which simplify and clarify the process used by the Legislature to
46 review state agencies on a regular basis.
47

48 Section 5 broadens the current definition of state employee
49 to include all employees of agencies which are supported by the
50 General Fund or created by law.
51

1 Section 6 provides a definition of "legislative inquiry."

3 Section 7 clarifies that all state employees have the right
5 to respond to any legislative inquiry without fear of harassment
6 from the employing agency.

7 Section 8 establishes that the State Employee Health
9 Commission must use written contracts to secure health insurance
10 policies for state employees.

11 Section 9 clarifies that the state employee health insurance
12 program director is responsible for health insurance issues.

13 Section 10 expands the membership of the Educational Leave
15 Advisory Board.

17 Sections 11 and 12 clarify that the Bureau of State Employee
18 Health is not responsible for administering the state employee
19 health insurance program.

21 Section 13 expands responsibilities of the Director of the
22 Risk Management Division to provide insurance advice and services
23 for various state emergency medical personnel and services.

25 Section 14 authorizes the limited use of the Risk Management
26 Division reserve fund to pay workers' compensation claims of
27 state agencies.

29 Sections 15 and 18 update the dollar amount for public
30 improvements for which school administrative units must receive
31 approval from the Bureau of Public Improvements. Section 15 also
32 establishes that school administrative units may consult with the
33 Bureau of Public Improvements on any public improvement
34 regardless of cost.

35 Section 16 repeals an unnecessary reference to the Bureau of
36 Public Improvements' responsibility for drug-related seized
37 property.

39 Section 17 clarifies the responsibilities of the Bureau of
40 Public Improvements to the University of Maine System, the Maine
41 Vocational-Technical Institute System and the Maine Maritime
42 Academy.

45 Section 19 authorizes the Director of the Bureau of Public
46 Improvements to accept bids for public improvement projects from
47 unbonded contractors in those instances when a bonded contractor
48 has not submitted a bid.

49 Section 20 authorizes the Director of the Bureau of Public
50 Improvements to approve contracts for public improvements that
51

1 provide a financial incentive to the contractor for early
completion.

3

5 Section 21 establishes a process by which the Director of
the Bureau of Public Improvements may refuse to release plans and
7 specifications for public improvement projects to those
contractors with previously unsatisfactory experience, resources
or a relevant criminal record.

9

11 Section 22 establishes an appeals procedure for the prebid
screening process referred to in section 21.

13 Section 23 amends the law concerning the state-sponsored
15 apprenticeship promotion responsibilities of the Bureau of Human
Resources.

17 Section 24 corrects a reference.

19 Section 25 establishes that the executive director and
employees of the retirement system may not serve on the Board of
21 Trustees of the Maine State Retirement System.

23 Section 26 establishes a policy for the reimbursement for
the active state employee, active teacher and participating local
25 district employee member of the Board of Trustees of the Maine
State Retirement System. These members would be granted
27 administrative leave to attend board functions but would not be
eligible for per diem. The per diem for the teacher and the
29 participating district employee will be paid directly to the
employer.

31

33 Section 27 clarifies the authority of the Board of Trustees
of the Maine State Retirement System with regard to certain
administrative decisions. The board will have final
35 decision-making authority rather than the Department of
Administration in the areas of purchasing, contracts, payment of
37 invoices and data processing and telecommunication equipment and
services purchased. The Office of Information Services will
39 still be able to make comments to the board on data processing
and telecommunications equipment and services.

41

43 Sections 28, 29 and 30 require the Board of Trustees of the
Maine State Retirement System to report on retirement system
operations to the appropriate legislative committee.

45

47 Section 31 increases the dollar amount from \$25,000 to
\$50,000 for public improvement projects for which contractors are
required to be bonded in order to bid on that project.

49

51 Sections 32, 33, 51 to 63, 65 to 74, and 83 transfer the
enforcement and administration of the internal plumbing code from
the Department of Human Services to the Plumbers' Examining Board

1 in order to consolidate code enforcement with professional
licensure, streamline administration and eliminate duplication of
3 resources.

5 Section 34 removes a sunset provision, thereby extending a
provision authorizing the disclosure of certain confidential
7 Department of Human Services information regarding school
personnel to the Commissioner of Educational and Cultural
9 Services.

11 Section 35 reestablishes the authorization for
hospital-based suspected child abuse and neglect committees.

13 Sections 36 and 37 amend the loan criteria of the
15 Occupational Safety Loan Program.

17 Section 38 amends a provision of the law regulating boilers
to maintain consistency with the national boiler code of the
19 American Society of Mechanical Engineers.

21 Sections 39, 40 and 44 amend obsolete language.

23 Sections 41 and 43 authorize the Department of Labor, Board
of Boiler Rules to charge a fee sufficient to cover the costs of
25 printing and distributing rules.

27 Section 42 corrects a reference.

29 Section 45 corrects several obsolete references; increases
the number of members of the State Apprenticeship and Training
31 Council from 11 to 12; stipulates that 2 of the public members of
the council will represent the interests of women, minorities and
33 aid to families with dependent children recipients in
apprenticeship; amends obsolete language; amends the council's
35 reporting requirements; transfers the responsibility for
promoting state sponsored apprenticeships to the council; and
37 incorporates the intent of the Maine Revised Statutes, Title 26,
chapter 11, subchapter II, into Title 26, chapter 11, subchapter
39 I, governing apprenticeships generally.

41 Section 46 corrects an outdated reference.

43 Section 47 charges the State Apprenticeship and Training
Council, the Department of Educational and Cultural Services, the
45 vocational-technical institutes and other interested parties to
work together to develop preapprenticeship training courses that
47 provide instruction adequate to enable an applicant to meet the
qualifying standards for a selected apprenticeship.

49 Section 48 requires each local, regional or state joint
51 apprenticeship committee to include members with expertise in
issues related to women, minorities and aid to families with

1 dependent children recipients in apprenticeships and stipulates
2 that committee activities must comply with all applicable
3 affirmative action rules.

5 Section 49 repeals the subchapter related to apprenticeship
6 programs for aid to families with dependent children recipients,
7 the intent of which is incorporated into the laws governing
8 apprenticeships generally in section 45 of this bill.

9
11 Section 50 reduces the number of required meetings of the
12 state advisory council to the Department of Labor from 4 to 3
13 annually.

14
15 Section 64 allows graduates of an approved course in
16 refrigeration to be credited with experience by the Electricians'
17 Examining Board toward a limited electrician's license.

18
19 Sections 75 and 76 direct the Board of Accountancy to accept
20 "nonpublic" experience that is deemed equivalent by the board to
21 existing experience requirements toward becoming a public
22 accountant. These provisions replace narrower sections that
23 authorized the board to only approve similar experience gained by
24 certain positions with the Department of Audit and the Bureau of
25 Taxation.

26
27 Section 77 clarifies obsolete language.

28
29 Sections 78 and 79 lengthen the terms of the Chair of the
30 Workers' Compensation Commission and the commissioners and
31 clarify that all appointments to the commission are for
32 full-length terms.

33
34 Section 80 transfers the information and tour guide position
35 from the Bureau of Public Improvements to the Maine State Museum
36 upon the retirement of the current incumbent.

37
38 Section 81 clarifies legislative intent in providing a
39 checklist of potentially available supportive services to job
40 training participants.

41
42 Section 82 establishes a telecommunications reserve account
43 to be administered by the Bureau of the Budget to provide funding
44 for agencies unable to absorb their share of paying for the
45 salaries of central telephone switchboard personnel.

46
47 Section 84 is a transition clause that clarifies legislative
48 intent in the transition to a new sunset law.

49
50 PART B

51
52 Section 1 of the bill transfers 7 positions to an enterprise
53 account, transfers funds for the State Civil Service Appeals

1 Board to the Office of the Commissioner of Administration and
2 provides funds for a reserve account to assist state agencies in
3 meeting unbudgeted assessments for telecommunications.

5 Section 2 allocates funds for the transfer of 7 positions to
6 an enterprise account and allocates dedicated revenue to the
7 Plumbers' Examining Board for the administration of the internal
8 plumbing code.

9