

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "I" to H.P. 192, L.D. 274, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law"

Amend the bill in Part A under the caption "AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF" by striking out all of the 2nd part relating to "Harness Racing Commission" (page 5, lines 41 to 52 and page 6, lines 1 to 3 in L.D.) and inserting in its place the following:

'Harness Racing Commission

Positions - Legislative Count	(-2.0)
Positions - Other Count	(-0.5)
Personal Services	(15,040)
All Other	23,040
TOTAL	8,000

Provides for the deappropriation of funds from the elimination of one Veterinarian position and one full-time and one 16-week Pari-mutuel Supervisor positions. A 25-week Pari-mutuel Supervisor for the Northern Maine Fair and the County Raceway is not affected by this deappropriation. Also provides funds for contractual services to handle the veterinarian responsibilities.'

Further amend the bill in Part A in section A-1 in that part designated "EXECUTIVE DEPARTMENT" by striking out all of that part relating to "Office of Volunteer Services" (page 24, line 51 and page 25, lines 1 to 4 in L.D.) and inserting in its place the following:

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SENATE AMENDMENT "I" to H.P. 192, L.D. 274

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'Office of Volunteer Services

Positions - Legislative Count	(-1.0)
Personal Services	(3,984)
All Other	(2,067)
TOTAL	(6,051)

Provides for the layoff of the director and the deappropriation of funds from salary savings and other savings due to the abolishment of the office.'

Further amend the bill in Part A in section A-1 in that part designated "EXECUTIVE DEPARTMENT TOTAL" in the last line (page 25, line 16 in L.D.) by striking out the following: "\$477,597)" and inserting in its place the following: '\$482,648)'

Further amend the bill in Part A in section A-1 in that part designated "HUMAN SERVICES, DEPARTMENT OF" in the 2nd part relating to "Medical Care - Payments to Providers" in the last 4 lines (page 35, lines 9 to 12 in L.D.) by striking out the following: "reduced payments in cases when Medicaid supplements Part B Medicare; and freezing the amount of equipment purchased by physicians" and inserting in its place the following: 'and reduced payments in cases when Medicaid supplements Part B Medicare'

Further amend the bill in Part A by striking out all of the last line before section A-2 (page 53, line 13 in L.D.) and inserting in its place the following:

'TOTAL APPROPRIATIONS (\$29,896,785)'

Further amend the bill in Part A in section A-2 under that part designated "EXECUTIVE DEPARTMENT" in that part relating to "Energy and Weatherization" in the 8th line (page 53, line 46 in L.D.) by striking out the following: "transfer" and inserting in its place the following: 'elimination'

Further amend the bill in Part B in section B-1 in that part designated "JUDICIAL DEPARTMENT" by striking out all of that part relating to "Courts-Supreme, Superior, District and Administrative" (page 67, lines 27 to 36 in L.D.) and inserting in its place the following:

'Courts-Supreme, Superior, District and Administrative

All Other	\$600,000
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2 Provides funds for civil jury trials and
increased court security costs.'

4 Further amend the bill in Part B in section B-1 in that part
6 designated "JUDICIAL DEPARTMENT TOTAL" in the last line
(page 67, line 48 in L.D.) by striking out the following:
"\$1,160,000" and inserting in its place the following:
8 '\$1,000,000'

10 Further amend the bill in Part B in section B-1 in that part
12 designated "OFFICE OF TREASURER OF STATE" in that part
relating to "Debt Service - Treasury" by striking out all of the
14 2nd line (page 71, line 44 in L.D.) and inserting in its place
the following:

16 'All Other \$2,010,503'

18 Further amend the bill in Part B in section B-1 in that part
20 designated "OFFICE OF TREASURER OF STATE TOTAL" in the
last line (page 71, line 50 in L.D.) by striking out the
22 following: "\$2,510,503" and inserting in its place the following:
'\$2,010,503'

24 Further amend the bill in Part B by striking out all of the
26 last line before section B-2 (page 72, line 1 in L.D.) and
inserting in its place the following:

28 'TOTAL APPROPRIATIONS \$64,559,488'

30 Further amend the bill in Part E in section E-16 in
32 subsection 2 in the 8th line (page 105, line 33 in L.D.) by
striking out the following: "\$15,000,000" and inserting in its
34 place the following: '\$8,700,000 as provided in section 1974,
subsection 4'

36 Further amend the bill in Part E in section E-17 in
38 paragraph O in the 4th line (page 106, line 8 in L.D.) by
striking out the following: "\$23,700,000" and inserting in its
40 place the following: '\$17,400,000 as provided in section 1974,
subsection 4'

42 Further amend the bill in Part E by inserting after section
E-17 the following:

44 'Sec. E-18. 23 MRSA §1974, sub-§3, as amended by PL 1981, c.
46 698, §§103 and 104, is further amended by adding at the end a new
paragraph to read:

48
50 In state fiscal year 1990-91, the authority shall make a
\$6,300,000 early payment representing amounts agreed to be paid
by the authority for the Scarborough interchange project.'
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2 Further amend the bill in Part E in section E-18 in
subsubsection 4 in the 21st and 22nd lines (page 106, lines 41 and
42 in L.D.) by striking out the following: "amount may be
4 transferred that exceeds" and inserting in its place the
following: 'additional \$8,700,000 may be transferred even if in
6 excess of' and in the 5th line from the end (page 106, line 51 in
L.D.) by striking out the following: "\$23,700,000" and inserting
8 in its place the following: '\$17,400,000'

10 Further amend the bill in Part E in section E-43 by striking
out all of the last 2 sentences (page 112, lines 34 to 40 in L.D).

12 Further amend the bill in Part E by renumbering the sections
14 to read consecutively.

16 Further amend the bill in Part H by striking out all of
section H-5 and inserting in its place the following:

18 'Sec. H-5. PL 1989, c. 881, §2, under the caption "COMPUTATION
20 OF ASSESSMENT," the 5th line is amended to read:

22 Miscellaneous Revenues 80,000
234,640

24 Sec. H-6. PL 1989, c. 881, §2, under the caption "COMPUTATION
26 OF ASSESSMENT," the 6th line relating to TOTAL is amended to read:

28 TOTAL \$270,000
\$424,640

30 Sec. H-7. PL 1989, c. 881, §2, under the caption "COMPUTATION
32 OF ASSESSMENT," the line relating to TOTAL DEDUCTIONS is
amended to read:

34 TOTAL DEDUCTIONS \$1,097,958
36 \$1,252,598'

38 Further amend the bill in Part I in section I-3 in that part
designated "§13120." in the 2nd line (page 124, line 50 in L.D.)
40 by striking out the following: "Development" and inserting in its
place the following: 'Services'

42 Further amend the bill in Part I in section I-3 in that part
designated "§13120-A." in subsection 1 by inserting at the end
44 the following:

46 'B. "Poverty level" means the official poverty level issued
48 by the Director of the United States Office of Management
and Budget.

50

2 C. "Service area" means the geographical area within the
3 jurisdiction of a community action agency.'

4 Further amend the bill in Part I in section I-3 in that part
5 designated "§13120-A." in subsection 2 in paragraph A in the 2nd
6 line (page 126, line 36 in L.D.) by striking out the underlined
7 word "division" and inserting in its place the following:
8 'office'

10 Further amend the bill in Part I in section I-3 in that part
11 designated "§13120-A." in subsection 2 in paragraph A in the 4th
12 line (page 126, line 38 in L.D.) by inserting after the
13 following: "4982." the following: 'In making these
14 designations, the office shall submit and consider comments from
15 other state agencies or authorities that operate programs in
16 which community action agencies participate.'

18 Further amend the bill in Part I in section I-3 in that part
19 designated "§13120-A." in subsection 2 in paragraph B by
20 inserting at the end of the 2nd paragraph (page 126, line 52 in
21 L.D.) the following: 'In performing such evaluations, the office
22 shall solicit and consider comments from other state agencies or
23 authorities that operate programs in which such community action
24 agency participates.'

26 Further amend the bill in Part I by inserting after section
27 I-7 the following:

28 'Sec. I-8. 30-A MRSA §4722, sub-§1, ¶T, as amended by PL 1989,
29 c. 581, §7, is further amended to read:

32 T. Approve or disapprove, in accordance with rules adopted
33 under the Maine Administrative Procedure Act, Title 5,
34 chapter 375, a project which is multi-family or
35 single-family residential property, when authorized or
36 required by Title 10, chapter 110, subchapter IV; and

38 Sec. I-9. 30-A MRSA §4722, sub-§1, ¶U, as enacted by PL 1989,
39 c. 581, §8, is amended to read:

40 U. Consult with ~~the--Maine--Affordable--Housing--Alliance,~~
41 ~~established in Title 5, chapter 383, subchapter VII,~~ and the
42 Interagency Task Force on Homelessness and Housing
43 Opportunities, as defined in chapter 202, section 5002,
44 subsection 9, with respect to the implementation of housing
45 programs to make the best use of resources and make the
46 greatest impact on the affordable housing crisis.;

48 Sec. I-10. 30-A MRSA §4722, sub-§1, ¶¶V and X are enacted to
49 read:

2 V. Pursuant to the purpose of this Act to provide housing
3 to persons of low incomes and in accordance with rules
4 adopted under the Maine Administrative Procedure Act,
5 operate a program to provide energy conservation assistance
6 on behalf of persons of low income in connection with
7 single-family or multi-unit residential housing and accept
8 and administer federal and state funds for the purpose of
9 operating that program; and

10 X. Advise the Governor and other officials of State
11 Government on matters relating to energy conservation
12 assistance.

14 Sec. I-11. 30-A MRSA §4741, sub-§§13 and 14, as amended by PL
15 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

16
17 13. Allocation of federal ceilings. By rulemaking under
18 Title 5, chapter 375, subchapter II, the Maine State Housing
19 Authority shall have the power to establish a process that is
20 different from the federal formula for allocating that portion of
21 the ceiling on the issuance of certain tax-exempt bonds
22 established by the United States Code, Title 26, which has been
23 allocated to the Maine State Housing Authority under Title 10,
24 section 363, and may also limit the types of projects which are
25 eligible to receive allocations or carryforward designations from
26 the Maine State Housing Authority; and

27
28 14. State housing credit agency. The Maine State Housing
29 Authority is designated the housing credit agency for the State
30 and shall have the power to receive and allocate, according to a
31 process established by rulemaking pursuant to Title 5, chapter
32 375, subchapter II, the annual state housing credit ceiling for
33 the low-income housing credit established by the United States
34 Code, Title 26; and

35 Sec. I-12. 30-A MRSA §4741, sub-§15 is enacted to read:

36
37 15. State weatherization agency. The Maine State Housing
38 Authority is designated the weatherization agency for the State
39 and has the power to apply for, receive, distribute and
40 administer federal funds pursuant to the Weatherization
41 Assistance for Low-income Persons program administered through
42 the United States Department of Energy in accordance with rules
43 adopted under the Maine Administrative Procedure Act.'
44

45 Further amend the bill in Part I in section I-11 in
46 subsection 1 in the first line (page 135, line 29 in L.D.) by
47 striking out the following: "Development" and inserting in its
48 place the following: 'Services'

49
50 Further amend the bill in Part I in section I-11 in
51 subsection 1 in the last line (page 135, line 44 in L.D.) by
52

2 inserting after the word: "assistance" the following: ', except
the State shall indemnify the Maine State Housing Authority for
4 all costs, expenses and losses of whatever kind and nature
arising out of the Division of Community Services' activities and
operations in the area of conservation prior to April 1, 1991'

6
8 Further amend the bill in Part I in section I-11 in
subsection 6 in the 4th and 5th lines (page 136, lines 32 and 33
in L.D.) by striking out the following: ", Office of Community
10 Development"

12 Further amend the bill in Part I in section I-11 by striking
out all of subsection 7.

14
16 Further amend the bill in Part I in section I-11 in
subsection 8 in paragraph A in the 4th and 5th lines (page 138,
lines 14 and 15 in L.D.) by striking out the following: ", Office
18 of Community Development"

20 Further amend the bill in Part I in section I-11 in
subsection 9 in the 4th line (page 138, line 34 in L.D.) by
22 striking out the following: ", Office of Community Development"

24 Further amend the bill in Part I in section I-11 by
renumbering the subsections to read consecutively.

26
28 Further amend the bill in Part I in section I-15 in the
first line (page 140, line 33 in L.D.) by striking out the figure
"I-5" and inserting in its place the following: 'I-4'

30
32 Further amend the bill in Part I by renumbering the sections
to read consecutively.

34 Further amend the bill by striking out all of Part J and
inserting in its place the following:

36
38 **PART J**

40 **Sec. J-1. 5 MRSA §7022**, as enacted by P&SL 1975, c. 147, Pt.
G, §1, is amended to read:

42 **§7022. Membership**

44 The commission shall--~~consist~~ consists of 17 members,
including 9 appointed by the Governor, 4 appointed by the
46 President of the Senate, one of whom must be a member of the
Senate, and 4 appointed by the Speaker of the House of
48 Representatives, one of whom must be a member of the House of
Representatives. In making these appointments to the commission,
50 the Governor, the President of the Senate and the Speaker of the
House shall consider and appoint residents of the State who have
52 a knowledge of problems facing Maine women and who provide

2 leadership in programs or activities which are carried out to
3 improve opportunities for women. The A minimum of 8 members of
4 the commission, chosen from throughout the State, shall must
5 include but not be limited to representatives of minority, low
6 income, youth and, elderly and labor groups, 4 of whom are
7 appointed by the Governor, 2 of whom are appointed by the
8 President of the Senate and 2 of whom are appointed by the
9 Speaker of the House of Representatives.

10 Sec. J-2. 5 MRSA §7025, as enacted by P&SL 1975, c. 147, Pt.
11 G, §1, is amended to read:

12 §7025. Chair

13 The Governor ~~members of the commission~~ shall select ~~elect~~
14 from among the members a ~~chairperson~~ chair and a ~~vice-chairperson~~
15 vice-chair both of whom shall serve for one year. These
16 selections shall must be made each year prior to the first
17 meeting of the commission. The ~~chairperson~~ chair is authorized to
18 appoint subcommittees.

19 Further amend the bill by striking out all of Part M.

20 Further amend the bill by striking out all of Part N and
21 inserting in its place the following:

22 PART N

23 Sec. N-1. 22 MRSA c. 1602, sub-c. I, as amended, is repealed.

24 Sec. N-2. 29 MRSA §1312-B, sub-§2, ¶D-1, as amended by PL 1987,
25 c. 791, §19, is further amended to read:

26 D-1. In addition to the penalties provided under paragraphs
27 C and D, the court shall order the defendant to participate
28 in the alcohol and other drug education, evaluation and
29 treatment program for multiple offenders administered by the
30 Department Division of Human ~~Services~~ Motor Vehicles, as
31 defined in Title 22 ~~29~~, chapter ~~1602~~ 17-A. The court may
32 waive the multiple offender intervention program under Title
33 ~~22~~ 29, section ~~7203~~ 2253, subsection ~~3~~ 4, paragraph A, if
34 the court finds that the defendant has completed a
35 residential treatment program, or its equivalent, subsequent
36 to the date of the offense.

37 Sec. N-3. 29 MRSA §1313-A, sub-§3, ¶¶A to C, as enacted by PL
38 1985, c. 331, are amended to read:

39 A. Satisfactory completion of the Driver Education and
40 Evaluation Program of the Department Division of Human
41 Services Motor Vehicles;

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B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the Department Division of Human--Services-Motor Vehicles; and

C. When required, attendance for 2 years at an after-care program approved by the Department Division of Human Services Motor Vehicles.

Sec. N-4. 29 MRSA c. 17-A is enacted to read:

CHAPTER 17-A

DRIVER EDUCATION EVALUATION PROGRAMS

§2251. Definitions

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

1. Alcohol-related or drug-related motor vehicle incident. "Alcohol-related or drug-related motor vehicle incident" means a conviction or administrative action resulting in the suspension of a motor vehicle operator's license for a violation under section 1311-A; 1312-B; former section 1312, subsection 10-A; former section 1312-B; former section 1312-C; or section 2241-G, subsection 2, paragraph B, subparagraph (2).

2. Client. "Client" means a person who is required to complete the alcohol and other drug education, evaluation and treatment program for an alcohol-related or drug-related motor vehicle offense.

3. Community-based service provider. "Community-based service provider" means a provider of either the treatment component or the evaluation component, or both, of the alcohol and other drug education, evaluation and treatment program certified under section 2255 or a program approved by the Division of Driver Education Evaluation.

4. Completion of treatment. "Completion of treatment," for the purpose of recommendation by the office to the Secretary of State concerning restoration of the driver's license to the client, means that the individual has responded to treatment to the extent that there is a substantial probability that the individual will not be operating under the influence. This substantial probability may be shown by:

A. An acknowledgement by the client of the extent of the client's alcohol or drug problem;

2 B. A demonstrated ability to abstain from the use of
alcohol and drugs; and

4 C. A willingness to seek continued voluntary treatment or
to participate in an appropriate self-help program, or both,
6 as necessary.

8 5. Multiple offender. "Multiple offender" means a client
who has more than one alcohol-related or drug-related motor
10 vehicle incident within a 6-year period.

12 §2252. Office of Driver Education Evaluation

14 The Office of Driver Education Evaluation is established and
shall administer the alcohol and other drug education, evaluation
16 and treatment program, referred to in this chapter as the Driver
Education Evaluation Program, as provided in this chapter. The
18 office shall certify to the Secretary of State:

20 1. Completion of Driver Education Evaluation Program.
Those individuals who have satisfactorily completed the program
22 prescribed by section 2253; and

24 2. Completion of non-Driver Education Evaluation Program.
Those individuals who have satisfied the requirement for
26 completion of treatment as defined in section 2251 by means other
than the program prescribed by section 2253.

28 §2253. Program components

30 1. First offenders; adult. The alcohol and other drug
32 education, evaluation and treatment program required for clients
without a previous alcohol-related or drug-related motor vehicle
34 offense consists of education, assessment, evaluation and
treatment components. All first offender clients are required to
36 complete the education and assessment components unless otherwise
provided by this chapter. The evaluation and treatment
38 components may be required if necessary. The components are as
follows:

40 A. The education component, consisting of at least 9 hours
42 of information using films, lectures and discussion and
designed to educate the client about the effects of alcohol
44 and other drugs on behavior, especially behavior involving
the operation of a motor vehicle;

46 B. The assessment component, using an assessment
48 instrument, the client's driving record for the 6-year
period prior to and ending with the most recent
50 alcohol-related or drug-related motor vehicle incident and
an interview designed to make a preliminary assessment
52 regarding the extent of a client's alcohol or other drug use

2 or abuse or potential for abuse. A client may be referred
3 for further evaluation based on the results of the
4 preliminary assessment;

5 C. The evaluation component, designed to identify abusers
6 of alcohol and other drugs. If the evaluation indicates
7 that treatment for alcohol or other drug abuse is needed,
8 the client must be referred to the appropriate alcohol or
9 other drug treatment service; and

10 D. The treatment component, provided by a community-based
11 service provider, designed to address the client's specific
12 problem with or abuse of alcohol or other drugs.

13 2. Multiple offender program offered to first offenders.
14 If the office determines that a first offender must have an
15 evaluation as described in subsection 1, paragraph C, the first
16 offender may choose a private evaluation or participation in the
17 multiple offender residential intervention program described in
18 subsection 4, paragraph A.

19 3. First offenders under 21 years of age. First offenders
20 under 21 years of age shall attend the Driver Education
21 Evaluation Program - Teen program as established by this
22 subsection. The Driver Education Evaluation Program - Teen
23 program consists of the following elements.

24 A. The education component is a program of at least 10
25 hours during which clients receive education, especially
26 designed for the age group, on substance use, abuse and
27 addiction. Education is provided through a group discussion
28 process which includes segments on values clarification,
29 peer pressure and decision making.

30 B. The assessment component is designed to make a
31 preliminary assessment regarding the extent of a client's
32 alcohol or other drug use or abuse or potential for abuse.
33 A client may be referred for further evaluation based on the
34 results of the client's preliminary assessment.

35 C. The evaluation component is designed to identify abusers
36 of alcohol and other drugs. If the evaluation indicates
37 that treatment for alcohol or other drug abuse is needed,
38 the client must be referred to the appropriate alcohol or
39 other drug treatment service.

40 D. The treatment component is designed to address the
41 client's specific problem with or abuse of alcohol or other
42 drugs.

43

2 4. Multiple offenders; adult. The education, evaluation
3 and treatment program required for adult multiple offenders
4 consists of the following components:

5 A. A rigorous, highly structured, residential intervention
6 program, consisting of at least 22 hours, using films,
7 lectures, group discussion and individual sessions, designed
8 to educate the client on the effects of substance use, abuse
9 and addiction and an evaluation using assessment
10 instruments, data collection and self-assessment, designed
11 to create an acceptance and commitment by the client for
12 treatment; and

13 B. A treatment program provided by a community-based
14 service provider, if indicated, designed to address the
15 client's specific alcohol or other drug problem and abuse,
16 using a treatment plan based on the completion of treatment
17 guidelines adopted by the division.

18 The division may require completion of the first offender program
19 to satisfy the requirements of the multiple offender program if
20 an approved multiple offender program is unavailable for the
21 client. In such cases, the fee schedule for the first offender
22 program applies.

23 5. Multiple offenders under 21 years of age. Multiple
24 offenders under 21 years of age shall attend the alcohol and
25 other drug education, evaluation and treatment program for adult
26 multiple offenders under subsection 4.

27 §2254. Separation of evaluation and treatment functions

28 A Driver Education Evaluation Program private practitioner
29 or a counselor employed by a substance abuse facility approved or
30 licensed by the Department of Human Services providing services
31 under this chapter may not provide both treatment services and
32 evaluation services for the same individual participating in
33 programs under this chapter. The practitioner or counselor
34 providing evaluation services shall give a client the name of 3
35 practitioners or counselors who can provide treatment services,
36 at least one of whom may not be employed by the same agency as
37 the practitioner or counselor conducting the evaluation.

38 §2255. Certification; recertification

39 All providers of the evaluation, intervention and treatment
40 components of the program must be certified by the division. The
41 certification period for individual providers is 3 years and 2
42 years for agencies. The division shall adopt rules requiring
43 continuing education for recertification.

44 §2256. Fees

2 1. First offender program. The division may charge a
4 registration fee, not to exceed \$105, to clients for the
6 education and assessment components of the program. This fee
8 must be transferred to the General Fund. The client is
 responsible for the costs of the evaluation and treatment
 components. The division may waive all or part of the fee for
 clients who provide sufficient evidence of inability to pay.

10 2. Multiple offender program. The fees and costs for the
12 multiple offender program are as follows.

14 A. The division may charge a registration fee, not to
16 exceed \$350, to clients for the expenses of the intervention
 program, including the initial evaluation. This fee must be
 transferred to the General Fund.

18 B. The client is responsible for any costs associated with
20 2nd and subsequent evaluations or treatments that are not a
 part of the cost in paragraph A.

22 C. The division may waive all or part of the fee for
24 clients who provide sufficient evidence of inability to pay.

26 D. This subsection applies to multiple offenders and first
28 offenders who choose to participate in the multiple offender
 residential intervention program in accordance with section
 2253.

30 §2257. Report

32 Beginning in 1992, the Secretary of State shall report
34 annually by February 1st to the joint standing committee of the
36 Legislature having jurisdiction over human resources matters
 regarding the division's activities under this chapter. A copy
 of the report must be sent to the Executive Director of the
 Legislative Council.

38 Sec. N-5. Transition provisions.

40 1. All existing contracts, agreements and compacts
42 currently in effect in the Division of Driver Education
44 Evaluation continue in effect.

46 2. All positions not eliminated by this Part in the
48 Department of Human Services, Division of Driver Education
 Evaluation are transferred to the Division of Motor Vehicles,
 Office of Driver Education Evaluation.

50 3. All records, property and equipment previously belonging
 to the Department of Human Services, Division of Driver Education

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2 Evaluation are the property of the Division of Motor Vehicles,
Office of Driver Education Evaluation.

4 4. All existing forms, licenses, contracts, letterheads and
similar items bearing the name "Division of Driver Education
6 Evaluation" or which make reference to the name may be used by
the Division of Motor Vehicles, Office of Driver Education
8 Evaluation until existing supplies of those items are exhausted.

10 5. All rules and procedures adopted by the Division of
Driver Education Evaluation remain in effect until rescinded,
12 revised or amended.

14 6. All unexpended balances in all accounts of the
Department of Human Services, Division of Driver Education
16 Evaluation are transferred to the Division of Motor Vehicles,
Office of Driver Education Evaluation.

18 7. By January 1, 1992, the Secretary of State shall
20 identify any conflicts or problems arising from the transition of
the Division of Driver Education Evaluation to the Division of
22 Motor Vehicles and shall submit any necessary corrective
legislation to the Second Regular Session of the 115th
24 Legislature.

26 **Sec. N-6. Effective date.** This Part takes effect April 1, 1991.'

28 Further amend the bill in Part T by striking out all of
section T-7 and inserting in its place the following:

30 'Sec. T-7. 3 MRSA §927, sub-§2, ¶B, as amended by PL 1989, c.
32 857, §10, is further amended to read:

34 B. Independent agencies:

36 (1) Maine Blueberry Commission;

38 (2) Blueberry Advisory Committee;

40 (3) Seed Potato Board;

42 (4) Maine Milk Commission;

44 (5) State Harness Racing Commission;

46 (6) Maine Agricultural Bargaining Board;

48 (7) State Board of Veterinary Medicine;

50 (8) Maine Dairy and Nutrition Council;

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- 2 (9) Board of Pesticides Control;
- 4 ~~(10) --State-Planning-Office;~~
- 6 ~~(11) (10) State Lottery Commission;~~
- 8 ~~(12) (11) Maine Dairy Promotions Board;~~
- 10 ~~(13) (12) Maine High-Risk Insurance Organization;~~
- 12 ~~(14) (13) State Board of Property Tax Review;~~
- 14 ~~(15) (14) Maine Technical College System;~~
- 16 ~~(16) (15) Maine Commission for Women;~~
- 18 ~~(17) (16) Maine Human Rights Commission;~~
- 20 ~~(18) (17) State Liquor Commission;~~
- 22 ~~(19) (18) Capitol Planning Commission; and~~
- 24 ~~(20) (19) Educational Leave Advisory Board.'~~

26 Further amend the bill in Part T by inserting after section T-10 the following:

28 'Sec. T-11. 5 MRSA §12004-I, sub-§6-A, as enacted by PL 1989, c. 601, Pt. B, §1, is repealed.'

30 Further amend the bill in Part T by striking out all of
32 sections T-60 to T-78 and inserting in their place the following:

34 'Sec. T-60. 30-A MRSA §5002, sub-§1, as enacted by PL 1989, c. 601, Pt. B, §4, is repealed.

36 Sec. T-61. 30-A MRSA §5002, sub-§2, as amended by PL 1989, c. 875, Pt. M, §11 and affected by §13, is further amended to read:

40 2. **Affordable housing.** "Affordable housing" means decent, safe and sanitary dwellings, apartments or other living
42 accommodations for low-income and moderate-income households. ~~The Office--of--Community--Development--in--consultation--with--the~~
44 Maine State Housing Authority shall may define "affordable housing" by rule. Affordable housing includes, but is not
46 limited to:

- 48 A. Government-assisted housing;
- 50 B. Housing for low-income and moderate-income families;

2 C. Manufactured housing;

4 D. Multifamily housing; and

6 E. Group and foster care facilities.

8 Sec. T-62. 30-A MRSA §5002, sub-§§4 and 5, as enacted by PL 1989, c. 601, Pt. B, §4, are repealed.

10 Sec. T-63. 30-A MRSA §5002, sub-§8, as amended by PL 1989, c. 875, Pt. M, §11 and affected by §13, is repealed.

12 Sec. T-64. 30-A MRSA §5003, last ¶, as enacted by PL 1989, c. 14 601, Pt. B, §4, is repealed.

16 Sec. T-65. 30-A MRSA §§5004, 5005 and 5006, as enacted by PL 18 1989, c. 601, Pt. B, §4, are repealed.

20 Sec. T-66. 30-A MRSA §5011, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

22 **§5011. Administration and implementation**

24 ~~The housing-alliance-shall-be state authority is responsible~~
26 ~~for providing assistance to municipalities in implementing this~~
28 ~~subchapter. In administering assistance to municipalities, the~~
30 ~~housing-alliance shall consult with the state authority in order~~
32 ~~that the resources of both agencies may be coordinated to produce~~
34 ~~the maximum benefits.~~

36 Sec. T-67. 30-A MRSA §5012, first ¶, as enacted by PL 1989, c. 32 601, Pt. B, §4, is amended to read:

34 The housing-alliance state authority may:

36 Sec. T-68. 30-A MRSA §5012, sub-§5, as enacted by PL 1989, c. 38 601, Pt. B, §4, is amended to read:

40 5. **Seek legal remedies.** Seek all legal remedies available
42 to enforce the contract with a municipality. The housing
44 alliance state authority may seek an injunction for any act or
failure to act that violates this chapter or a contract entered
into under this chapter.

46 Sec. T-69. 30-A MRSA §5013, first ¶, as enacted by PL 1989, c. 48 601, Pt. B, §4, is amended to read:

50 In implementing this subchapter, the housing-alliance state
authority shall:

52 Sec. T-70. 30-A MRSA §5013, sub-§§1, 7 and 9, as enacted by PL 1989, c. 601, Pt. B, §4, are amended to read:

2 **1. Adopt rules.** Adopt rules in accordance with the Maine
4 Administrative Procedure Act, Title 5, chapter 375 specifying, at
a minimum, how money and other resources provided to
municipalities by-the-alliance may be used;

6 **7. Provide technical assistance.** Within the resources of
8 the ~~department~~ state authority, provide technical assistance and
information to municipalities with respect to the development of
10 affordable housing;

12 **9. Require matching resources.** Require municipalities to
14 provide matching resources that the alliance state authority
finds feasible; and

16 **Sec. T-71. 30-A MRSA §5014**, as enacted by PL 1989, c. 601,
18 Pt. B, §4, is amended to read:

20 **§5014. Nonlapsing revolving loan fund**

22 In providing loans under this subchapter, the housing
alliance state authority shall establish a nonlapsing revolving
24 loan fund to which payment of principal and interest and any
other money available to the fund shall must be deposited.

26 **Sec. T-72. 30-A MRSA §5021, first ¶**, as enacted by PL 1989, c.
28 601, Pt. B, §4, is amended to read:

30 The authority shall administer a program to be implemented
through nonprofit housing corporations to develop affordable
32 housing. ~~In administering this program, the authority shall
consult with the housing alliance to coordinate the resources
provided by the authority with resources that may be available
34 through a municipality or the department.~~

36 **Sec. T-73. 30-A MRSA §5023, sub-§10**, as enacted by PL 1989, c.
38 601, Pt. B, §4, is amended to read:

40 **10. Consult with the interagency task force.** Consult with
the ~~housing alliance and the~~ interagency task force with respect
42 to the implementation of this subchapter and the projects to be
funded under this subchapter.

44 **Sec. T-74. 30-A MRSA §5031**, as enacted by PL 1989, c. 601,
46 Pt. B, §4, is amended to read:

48 **§5031. Administration and implementation**

50 The state authority ~~and the housing alliance~~ may provide
money and other resources to municipalities and nonprofit housing
corporations to acquire or preserve land for affordable housing.
52 ~~The housing alliance shall administer this subchapter with~~

2 respect--to--municipalities--and--the--state--authority--shall
administer--this--subchapter--with--respect--to--nonprofit--housing
4 corporations--and--for--profit--developers.

6 1. Consultation. The--housing--alliance--and--the--state
authority--shall--consult--in--administering--this--subchapter--in--order
8 to--make--the--best--use--of--resources--and--maximize--their--impact. The
housing--alliance--and--the state authority shall consult with the
10 interagency task force with respect to the implementation of this
subchapter.

12 Sec. T-75. 30-A MRSA §5033, sub-§1, as enacted by PL 1989, c.
601, Pt. B, §4, is amended by amending the first paragraph to
14 read:

16 1. Criteria. In providing grants, loans and other
resources to municipalities and nonprofit housing corporations
18 under this section, the state authority and--the--housing--alliance
shall consult--and develop criteria for the award of grants, loans
20 and other resources. In developing the criteria, the authority
and--the--alliance shall consider:

22 Sec. T-76. 30-A MRSA §5033, sub-§2, as enacted by PL 1989, c.
24 601, Pt. B, §4, is repealed.

26 Sec. T-77. 30-A MRSA §5033, sub-§3, as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

28 3. Priorities. In selecting municipalities and nonprofit
30 housing corporations to receive funds under this section, the
selections shall must be based on priorities developed by the
32 housing--alliance--and the state authority. In developing these
priorities, the--alliance--and the authority shall consider:

34 A. The degree of activity of housing alliances in each
36 municipality or region in addressing the affordable housing
crisis;

38 B. The availability of other resources in the municipality
40 or region that can be coordinated with funds and resources
provided by the--housing--alliance--or the state authority; and

42 C. Any other priorities considered important by the--housing
44 alliance--or the state authority.

46 Sec. T-78. 30-A MRSA §5034, as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

48 **§5034. Preservation of land for affordable housing**

50 In regard to the acquisition and preservation of land under
52 this subchapter, the state authority, the--housing--alliance,

2 municipalities and nonprofit housing corporations may use deed
restrictions, trust agreements and any other type of agreement
4 designed to maintain land for affordable housing.

6 **Sec. T-79. 30-A MRSA §5036**, as enacted by PL 1989, c. 601,
Pt. B, §4, is repealed.

8 **Sec. T-80. 30-A MRSA §5041**, as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

10 **§5041. Task force created**

12 The Interagency Task Force on Homelessness and Housing
14 Opportunities, established in accordance with Title 5, chapter
379, shall serve as an advisory committee with respect to the
16 administration and implementation of this chapter to the state
authority, ~~the department,~~ the Governor and the Legislature.

18 **Sec. T-81. 30-A MRSA §5042, sub-§4**, as enacted by PL 1989, c.
20 601, Pt. B, §4, is amended to read:

22 4. **Staff.** The authority ~~and the department~~ shall provide
staff support to the interagency task force. State agencies
24 represented on the task force shall also provide assistance when
requested.

26 **Sec. T-82. 30-A MRSA §5043**, as enacted by PL 1989, c. 601,
28 Pt. B, §4, is amended to read:

30 **§5043. Chair**

32 The permanent chair of the interagency task force shall
34 elect a chair from among its members to serve a term of 2 years
is the director of the state authority or the director's designee.

36 **Sec. T-83. 30-A MRSA §5044**, as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

38 **§5044. Duties**

40 The interagency task force shall advise the ~~housing alliance~~
42 ~~and the~~ state authority with respect to the implementation of
this chapter and the development of affordable housing. The task
44 force shall:

46 1. **Assist in the development of affordable housing plan.**
Assist the ~~housing alliance and the~~ state authority with the
48 development of the affordable housing plan under subchapter I;

50 2. **Make recommendations.** Make recommendations to the
~~housing alliance,~~ the state authority, the Governor and the

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2 Legislature with respect to policies, programs and funding under
this chapter;

4 3. **Review programs and policies.** Review and examine the
6 plan, programs, policies and funding to determine their
effectiveness. The task force shall provide the findings of its
8 review to the persons and organizations set forth in subsection 2;

10 4. **Serve as coordinator of information.** Serve as a
12 coordinator of information and communication among state agencies
and among the state, municipal and private sectors with respect
to this chapter; and

14 5. **Assistance to homeless.** In cooperation with the housing
16 alliance--and--the state authority, identify the resources
available to the homeless and persons with special needs,
18 identify the gaps in delivery services to this population and
make recommendations concerning the policies and programs serving
20 this population.

22 **Sec. T-84. 30-A MRSA §§5051, 5052, 5053 and 5054,** as enacted by
PL 1989, c. 601, Pt. B, §4, are amended to read:

24 **§5051. Administration and implementation**

26 The ~~commissioner~~ state authority, in consultation with the
28 ~~executive director of the state authority and the~~ interagency
task force, shall administer this subchapter. ~~The department and~~
30 ~~the state authority shall coordinate the resources available to~~
each agency to address residential deteriorating areas and to
32 restore these areas to decent, sanitary and safe residential
neighborhoods.

34 **§5052. Designation of urban housing zones**

36 The ~~commissioner~~ state authority, in consultation with the
38 ~~state authority and the~~ interagency task force, may establish 4
demonstration housing opportunity zones, each comprised of a
40 different municipality or portion of a municipality. These
demonstration zones shall must serve as a means of determining
42 the effectiveness of zones as a tool stimulating residential
revitalization in deteriorating neighborhoods.

44 1. **Standards for zones.** The ~~commissioner~~, ~~in consultation~~
46 ~~with the~~ state authority, by rules adopted in accordance with the
Maine Administrative Procedure Act, Title 5, chapter 375, shall
48 establish standards for the selection of areas to be designated
as zones and the provision of assistance to those zones. At a
50 minimum, the ~~commissioner~~ state authority shall apply the
following standards.

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- 2 A. The zones must be located in urban areas experiencing significant deterioration in residential neighborhoods.
- 4 B. All areas wishing to be designated as zones must demonstrate actual or potential local capacity for residential revitalization and the willingness to cooperate with the department state authority.
- 8 C. The level of general assistance by the State and the municipality, as well as the level of federal assistance to persons in these areas, shall must be considered.
- 12 D. All municipalities requesting zone designation for areas within the municipality must have a local housing alliance which shall help develop a plan of action to revitalize deteriorating residential dwellings and neighborhoods. The plan shall must address the major problems of these deteriorating areas, including a law enforcement component to significantly reduce crime in these areas.

20 In applying these standards, the ~~commissioner~~ state authority shall also consider the problem of crime in these areas.

24 **§5053. Powers**

26 The ~~commissioner~~ state authority, in consultation with the state-authority-and-the interagency task force, may:

- 28 1. Approve or deny applications. Approve or deny applications for assistance;
- 32 2. Alter or amend comprehensive plans. Alter or amend any comprehensive plan to be applied to revitalization of housing opportunity zones; or
- 36 3. Withhold or refuse payment of money. Withhold or refuse payment of money for any activity not authorized by the plan, the ~~commissioner~~ state authority or the municipality.

40 **§5054. Duties**

42 In implementing this subchapter, the ~~commissioner~~ state authority shall:

- 44 1. Work with interagency task force. Work with the interagency task force and the Commissioner of Public Safety to coordinate the resources of state agencies to be applied to the zones including, but not limited to:
 - 50 A. Job training programs;
 - 52 B. Educational and vocational training;

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C. Child care assistance; and

D. Crime prevention programs;

2. **Coordinate with municipality.** Coordinate the resources of the department ~~state authority~~ with the resources of the ~~state authority--and~~ the municipality to address residential housing deterioration;

3. **Prepare information and notify municipalities.** Prepare information about the program, including applications for designations as zones, and notify municipalities;

4. **Provide technical assistance.** Provide technical assistance to municipalities in developing plans to address residential and neighborhood deterioration. Technical assistance provided under this subsection ~~shall include~~ includes technical assistance provided by state agencies represented on the interagency task force;

5. **Analyze problems and causes of problems that create residential blight.** In implementing this subsection, the ~~commissioner,~~ the interagency task force and the state authority shall monitor the 4 demonstration zones and develop findings and recommendations concerning neighborhood deterioration and revitalization; and

6. **Establish priorities for direct financial assistance.** Establish priorities for direct financial assistance which may include, but are not limited to:

- A. Financial assistance to owner-occupied rental and single-family homes for the restoration of dwelling units;
- B. Financial assistance to shelters for the homeless;
- C. Financial assistance for the removal of structures beyond rehabilitation; and
- D. Financial assistance for the creation of recreational and park areas.

Sec. T-85. 30-A MRSA §5055, first ¶, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

The ~~commissioner,--the~~ state authority and the interagency task force shall develop models for the revitalization of deteriorating residential areas in urban areas based on the results of the study and monitoring of the demonstration zones as provided in section 5052. The ~~commissioner,--the~~ state authority and the interagency task force shall review and evaluate the

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plans and programs applied to the demonstration zones and report their findings and recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over housing matters by December 30, 1992. This report shall must include:

Further amend the bill in Part T in section T-79 in subsection 1 by striking out all of the last sentence (page 221, lines 5 to 8 in L.D.)

Further amend the bill in Part T in section T-79 in subsection 2 in the 2nd and 3rd lines (page 221, lines 11 and 12 in L.D.) by striking out the following: "or by the Maine Affordable Housing Alliance, or any of their' and inserting in its place the following: 'or any of its'

Further amend the bill in Part T in section T-79 in subsection 3 in the 2nd and 3rd lines (page 221, lines 18 and 19 in L.D.) by striking out the following: "and the Maine Affordable Housing Alliance"

Further amend the bill in Part T in section T-79 in subsection 4 in the last 2 lines (page 221, lines 27 and 28 in L.D.) by striking out the following: "Division; Personnel Assistant; and Director of Energy Policy and Planning" and inserting in its place the following: 'Division; and Personnel Assistant'

Further amend the bill in Part T in section T-79 by striking out all of subsection 7.

Further amend the bill in Part T in section T-79 by inserting at the end after subsection 9 the following:

'10. The Advisory Board to the Maine State Housing Authority, as authorized by the Maine Revised Statutes, Title 5, section 12004-I, subsection 31, shall assume and perform the functions of the former Affordable Housing Alliance Advisory Committee.'

Further amend the bill in Part T in section T-82 by striking out the last 18 lines (page 225, lines 11 to 33 in L.D.) and inserting in their place the following:

EXECUTIVE DEPARTMENT

State Planning Office

Positions - Legislative Count	(-6.0)
Personal Services	(\$23,001)
All Other	(15,000)

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2 Provides for the deappropriation of funds
 3 through the elimination of the Director of
 4 State Planning position; one Deputy Director
 5 position; one Policy Development Specialist,
 6 Management Division position; one Clerk
 7 Typist III position; one Personnel Assistant
 8 position; and one Administrative Secretary
 9 position by layoffs from the abolishment of
 10 the State Planning Office.

11 EXECUTIVE DEPARTMENT
 12 TOTAL

(\$38,001)

13 TOTAL APPROPRIATIONS - PART T

(\$88,482)'

14 Further amend the bill in Part T in section T-79 by
 15 renumbering the subsections to read consecutively.

16 Further amend the bill in Part T by renumbering the sections
 17 to read consecutively.

18 Further amend the bill in Part V in section V-1 under the
 19 caption "WORKERS' COMPENSATION COMMISSION" by striking
 20 out all of the first line (page 238, line 30 in L.D.) and
 21 inserting in its place the following:

22 'Positions - Legislative Count (14.0)'

23 Further amend the bill in Part V in section V-1 under the
 24 caption "WORKERS' COMPENSATION COMMISSION" in the 7th
 25 and 8th lines (page 238, lines 37 and 38 in L.D.) by striking out
 26 the following: "one vacant Legal Secretary position,"

27 Further amend the bill in Part V in section V-1 by striking
 28 out all of the last 5 lines (page 238, lines 45 to 51 in L.D.)
 29 and inserting in their place the following:

30 SECTION V-1
 31 TOTAL POSITIONS: GENERAL FUND

32 Legislative Count (-168.5)

33 Other Count (-13.5)

34 TOTAL (-182.0)'

35 Further amend the bill in Part V in section V-13 under the
 36 caption "PART V POSITION TOTALS" by striking out all of the
 37 3rd line (page 254, line 51 in L.D.) and inserting in its place
 38 the following:

39 'General Fund (-182.0)'

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2 Further amend the bill in Part V in section V-13 under the
caption "PART V POSITION TOTALS" by striking out all of the
4 last line (page 255, line 6 in L.D.) and inserting in its place
the following:

6 'TOTAL POSITIONS (-461.0)'

8 Further amend the bill by striking out all of Part X and
10 inserting in its place the following:

12 'PART X

14 Sec. X-1. 5 MRSA §12004-J, sub-§9 is enacted to read:

16	<u>9.</u>	<u>Special</u>	<u>Expenses</u>	<u>5 MRSA</u>
18	<u>Families,</u>	<u>Commission</u>	<u>Only for</u>	<u>\$15193</u>
18	<u>Health and</u>	<u>on Govern-</u>	<u>Members</u>	
20	<u>Rehabili-</u>	<u>mental</u>	<u>Who Are</u>	
20	<u>tation</u>	<u>Restructuring</u>	<u>Not State</u>	
22			<u>Employees</u>	

22 Sec. X-2. 5 MRSA c. 405 is enacted to read:

24 CHAPTER 405

26 SPECIAL COMMISSION ON GOVERNMENTAL
28 RESTRUCTURING

30 §15193. Commission established

32 The Special Commission on Governmental Restructuring, as
34 established in Title 5, section 12004-J, subsection 9, is an
36 independent commission that must advise, consult and assist the
executive and legislative branches of State Government with
implementing this chapter. The commission shall develop and
38 present to the Governor and the Legislature by December 15, 1991
a plan to maximize citizen participation in public policy making
40 by using public resources more effectively. It is the intent of
the Legislature that the plan include a proposal to attain this
42 objective by consolidating, restructuring and streamlining
existing advisory groups related to the subject matter of this
44 chapter.

46 1. Membership. The commission consists of no more than 21
members. The Governor shall appoint 11 members. The President
48 of the Senate and the Speaker of the House of Representatives
shall jointly appoint 10 members. The chair of the commission
50 must be a qualified member of the commission chosen by vote of
the commission. A member of the commission may not be an
52 official, employee, consultant or any other individual employed
or retained by the executive branch of State Government. If

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2 possible, appointees to the commission must have been or be
3 current members of the Blue Ribbon Commission on Children and
4 Families; the Governor's Task Force to Improve Services for
5 Maine's Children, Youth and Families; the Systems Assessment
6 Commission; the Commission to Study the Level of Services for
7 Maine's Elderly Citizens; or the Special Select Commission on
8 Access to Health Care.

9
10 2. Resources available to commission. The following
11 resources are available to the commission.

12 A. Any balances of funds appropriated to the commission
13 remaining at the end of a fiscal year do no lapse but are
14 carried forward from year to year to be expended for the
15 same purposes.

16 B. In addition to funds appropriated for the purposes of
17 this chapter and funds otherwise available, the Department
18 of Mental Health and Mental Retardation shall, to the extent
19 possible, provide staff and administrative assistance to
20 support activities of the commission.

21
22 3. Appointment. Members must be appointed within 7 days of
23 the effective date of this Act.

24
25 **Sec. X-3. Legislative intent.** It is the intent of the
26 Legislature to consolidate, restructure, realign functions of the
27 Department of Human Services, Department of Mental Health and
28 Mental Retardation and other departments, agencies or units of
29 the executive branch of the State Government in order to
30 encourage, enhance and support the human development of children,
31 adults, elderly persons and families.

32
33 It is further the intent of the Legislature to streamline
34 administration and services through functional integration of
35 similar operations.

36
37 It is further the intent of the Legislature to create
38 unified and functionally integrated operating agencies to
39 coordinate and consolidate the effective delivery of services to
40 those populations.

41
42 **Sec. X-4. Report.** The Special Commission on Governmental
43 Restructuring shall submit a draft plan for restructuring to the
44 Joint Standing Committee on State and Local Government and the
45 Joint Standing Committee on Appropriations and Financial Affairs
46 on or before May 1, 1991.

47
48 **Sec. X-5. Appropriation.** The following funds are appropriated
49 from the General Fund to carry out the purposes of this Act.
50

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**MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT OF**

**Special Commission on Governmental
Restructuring**

All Other \$25,000

Provides funds to establish
the Special Commission on
Governmental Restructuring.'

Further amend the bill in Part CC in section CC-1 in the 6th
line (page 270, line 17 in L.D.) by striking out the following:
'February 8, 1991' and inserting in its place the following: 'on
the 5th business day after the effective date of this Act'

Further amend the bill in Part DD in section DD-3 in the
last 3 lines (page 272, lines 31 to 33 in L.D.) by striking out
the following: "any proposals the Department of Conservation
will be offering to expand, consolidate, modify or close existing
fire tower facilities" and inserting in its place the following:
'a proposal to phase out the staffing of the fire tower system'

Further amend the bill in Part DD by inserting at the end
the following:

**'Sec. DD-5. Assistance; Department of Economic and Community
Development.**

The Department of Economic and Community Development shall
work with and provide resources to any group conducting a
preliminary assessment of the advisability of a comprehensive
study that explores the feasibility of having a company or group,
including the present work force, purchase any manufacturing
plant or company that is in danger of closure and continuing it
in operation. In its preliminary assessment the department shall
examine the impact that a permanent closure of the manufacturing
plant or company or a substantial layoff of its work force would
have on the municipality.

The department shall use available federal funds to conduct
the preliminary assessment. If federal funds are not available,
the Governor is authorized, notwithstanding, the Maine Revised
Statutes, Title 5, section 1507, to allocate an amount not to
exceed \$20,000 prior to June 30, 1991 from the State Contingent
Account to carry out the purposes of this section.'

2 Further amend the bill in Part EE by striking out all of the
4th line from the end (page 273, line 20 in L.D.) and inserting
in its place the following:

4 'Unallocated (\$9,801,411)'

6
8 Further amend the bill by inserting before the emergency
clause the following:

10 **PART GG**

12 **Reinstatement of employees.** State employees must be
14 reinstated or restored to positions that have not been abolished
16 in this Act and have become vacant as a result of the layoff of
state employees after November 30, 1990 and before June 30,
18 1991. Notwithstanding Part V of this Act, the administration
shall, consistent with the terms of the appropriate collective
20 bargaining agreement, restore displaced or laid off state
employees to their former positions.'

22 **PART HH**

24 **Sec. HH-1. 20-A MRSA §2, sub-§3,** as repealed and replaced by
PL 1989, c. 878, Pt. A, §43, is amended to read:

26
28 **3. Mandated programs.** Any legislation containing a state
mandate enacted by the Legislature after January 1, 1989, which
requires additional funding, shall must contain provisions for
30 full funding by the State. The funding requirements to implement
the mandate must be identified. Any such legislation for which
32 full state funding is not provided may not be enacted.

34 State mandates are defined as any state-initiated or statutory
action that requires a local school administrative unit to
36 establish, expand or modify its activities in such a way as to
necessitate additional expenditures from local revenues,
38 excluding any order issued by a state court or any legislation
necessary to comply with a federal mandate.

40
42 Any legislation or rule containing a state mandate enacted after
January 1, 1984 may be eliminated or deferred by action of a
local school board until such time as the State restores state
aid to education to the levels required by the laws in effect on
January 1, 1990. These mandates include, but are not limited to,
minimum pupil-teacher ratios, guidance programs, gifted and
talented programs, music programs and art programs.

48
50 This subsection is repealed on June 30, 1994, unless reviewed and
extended by specific Act of the Legislature.

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2 Sec. HH-2. 38 MRSA §451-A, sub-§1-A, as affected by PL 1989,
c. 890, Pt. A, §40 and amended by Pt. B, §52 and c. 926, §1, is
4 repealed and the following enacted in its place:

6 1-A. Time schedule for salt and sand-salt storage program.
An owner or operator of a salt or sand-salt storage area is not
8 in violation of any ground water classification or
reclassification adopted on or after January 1, 1980, at any time
10 prior to October 1, 1999, with respect to discharges to the
ground water from those facilities, if by that time the owner or
12 operator has completed all steps then required to be completed by
the schedules set forth in this subchapter. The commissioner
14 shall administer this schedule according to the project priority
list adopted by the board pursuant to section 411 and the
16 provisions of this subsection.

18 A. Preliminary plans and engineers' estimates must be
completed and submitted to the Department of Transportation
20 by the following dates:

- 22 (1) For Priority 1 and 2 projects - January 1992;
- 24 (2) For Priority 3 project - January 1993;
- 26 (3) For Priority 4 project - January 1994; and
- 28 (4) For Priority 5 project - January 1995.

30 B. Arrangements for administration and financing must be
completed within 12 months of the dates established in
32 paragraph A for each priority category.

34 C. Detailed engineering and final plan formulation must be
completed within 24 months of the dates established in
36 paragraph A for each priority category.

38 D. Review of final plans with the Department of
Transportation must be completed and construction commenced
40 within 36 months of the dates established in paragraph A for
each priority category. The Department of Transportation
42 shall consult with the commissioner in reviewing final plans.

44 E. Construction must be completed and in operation on or
before January 1, 1999.

46 In no case may violations of the lowest ground water
classification be allowed. In addition, no violations of any
48 ground water classifications adopted after January 1, 1980, may
be allowed for more than 3 years from the date of an offer of a
50 state grant for the construction of those facilities or after
January 1, 1999, whichever is earlier.

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SENATE AMENDMENT "I" to H.P. 192, L.D. 274

2 The department may not issue time schedule variances under
3 subsection 1 to owners or operators of salt or sand-salt storage
4 areas.

6 An owner or operator of a salt or sand-salt storage area who is
7 in compliance with this section is exempt from the requirements
8 of licensing under section 413, subsection 2-D.

10 An owner or operator is not in violation of a schedule
11 established pursuant to this subsection if the owner or operator
12 is eligible for a state grant to implement the schedule and the
13 state grant is not available.

14 This subsection may not be construed to limit or restrict any
15 right or remedy that a person or class of persons may otherwise
16 have under any statute or common law.

18 PART II

20
22 **Sec. II-1. Task force established.** The Special Select Task Force
23 to Evaluate Health Care Options, referred to in this Part as the
24 "task force," is established.

26 **Sec. II-2. Task force membership.** The task force consists of
27 the following 10 members appointed jointly by the President of
28 the Senate and the Speaker of the House of Representatives: the
29 Chair of the Maine Health Program Advisory Committee; 2
30 additional members of the Senate and 2 additional members of the
31 House of Representatives, including 2 members of the minority
32 party; and a representative from each of the following
33 organizations: the Maine Hospital Association; the Maine
34 Ambulatory Care Coalition; the Maine Coalition for Responsible
35 Health Care; Blue Cross and Blue Shield of Maine; and Consumers
36 for Affordable Health Care.

38 **Sec. II-3. Appointments; meetings.** All appointments must be
39 made no later than 5 days following the effective date of this
40 Act. The Executive Director of the Legislative Council must be
41 notified by all appointing authorities once the selections have
42 been made. When the appointments of all members have been
43 completed the Chair of the Legislative Council shall immediately
44 call and convene the first meeting of the task force. The task
45 force shall select a chair from among its members.

46 **Sec. II-4. Duties.** The task force shall evaluate the Maine
47 Health Program and alternative methods designed to meet the
48 health care needs of uninsured persons and the needs of insured
49 persons, private payors and providers. In conducting the study
50 the task force shall examine the following topics:
51

2 The task force shall evaluate the services and costs
4 actual and potential distribution of services and costs and needs
6 of beneficiaries of the Maine Health Program to those provided
under the health insurance program for state employees and other
typical employer-supported group health insurance plans;

8 The task force shall investigate all cost containment
10 options including but not limited to: copayments; managed care
12 such as prior authorization, 2nd surgical opinions and prepaid
14 capitation plans; discount programs for pharmaceutical or other
medical equipment or services by bid or negotiation; and
different combinations of benefits and levels or reimbursement;
and

16 The task force shall make and report to the Joint Standing
18 Committee on Appropriations and Financial Affairs by April 15,
1991 a finding as to whether there are currently sufficient
20 controls, restrictions and requirements to ensure that the Maine
22 Health Program will not expend state funds in excess of the
\$7,100,000 supplemental appropriation for the remainder of fiscal
24 year 1990-91. The task force shall recommend any additional
changes to the program that are required to ensure that program
expenditures do not exceed the supplemental appropriation.

26 In examining these topics, the task force may:

28 1. Meet at such times and places it determines necessary to
complete its work;

30 2. Hold informational sessions for discussions with
32 knowledgeable persons;

34 3. Conduct, tabulate and analyze the results of a survey of
the public or affected persons and groups;

36 4. Procure and analyze relevant data including but not
38 limited to the data required to be provided by section 5 of this
Part; and

40 5. Conduct legal research and prepare opinions on legal
42 questions within the scope of the study.

44 **Sec. II-5. Study data.** On or before March 1, 1991, the
46 Department of Human Services shall provide to the task force
fiscal year to date information for the following categories of
48 the Maine Health Program:

50 1. The number of participants who have met their spend-down
for the medically needy program;

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SENATE AMENDMENT "I" to H.P. 192, L.D. 274

- 2 2. The cost per case for all cases and costs per case for
the subset of participants who are eligible for the medically
needy program;
- 4
- 6 3. The number of participants in Medicaid-related
categories whose assets exceed the medically needy standard;
- 8 4. The number of participants with earned income;
- 10 5. The number of participants with private health insurance
coverage;
- 12
- 14 6. The distribution of participants among quintiles of
income;
- 16 7. The number of participants receiving an allowance or a
disregard for child care;
- 18
- 20 8. A distribution of cost incurred for each recipient, with
an indication of those recipients on spend-down and their
spend-down amount;
- 22
- 24 9. The amount of benefits paid by the Maine Health Program
on behalf of participants who have private insurance coverage and
the proportion of those benefits expected to be recovered; and
- 26
- 28 10. The steps the department has taken to make maximum use
of federal funds by applying for amendments to the state Medicaid
plan to make use of more liberal methodologies in the Medicaid
program and for any available demonstration project grant funds.

32 **Sec. II-6. Staff assistance.** The task force shall request
staffing assistance from the Legislative Council; the Department
34 of Human Services and the Department of Professional and
Financial Regulation shall provide consultation and information
36 as requested by the task force.

38 **Sec. II-7. Reimbursement.** No member of the task force is
entitled to receive compensation or reimbursement for expenses.
40

42 **Sec. II-8. Report.** The task force shall submit its report,
together with any necessary implementing legislation to the Joint
Standing Committee on Appropriations and Financial Affairs of the
44 115th Legislature no later than May 1, 1991. The report must
include a design of the Maine Health Program for fiscal years
46 1991-92 and 1992-93 that limits projected expenditures to the
amount of revenues projected to be available from revenues raised
48 by Public Law 1989, chapter 588 and all available federal funds.

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PART JJ

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Deappropriates funds no longer required.

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DEPARTMENT OF FINANCE
TOTAL _____
(\$1,500,000)

HUMAN SERVICES, DEPARTMENT OF

Income Maintenance - Regional

Positions - Legislative Count (-9.0)
Personal Services (\$36,360)

Provides for the deappropriation of funds
from the elimination of 9 Human Services
Aide III positions.

Welfare Employment, Education
and Training

All Other (\$200,000)

Provides for the deappropriation of surplus
funds available from transitional services
for ASPIRE clients.

DEPARTMENT OF HUMAN SERVICES
TOTAL _____
(\$236,360)

LEGISLATURE

Legislature

All Other (\$100,000)

Deappropriates funds no longer required.

LEGISLATURE
TOTAL _____
(\$100,000)

PART KK
TOTAL APPROPRIATIONS _____
(\$2,136,360)

Sec. KK-2. Allocation. The following funds are allocated from
Federal Expenditure funds to carry out the purposes of this Act.

1990-91

HUMAN SERVICES, DEPARTMENT OF

Income Maintenance - Regional

SENATE AMENDMENT "I" to H.P. 192, L.D. 274

2 That portion of this amendment making changes to Part EE
appropriates an additional \$3,801,411 to the Rainy Day Fund in
4 fiscal year 1990-91.

6 That portion of this amendment adding a new Part JJ
transfers \$500,000 from the State Contingent Account to the
8 General Fund and transfers \$500,000 from the Bureau of Consumer
Credit Protection's other special revenue account to the General
10 Fund in fiscal year 1990-91.

12 That portion of this amendment adding a new Part LL
deappropriates an additional (\$2,136,360) from various General
14 Fund programs in fiscal year 1990-91.

16 The remaining changes in this amendment would have no fiscal
impact on the General Fund or generate costs that can not be
18 absorbed within existing resources.

20
22 **STATEMENT OF FACT**

24 This amendment clarifies the deappropriation to the Medical
Care - Payments to Providers program in Part A.

26 This amendment abolishes the Office of Volunteer Services in
28 Part A.

30 This amendment reduces funding to the Judicial Department
and the Office of the Treasurer of State by a total of \$660,000
32 in Part B.

34 This amendment makes a technical correction to the manner in
which funds will be made available from the Maine Turnpike
36 Authority in fiscal year 1990-91 in Part E.

38 This amendment provides in Part H an alternative method of
funding state services that are provided to unorganized
40 territories.

42 This amendment makes several technical changes to Part I.
Nomenclature concerning the Office of Community Services is made
44 consistent and an incorrect cross-reference is corrected.

46 The amendment deletes all of Part M from the bill.

48 This amendment strikes all of Part N of the bill that would
have placed the driver education evaluation programs under the
Department of Corrections. This amendment places those programs
50 under the jurisdiction of the Division of Motor Vehicles.

2 This amendment restores a position in the State Planning
4 Office, restores a vacant position in the Workers' Compensation
4 Commission and corrects language approved by a majority of the
4 Appropriations Committee.

6 This amendment amends Part X of the bill and clarifies the
8 legislative intent concerning the restructuring of the executive
8 branch of State Government. The amendment retains the Maine
10 Commission of Families, Health and Rehabilitation, renaming it
10 the Special Commission on Governmental Restructuring.

12 This amendment amends the effective date after which new
14 adult applicants can no longer be enrolled into the Maine Health
14 Program in Part CC.

16 The amendment clarifies Part DD language concerning a
18 proposal to phase out the staffing of the fire tower system. The
18 amendment adds a new section to Part DD to require the Department
20 of Economic and Community Development to work with and provide
20 resources to any group conducting a preliminary assessment of the
22 advisability of a comprehensive study that explores the
22 feasibility of having a company or group purchase any
24 manufacturing plant or company that is in danger of closure
24 rather than just the clothing manufacturing plant in Biddeford.

26 This amendment appropriates an additional \$3,801,411 to the
28 Rainy Day Fund in Part EE.

30 This amendment authorizes the transfer of \$1,000,000 in
30 various funds to the General Fund in fiscal year 1990-91.

32 The amendment enacts Part GG concerning reinstatement of
34 state employees who are laid off.

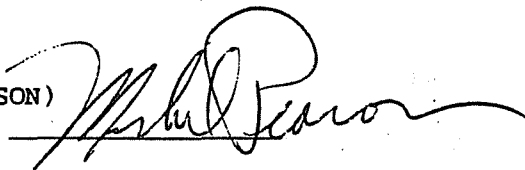
36 This amendment enacts Part HH. Part HH provides that any
36 legislation or rule containing a mandate enacted after January 1,
38 1984 may be eliminated or deferred until the State restores state
38 aid to education to the levels required by the laws in effect on
40 January 1, 1990. Part HH also provides that an owner or operator
40 of a salt or sand-salt storage area is not in violation of any
42 ground water classification adopted on or after January 1, 1980,
42 at any time prior to October 1, 1999, if the owner or operator
44 completes the steps set forth in the amendment. Part HH also
44 preserves the rights and remedies of persons under other statute
46 or common law for harm that might be caused as a result of
46 municipal salt or sand-salt storage activities.

48 This amendment enacts Part II that establishes the Special
50 Select Task Force to Evaluate Health Care Options. The task
50 force is charged to evaluate the Maine Health Program and
52 alternative methods in the light of data to be provided by the
52 Department of Human Services by March 1st. By April 15th the

SENATE AMENDMENT "I" to H.P. 192, L.D. 274

2 task force will report preliminary findings to the Joint Standing
3 Committee on Appropriations and Financial Affairs, and will make
4 a final report to the committee by May 1st. The final report
5 must include a program design that fits within the level of funds
6 projected to be available from specified sources.

7 This amendment deappropriates an additional (\$2,136,360) in
8 fiscal year 1990-91 from various General Fund programs.

10
11
12 (Senator PEARSON)
13 SPONSORED BY: 

14
15 COUNTY: Penobscot
16
17
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