

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 274

H.P. 192

House of Representatives, February 1, 1991

Reported by the Majority from the Committee on Appropriations and Financial Affairs
pursuant to Joint Order H.P. 51 and printed under Joint Rule 2.

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 NINETY-ONE

**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.**

(EMERGENCY)

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

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

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1991; and

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

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

PART A

Sec. A-1. Appropriation. There are appropriated from the General Fund for the fiscal year ending June 30, 1991 to the departments listed, the following sums.

1990-91

ADMINISTRATION, DEPARTMENT OF

Office of the Commissioner -
Administration

Positions - Legislative Count	(-2.0)
All Other	(\$12,000)

Provides for the elimination of a vacant Accountant I position and the layoff of a Clerk IV position and reduces All Other spending. General Fund undedicated revenues will be increased \$72,494.

Administration - Human Resources

Positions - Legislative Count	(-7.0)
Personal Services	(44,616)
All Other	(62,203)
Capital Expenditures	(4,479)

TOTAL	(111,298)
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Provides for the deappropriation of funds from the reductions in general operating expenses, the delay in purchasing capital

2 equipment and the elimination of the
3 following positions: two Senior Personnel
4 Analyst positions, 2 Clerk Typist II
5 positions, one Human Resources Development
6 Assistant position, an Accountant I position
7 and a Staff Development position.

8 **Buildings and Grounds Operations**

10 Positions - Legislative Count (-31.0)
11 Personal Services (17,000)

12 Provides for the deappropriation of funds
13 from the elimination of 13 Custodial Worker
14 I positions, 3 Custodial Worker II
15 positions, 3 Boiler Operator positions, 3
16 Laborer I positions, 2 Window Maintenance
17 Mechanic positions, one Clerk Typist II
18 position, one Carpenter position, one
19 Executive Housekeeper position, one Building
20 Control Supervisor position, one Maintenance
21 Mechanic position and 2 Painter positions.

24 **Capital Construction - Repairs -
25 Improvements - Administration**

26 Capital Expenditures (668,266)

28 Provides for the deappropriation of funds
29 from the termination of several capital
30 projects.

34 **Information Services**

36 Positions - Legislative Count (-5.0)
37 Personal Services (58,168)
38 All Other (457)

40 TOTAL (58,625)

42 Provides for the deappropriation of funds
43 from the elimination of a Secretary
44 position, a Management Analyst II position,
45 an Assistant Deputy Commissioner position, a
46 Planning and Research Associate I position
47 and a System Team Leader position.

50 **Public Improvements - Planning-
51 Construction - Administration**

52

2	Positions - Legislative Count	(-7.0)
	Personal Services	(18,000)
4	Provides for the deappropriation of funds	
6	from the elimination of one Administrative	
	Assistant position, one Planning and	
8	Research Associate I position, one Account	
10	Clerk II position, one Accountant I	
	position, one Accountant II position, one	
12	Engineering Technician position and one	
	Assistant Engineer position.	
14	Public Improvements - Division of	
	Safety and Environmental Services	
16	Positions - Legislative Count	(-2.0)
	Personal Services	(48,449)
18	Provides for the deappropriation of funds	
20	from the elimination of a vacant Asbestos	
	Project Manager position and a vacant	
22	Assistant Engineer position.	
24	Bureau of Purchases	
26	Positions - Legislative Count	(-6.0)
	Personal Services	(34,959)
28	All Other	(2,634)
30	TOTAL	(37,593)
32	Provides for the deappropriation of funds	
34	from the elimination of a vacant Assistant	
	Buyer position, a Chief Buyer position, a	
36	vacant Clerk Typist II position, a Secretary	
	position, a Buyer II position, a Planning	
38	and Research Associate I position and	
	related expenses.	
40	DEPARTMENT OF ADMINISTRATION	
	TOTAL	(971,231)
42	MAINE ADVOCACY SERVICES	
44	Maine Advocacy Services	
46	All Other	(9,437)
48	Provides for the deappropriation of funds	
50	from reductions in the Client Assistance	
	Program services and the termination of the	
52	Information and Referral Program.	

2	MAINE ADVOCACY SERVICES	
	TOTAL	<u>(9,437)</u>
4	MAINE COMMITTEE ON AGING	
6	Maine Committee on Aging	
8		
	Positions - Legislative Count	(-0.5)
10	Personal Services	(12,000)
	All Other	(7,245)
12		
14	Provides for the deappropriation of funds	
	for 1/2 of an Advocate position. This	
16	funding will be allocated from Federal	
	Expenditures.	
18	MAINE COMMITTEE ON AGING	
	TOTAL	<u>(19,245)</u>
20		
22	AGRICULTURE, FOOD AND RURAL	
	RESOURCES, DEPARTMENT OF	
24	Administration - Agriculture	
26		
	Positions - Legislative Count	(-3.5)
	Personal Services	(28,238)
28	All Other	(7,200)
	Capital Expenditures	(2,000)
30		
	TOTAL	<u>(37,438)</u>
32		
34	Provides for the deappropriation of funds	
	from the layoff of a Deputy Commissioner	
36	position, elimination of 2 Clerk	
	Stenographer III positions and a part-time	
38	Planning and Research Assistant position and	
	related expenses.	
40	Agricultural Production	
42		
	Positions - Legislative Count	(-2.0)
	Personal Services	(33,640)
44	All Other	(11,803)
	Capital Expenditures	(11,000)
46		
	TOTAL	<u>(56,443)</u>
48		
50	Provides for the deappropriation of funds	
	from the elimination of one Assistant	
52	Horticulturist position and the layoff of	
	one Clerk Typist II position, reductions in	

2 support services and the delay in the
purchase of one vehicle.

4 **Agricultural and Rural Resource
Development**

6 Positions - Legislative Count (-1.0)
8 Personal Services (30,763)
All Other (24,807)
10 Capital Expenditures (720)
12 TOTAL (56,290)

14 Provides for the deappropriation of funds
16 from the elimination of a Bureau Director
position and general operating expenses.

18 **Public Service - Agriculture**

20 Positions - Legislative Count (-3.0)
22 Personal Services (47,814)
All Other (9,888)
Capital Expenditures (1,278)
24 TOTAL (58,980)

26 Provides for the deappropriation of funds
28 from the elimination of a Weights and
Measures Inspector position and the layoff
30 of 2 Inspector Seed, Feed and Fertilizer
positions and related expenses.

32 **Harness Racing Commission**

34 Capital Expenditures (2,400)
36 Provides for the deappropriation of funds
38 from the delay in the purchases of video
equipment.

40 **Harness Racing Commission**

42 Positions - Legislative Count (-1.0)
44 Positions - Other Count (-0.5)
Personal Services (15,040)
46 All Other 15,040
48 TOTAL -0-

50 Provides for the deappropriation of funds
52 from the elimination of a Veterinarian
position, a Pari-mutual Supervisor position

2 and a seasonal Paddock Assistant position
and provides funds for contractual services
4 to handle the veterinarian responsibilities.

6 **Marketing Services - Agriculture**

8	Positions - Legislative Count	(-5.0)
	Personal Services	(113,420)
	All Other	(19,338)
10	Capital Expenditures	(665)
12	TOTAL	<u>(133,423)</u>

14 Provides for the deappropriation of funds
16 from the elimination of a Bureau Director
position, a Director of Marketing
18 Development position, a Clerk Typist II
position, a Produce Inspector III position,
20 an Assistant to the Commissioner position
and related expenses resulting from the
22 reorganization of the bureau.

24 **Seed Potato Board**

24	Positions - Legislative Count	(-1.0)
26	Personal Services	(14,097)

28 Provides for the deappropriation of funds
30 from the transfer of a Clerk Stenographer
III position to the enterprise account.

32 **Soil and Water Conservation Commission**

34	Positions - Legislative Count	(-1.0)
36	Personal Services	(26,020)
	All Other	(2,269)
38	TOTAL	<u>(28,289)</u>

40 Provides for the deappropriation of funds
42 from the layoff of an Executive Director
44 position and related expenses.

46 **DEPARTMENT OF AGRICULTURE, FOOD
AND RURAL RESOURCES**

48	TOTAL	<u>(387,360)</u>
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50 **ANIMAL WELFARE BOARD**

52 **Animal Welfare**

2	Personal Services	(7,600)
	All Other	(5,700)
4	Provides for the deappropriation of funds	
6	from reductions in Personal Services and	
	general operating expenses.	
8	ANIMAL WELFARE BOARD	
	TOTAL	<u>(13,300)</u>
10	MAINE ARTS COMMISSION	
12	Arts - Administration	
14		
16	Personal Services	(11,118)
18	Provides for the deappropriation of funds	
	through temporary layoffs of Arts Associate	
20	positions for approximately 8.31 pay periods	
	and a 2-day workweek for a Clerk Typist	
22	position.	
24	Arts - Administration	
26		
	Personal Services	33,194
28	Provides funds for a projected Personal	
	Services shortfall.	
30	MAINE ARTS COMMISSION	
	TOTAL	<u>22,076</u>
32	ATTORNEY GENERAL, DEPARTMENT OF THE	
34	Administration - Attorney General	
36		
	Personal Services	(100,000)
38	All Other	(21,000)
40	Provides for the deappropriation of funds	
	from the layoff of up to 6 Assistant	
42	Attorney General positions and other	
	projected savings.	
44		
46	DEPARTMENT OF THE ATTORNEY GENERAL	
	TOTAL	<u>(121,000)</u>
48	AUDIT, DEPARTMENT OF	
50	Audit - Departmental Bureau	
52		
	Personal Services	(43,158)

2	All Other	(52,250)
4	Provides for the deappropriation of funds for salary savings, in-state travel, out-of-state travel, supplies and contract services.	
8	DEPARTMENT OF AUDIT	
	TOTAL	<u>(95,408)</u>
10	CONSERVATION, DEPARTMENT OF	
12	Administration - Forestry	
14		
16	Personal Services	(8,495)
16	All Other	(1,000)
18	TOTAL	<u>(9,495)</u>
20	Provides for the deappropriation of funds from salary savings of a vacant Enforcement Coordinator Forester II position.	
22		
24	Administrative Services - Conservation	
26	Positions - Legislative Count	(-2.0)
26	Personal Services	(42,775)
28	All Other	(1,500)
28	Capital Expenditures	(2,260)
30		
30	TOTAL	<u>(46,535)</u>
32		
34	Provides for the deappropriation of funds through the elimination a vacant Clerk Typist II position and a vacant Accountant III position and other salary savings.	
36		
38	Capital Construction - Repairs - Improvements - Conservation	
40		
40	All Other	(10,750)
42	Capital Expenditures	(4,097)
44	TOTAL	<u>(14,847)</u>
46		
48	Provides for the deappropriation of funds through the elimination of some building repairs and capital improvements.	
50	Capital Construction - Repairs - Improvements - Conservation	
52		

2	All Other	(9,000)
4	Provides for the deappropriation of funds through reductions in repairs.	
6	Division of Forest Fire Control	
8	Positions - Other Count	(-4.5)
10	Personal Services	(208,342)
10	Capital Expenditures	(120,274)
12	TOTAL	<u>(328,616)</u>
14	Provides for the deappropriation of funds through the elimination of 4 full-time and one part-time Watchperson positions as a result of closing the fire towers at Johnson Hill, Chase Hill, Agamenticus Mountain, Norway Bluff, Green Mountain and termination of plans to consolidate field facilities.	
22	Forest Management - Utilization Marketing	
24	Personal Services	(116,679)
26	All Other	(13,978)
28	TOTAL	<u>(130,657)</u>
30	Provides for the deappropriation of funds through salary savings from 5 vacant Forester I positions and 2 vacant Forester II positions and related expenses.	
34	Geographic-based Information Services	
36	All Other	(11,113)
38	Provides for the deappropriation of funds through reductions in software maintenance costs, elimination of travel and reduced utility costs.	
42	Maine Geological Survey	
44	Personal Services	(12,560)
46	All Other	(54,314)
48	TOTAL	<u>(66,874)</u>
50	Provides for the deappropriation of funds through the elimination of the United States	

2	Geological Survey National Mapping Cooperative.	
4	Insect and Disease Management	
6	Positions - Legislative Count	(-1.0)
	Personal Services	(28,387)
8	Capital Expenditures	(3,000)
10	TOTAL	<u>(31,387)</u>
12	Provides for the deappropriation of funds through the elimination of an Entomologist 14 II position and from the delay in the 16 purchase of field vehicles.	
	Maine Land Use Regulation Commission	
18	Positions - Legislative Count	(-1.0)
20	Personal Services	(46,588)
	All Other	(7,990)
22	TOTAL	<u>(54,578)</u>
24	Provides for the deappropriation of funds 26 through the elimination of a Maine Land Use 28 Regulation Commission Division Manager position and related expenses.	
	Policy Planning and Information	
32	Positions - Legislative Count	(-1.0)
	Personal Services	(27,875)
34	Provides for the deappropriation of funds 36 through the elimination of a vacant Clerk 38 Typist II position.	
	Engineering and Realty	
40	Positions - Legislative Count	(-1.0)
42	Personal Services	(12,265)
44	Provides for the deappropriation of funds 46 through the layoff of a Right-of-way Appraiser II position.	
48	DEPARTMENT OF CONSERVATION	
	TOTAL	<u>(743,242)</u>
50	CORRECTIONS, DEPARTMENT OF	
52		

2	Administration - Corrections	
4	Positions - Legislative Count	(-6.0)
	Personal Services	(\$85,637)
6	All Other	(60,261)
	Capital Expenditures	(4,785)
8		
	TOTAL	(\$150,683)
10		
12	Provides for the deappropriation of funds	
	for training, contracted auditing and	
14	general operations, the layoff of one Clerk	
	Typist III position, and the elimination of	
16	the following vacant positions: one	
	Associate Commissioner position, one Jail	
18	Inspector position, one Psychologist IV	
	position, one Secretary position and one	
20	Staff Development Coordinator position.	
	Bangor Pre-release Center	
22		
	All Other	(\$10,000)
24		
	Provides for the deappropriation of funds	
26	for a medical services contract.	
	Central Maine Pre-release Center	
28		
	Capital Expenditures	(\$18,500)
30		
	Provides for the deappropriation of funds	
32	for the purchase of equipment.	
34		
	Correctional Program Improvement	
36		
	All Other	(\$267,279)
38		
	Provides for the deappropriation of funds	
40	through the elimination of 2 community	
	contracts and decreasing the department's	
42	ability to board inmates in the county jails.	
	Correctional Center	
44		
	Personal Services	(\$47,344)
46		
	Provides for the deappropriation of funds by	
48	rescheduling staff.	
50		
52		

Downeast Correctional Facility

2 All Other (\$124,365)
4 Capital Expenditures (11,800)
6 TOTAL (\$136,165)

8 Provides for the deappropriation of funds
10 from medical services, travel, clothing and
12 plant operations, and the reduction of
capital purchases.

14 Food - State Prison

16 All Other (\$60,000)

18 Provides for the deappropriation of funds
20 required for the purchase of food.

22 Justice - Planning, Projects and Statistics

24 All Other (\$88,500)

26 Provides for the deappropriation of funds
28 for out-of-state travel and funds for
discretionary grants.

Bureau of Juvenile Corrections

32 All Other (\$1,357)

34 Provides for the deappropriation of funds
36 for travel, office supplies and general
38 expenses.

40 Parole Board

42 Personal Services (\$1,969)
44 All Other (1,138)
46 TOTAL (\$3,107)

48 Provides for the deappropriation of funds by
50 reducing the number of members attending
meetings to reduce per diem costs and
related travel expenses.

52

State Prison

2		
	Positions - Legislative Count	(-19.0)
4	Personal Services	(\$183,440)
	All Other	(416,512)
6	Capital Expenditures	(43,113)
8	TOTAL	<u>(\$643,065)</u>

10 Provides for the deappropriation of funds by
12 the elimination of the following vacant
14 positions: six Guard positions, one Guard
16 Sergeant position, one Vocational Trades
18 Instructor position, 4 Correctional Trades
20 Instructor positions, one Clerk Typist II
22 position, one Electrician II position, one
Accountant I position, one Correctional
Caseworker position, one Physician Assistant
position and 2 Nurse positions; by reducing
the number of inmates boarded at federal
prisons; and general operations.

**DEPARTMENT OF CORRECTIONS
TOTAL**

(\$1,426,000)

**DEFENSE AND VETERANS' SERVICES,
DEPARTMENT OF**

**Administration - Defense and
Veterans' Services**

32	Personal Services	(34)
34	All Other	(747)
	Capital Expenditures	(428)
36	TOTAL	<u>(1,209)</u>

38 Provides for the deappropriation of funds
40 through salary savings and reductions of
42 general operating expenses.

**Administration - Maine Emergency
Management Agency**

46	Personal Services	(6,784)
	All Other	(80,158)
48	TOTAL	<u>(86,942)</u>

50 Provides for the deappropriation of funds
52 through salary savings from an anticipated

2	retirement and the reduction of disaster assistance funds.	
4	Military Training and Operations	
6	Personal Services	(49,106)
	All Other	(118,242)
8		
	TOTAL	<u>(167,348)</u>
10		
12	Provides for the deappropriation of funds through the deferment of work at armories.	
14	Veterans' Memorial Cemetery	
16	All Other	(12,600)
18		
20	Provides for the deappropriation of funds through reductions in the general upkeep at the Veterans' Memorial Cemetery.	
22	Veterans' Services	
24	All Other	(15,609)
26		
28	Provides for the deappropriation of funds from reductions in travel and general operating expenses.	
30	Commission on Vietnam and Atomic Veterans	
32		
	Personal Services	(540)
34	All Other	(6,000)
36	TOTAL	<u>(6,540)</u>
38		
40	Provides for the deappropriation of funds through salary savings and reductions in travel.	
42	DEPARTMENT OF DEFENSE AND VETERANS' SERVICES	
44	TOTAL	<u>(290,248)</u>
46	MAINE DEVELOPMENT FOUNDATION	
48	Development Foundation	
50	All Other	(16,182)

2	Provides for the deappropriation of funds from reduced operating expenses.	
4	MAINE DEVELOPMENT FOUNDATION	
	TOTAL	<u>(16,182)</u>
6		
8	ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF	
10	Administration - Economic and Community Development	
12		
	Positions - Legislative Count	(-1.0)
14	Personal Services	(6,487)
	All Other	(3,250)
16	Capital Expenditures	(5,000)
18	TOTAL	<u>(14,737)</u>
20	Provides for the deappropriation of funds from the elimination of the State Data Center, which includes a Research Associate I position, capital equipment purchases and All Other expenses.	
22		
24		
26	Office of Community Development	
28	All Other	(33,045)
30	Provides for the deappropriation of funds from reductions in travel, contractual services and grants to communities.	
32		
34	Community Development Block Grant Program	
36		
	All Other	(20,392)
38		
	Provides for the deappropriation of funds from reductions in travel, contractual services and general operating expenses.	
40		
42		
	International Commerce	
44		
	All Other	(25,000)
46		
	Provides for the deappropriation of funds from the reductions of All Other for grants.	
48		
50	Job Opportunity Zones	
52	All Other	(2,750)

2	Provides for the deappropriation of funds	
4	from the reduction in All Other allotment	
	for administration of grants.	
6	Comprehensive Land Use Planning	
8	All Other	(201,077)
10	Provides for the deappropriation of funds	
12	from reductions in general operating	
	expenses from the Growth Management Program.	
14	Legal Defense Fund	
16	All Other	(81,186)
18	Provides for the deappropriation of funds	
20	from reduction of the Legal Defense Fund	
	appropriation for fiscal year 1990-91 to	
	\$18,814.	
22		
	Maine Small Business Commission	
24	All Other	(4,398)
26		
28	Provides for the deappropriation of funds	
	from the reduction in the grants to the	
	subcenters.	
30		
	Office of Tourism	
32	All Other	(55,049)
34		
36	Provides for the deappropriation of funds to	
	reduce contractual services. Current	
	encumbered contracts may be disencumbered if	
	necessary.	
38		
40	DEPARTMENT OF ECONOMIC AND	
	COMMUNITY DEVELOPMENT	
42	TOTAL	<hr/> (437,634)
44	STATE BOARD OF EDUCATION	
46	State Board of Education	
48	Personal Services	(1,100)
	All Other	(4,369)
50		
	Provides for the deappropriation of funds	

2	from reduced per diem and general operating expenses.	
4	STATE BOARD OF EDUCATION	
	TOTAL	<u>(5,469)</u>
6	EDUCATION, DEPARTMENT OF	
8	Administration - Education	
10	Positions - Legislative Count	(-1.0)
12	Personal Services	(11,034)
14	Provides for the deappropriation of funds from salary savings and from the layoff of the Assistant to the Commissioner position.	
16		
18	Administrative Services - Education	
20	Personal Services	(10,384)
22	Provides for the deappropriation of funds from salary savings.	
24		
26	Adult Education	
26	Personal Services	(101,061)
28	All Other	(17,200)
30	TOTAL	<u>(118,261)</u>
32	Provides for the deappropriation of funds from salary savings and reductions in contractual services, in-state travel, telephone utility, general operating expenses and office supplies.	
34		
36		
38	Assessment of Student Performance	
40	Personal Services	(2,472)
42	All Other	(6,500)
44	TOTAL	<u>(8,972)</u>
46	Provides for the deappropriation of funds from salary savings, reduced out-of-state travel and general operating expenses.	
48		
50	Certification, Placement and Teacher Education	
52	All Other	(6,120)

2	Provides for the deappropriation of funds	
4	from reductions in in-state travel and	
	general operating expenses.	
6	School-based Child Care	
8	All Other	(23,000)
10	Provides for the deappropriation of funds	
12	from school-based child care grants.	
	Curriculum - Education	
14	Personal Services	(37,492)
16	All Other	(47,278)
18	TOTAL	<hr/> (84,770)
20	Provides for the deappropriation of funds	
22	from salary savings and reductions in	
24	out-of-state travel, innovative grants and	
	early childhood grants.	
	General Purpose Aid for Local Schools	
26	All Other	(5,400,000)
28	Provides for the deappropriation of funds in	
30	excess of requirements in general purpose	
32	aid to local schools.	
34	Governor Baxter School for the Deaf	
36	Personal Services	(130,894)
38	Provides for the deappropriation of funds	
40	from salary savings.	
42	Governor Baxter School for the Deaf	
44	Positions - Other Count	(-2.0)
46	Personal Services	(35,160)
48	Provides for the deappropriation of funds	
50	from the elimination of 3 vacant positions: two part-time Teacher of the Deaf positions and one Watchperson position.	
52	Handicapped Children Services -	

2	Preschool	
4	All Other	(84,450)
6	Provides for the deappropriation of funds from preschool handicapped grants.	
8	Higher Education Services	
10	Personal Services	(19,916)
12	Provides for the deappropriation of funds from salary savings.	
14	Nutrition Program - Local Schools	
16	All Other	(25,526)
18	Provides for the deappropriation of funds from reduced per pupil meal reimbursement and reduced grants to schools for equipment.	
22	Planning and Management Information - Education	
24		
26	Personal Services	(1,957)
28	All Other	(14,000)
30	Capital Expenditures	(8,301)
32	TOTAL	<u>(24,258)</u>
34	Provides for the deappropriation of funds from salary savings, reduced general operating expenses and the elimination of a microcomputer purchase.	
36	Special Education - Exceptional Children	
38		
40	Personal Services	(9,405)
42	All Other	(37,086)
44	TOTAL	<u>(46,491)</u>
46	Provides for the deappropriation of funds from salary savings and gifted and talented grants.	
48	Transportation Program - Local Schools	
50	Personal Services	(9,020)
52		

2	Provides for the deappropriation of funds from salary savings.	
4	Vocational Training - Program Services	
6	Personal Services	(25,951)
	All Other	(3,500)
8		
	TOTAL	<u>(29,451)</u>
10		
12	Provides for the deappropriation of funds from salary savings, reduced in-state travel, reduced out-of-state travel and reduced general operating expenses.	
14		
16	DEPARTMENT OF EDUCATION	
	TOTAL	<u>(6,067,707)</u>
18		
20	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
22	Administration - Environmental Protection	
24		
	Positions - Legislative Count	(-2.0)
26	Personal Services	(26,698)
	All Other	(7,521)
28		
	TOTAL	<u>(34,219)</u>
30		
32	Provides for the deappropriation of funds through the layoff of a Planning and Research Associate I position and the transfer of a Programmer Analyst position to other funds and reductions in general operating costs.	
34		
36		
38	Air Quality Control	
40	Positions - Legislative Count	(-2.0)
	Personal Services	(18,838)
42		
44	Provides for the deappropriation of funds and transfers an Environmental Specialist IV position and a Chemist III position to a federal account.	
46		
48	Environmental Impact Studies	
50	Personal Services	(5,000)

2	Provides for the deappropriation of funds through salary savings.	
4	Lake Environmental Protection Fund	
6	All Other	(149,300)
8	Provides for the deappropriation of funds through the reduction in local grants to cover costs of litigation to protect lake quality.	
12	Lake Restoration and Protection Fund	
14	Personal Services	(18,270)
16	All Other	(50,000)
18	TOTAL	<u>(68,270)</u>
20	Provides for the deappropriation of funds from an Assistant Engineer position and related costs.	
24	Land Quality Control	
26	Personal Services	(47,249)
28	Provides for the deappropriation of funds through salary savings.	
30	Oil and Hazardous Materials Control	
32	Positions - Legislative Count	(-1.0)
34	Personal Services	(43,140)
36	Provides for the deappropriation of funds through the transfer of expenditures to other accounts and the transfer of an incumbent Oil and Hazardous Materials Specialist II position to a vacancy in another account.	
42	Solid Waste Management	
44	Positions - Legislative Count	(-2.0)
46	Personal Services	(52,310)
48	Provides for the deappropriation of funds through the layoff of the Bureau Director position and a Division Director position in the 4th quarter, resulting from the consolidation of the Bureau of Solid Waste	
50		
52		

2	Management and the Bureau of Oil and Hazardous Materials Control.	
4	Water Quality Control	
6	Personal Services	(5,300)
	Capital Expenditures	(25,038)
8		
	TOTAL	<u>(30,338)</u>
10		
12	Provides for the deappropriation of funds through the transfer of expenditures to the dedicated account and the elimination of all Capital Expenditures.	
14		
16	DEPARTMENT OF ENVIRONMENTAL PROTECTION	
18	TOTAL	<u>(448,664)</u>
20	COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES	
22		
24	Commission on Governmental Ethics and Election Practices	
26	Personal Services	(5,318)
	All Other	(1,952)
28		
30	Provides for deappropriation of funds from general operating expenses and salary savings.	
32		
34	COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES	
	TOTAL	<u>(7,270)</u>
36		
38	EXECUTIVE DEPARTMENT	
40	Administration - Executive - Governor's Office	
42	Personal Services	(58,000)
	All Other	(26,251)
44	Capital Expenditures	(2,000)
46		
	TOTAL	<u>(86,251)</u>
48		
50	Provides for the deappropriation of funds through extended personnel leave without pay and from reductions in general operating costs.	
52		

Administration - Community Services

2		
	Positions - Other Count	(-2.0)
4	Personal Services	(36,737)
	All Other	(11,079)
6		<hr/>
	TOTAL	(47,816)

8
10 Provides for the deappropriation of funds
12 from salary savings and the layoff of an
Auditor II position, a Receptionist position
and reductions in general operating expenses.

14 Blaine House

16	Personal Services	(2,000)
	All Other	(2,000)
18		<hr/>
	TOTAL	(4,000)

20
22 Provides for the deappropriation of funds
from salary savings and reductions in
general operating costs.

**24 Blaine House Renovations and
26 Repairs Fund**

28	All Other	(2,000)
----	-----------	---------

30 Provides for the deappropriation of funds
32 from reductions in repairs.

**34 Federal - State Coordinator -
Executive**

36	Personal Services	(6,000)
	All Other	(8,000)
38		<hr/>
	TOTAL	(14,000)

40
42 Provides for the deappropriation of funds
from not filling a vacant position and
44 reductions in general operating costs.

46 Head Start

48	All Other	(840)
----	-----------	-------

50 Provides for the deappropriation of funds
from reductions in out-of-state travel.

52 Low-income Home Energy Assistance

2	All Other	(2,986)
4	Provides for the deappropriation of funds	
6	from reductions in travel costs for the	
	Advisory Board.	
8	Public Advocate	
10	All Other	(13,755)
12	Provides for the deappropriation of funds	
14	from the disencumbrance of contracts with	
	expert witnesses.	
16	Maine Science and Technology	
	Commission	
18	Positions - Legislative Count	(-1.0)
20	All Other	(145,115)
22	Provides for the deappropriation of funds	
24	from reductions in stand-alone centers and	
26	research programs and elimination of one	
	Development Director position effective May	
	1, 1991.	
28	Planning Office	
30	Personal Services	(57,497)
	All Other	(43,000)
32	Capital Expenditures	(1,322)
34	TOTAL	(101,819)
36	Provides for the deappropriation of funds	
38	from savings in Personal Services, All Other	
	and Capital Expenditures.	
40	Office of Substance Abuse	
42	All Other	(56,621)
44	Provides for the deappropriation of funds	
46	from data processing, in-state travel,	
48	out-of-state travel, office supplies,	
	maintenance of the statewide information	
	system and the elimination of the statewide	
	prevention conference.	
50	Office of Volunteer Services	
52		

2	Personal Services	(1,000)
4	Provides for the deappropriation of funds from salary savings.	
6	State Planning Office - Water Resource Management Board	
8	All Other	(1,394)
10	Provides for the deappropriation of funds from the reduction in general operating expenses.	
12		
14		
16	EXECUTIVE DEPARTMENT TOTAL	<u>(477,597)</u>
18	FINANCE, DEPARTMENT OF	
20	Administration - Finance	
22	Personal Services	(14,095)
24	Provides for the deappropriation of funds from not filling the Assistant to the Commissioner position.	
26		
28	Administrative Services - Finance	
30	Positions - Legislative Count	(-2.0)
32	All Other	(10,000)
34	Provides for the deappropriation of funds from the elimination of a vacant Account Clerk I position, a Field Examiner II position and related operating costs. Personal Services savings have already been offered through the Voluntary Cost Savings Program.	
36		
38		
40		
42	Bureau of Accounts and Control	
44	Positions - Legislative Count	(-11.5)
46	Personal Services	(61,779)
48	Provides for the deappropriation of funds from the elimination of one Clerk I position, one Clerk Typist I position, 3 Clerk Typist II positions, 3 Data Entry Specialist positions, one Data Entry Supervisor position, one Data Control Specialist position, one Account Clerk II	
50		
52		

2 position and one part-time Laborer I
position.

4 **Bureau of Accounts and Control -
Systems Project**

6 Personal Services (23,500)

8 Provides for the deappropriation of funds
10 from not filling the Assistant to the
Controller position.

12 **Bureau of Taxation**

14 Positions - Legislative Count (-22.0)
16 Personal Services (296,990)

18 Provides for the deappropriation of funds
20 from the elimination of 2 Property Tax
Appraiser I positions, 2 Property Tax
22 Appraiser II positions, one Clerk I position
and the following vacant positions: three
24 Revenue Agent positions, one Senior Revenue
Agent position, one Senior Tax Examiner
26 position, one Clerk Typist I position, one
Data Base Administrator position, one Tax
Division Assistant Executive position, one
28 Computer Programmer position, one Programmer
Analyst position, 2 Tax Enforcement Officer
30 positions, one Clerk III position, one
Planning and Research Associate II position,
32 one Data Entry Specialist position, one
Property Tax Appraiser I position and one
34 Property Tax Appraiser II position. The
Clerk Typist position involved in assisting
36 municipalities with the excise tax issues is
not affected by this deappropriation.

38 **Tree Growth Tax Reimbursement**

40 All Other (425,000)

42 Provides for the deappropriation of funds
44 from eliminating an anticipated balance at
the end of fiscal year 1990-91.
46 Notwithstanding the Maine Revised Statutes,
Title 36, section 578, a municipality that
48 has not submitted an annual return in
accordance with Title 36, section 383 is
50 eligible for tree growth tax reimbursement
for fiscal year 1990-91.

52

Bureau of Taxation

2
4 All Other (150,000)
6 Provides for the deappropriation of funds
8 originally provided in Public Law 1989,
10 chapter 880 to reimburse the Department of
the Attorney General for the services of 3
attorneys or paralegals in the enforcement
of the State's tax laws.

12 **DEPARTMENT OF FINANCE**
14 **TOTAL** (981,364)

16 **MAINE HISTORIC PRESERVATION**
COMMISSION

18 **State Restoration Grants Program**

20 All Other (9,172)
22 Provides for the deappropriation of funds
24 from a 29% reduction in the Historic
Building Restoration Grant Program.

26 **Historic Preservation Commission**

28 All Other (13,367)
30 Provides for the deappropriation of funds
32 from a 14% reduction in the Maine Historic
Resources Survey.

34 **MAINE HISTORIC PRESERVATION**
36 **COMMISSION**
TOTAL (22,539)

38 **MAINE HUMAN DEVELOPMENT COMMISSION**

40 **Human Development Commission**

42 All Other (2,537)
44 Provides for the deappropriation of funds
46 from general operating expenses.

48 **MAINE HUMAN DEVELOPMENT COMMISSION**
TOTAL (2,537)

50 **MAINE HUMAN RIGHTS COMMISSION**

52 **Human Rights Commission - Regulation**

2	Positions - Legislative Count	(-1.0)
	Personal Services	(20,694)
4	All Other	(11,701)
6	Provides for the deappropriation of funds	
	through the elimination of a Field	
8	Investigator position.	
10	MAINE HUMAN RIGHTS COMMISSION	
	TOTAL	<u>(32,395)</u>
12	HUMAN SERVICES, DEPARTMENT OF	
14	Administration - Human Services	
16	Positions - Legislative Count	(-13.0)
18	Personal Services	(75,873)
	All Other	(10,000)
20	TOTAL	<u>(85,873)</u>
22	Provides for the deappropriation of funds	
24	from the elimination of the following	
26	positions: three Clerk Typist II positions,	
	one Personnel Officer position, one Computer	
28	Programmer position, one Clerk Typist III	
	position, one Planning and Research	
30	Associate I position, one Nosologist	
	position, one System Team Leader position,	
32	one Staff Development Specialist II	
	position, 2 Staff Development Specialist IV	
34	positions and one Comprehensive Health	
	Planner II position.	
36	Administration - Regional - Human	
	Services	
38	All Other	(147,878)
40	Provides for the deappropriation of funds	
42	associated with the closing of offices in	
44	South Paris and Waterville; and closing WEET	
	offices in Bangor, Lewiston and Presque	
46	Isle. All offices in Aroostook County shall	
	only be in Caribou, Houlton and Fort Kent.	
48	Administration - Income Maintenance	
50	Positions - Legislative Count	(-6.0)
	Personal Services	(52,500)
52	All Other	(10,500)

2	TOTAL	(63,000)
4	Provides for the deappropriation of funds	
6	for the administration of public assistance	
8	programs through the elimination of the	
10	following positions: one Clerk Typist III	
12	position, one Income Maintenance Program	
14	Manager position, one Income Maintenance	
16	Field Supervisor position and 3 Income	
18	Maintenance Specialist positions.	
20	Administration - Social Services	
22	Positions - Legislative Count	(-6.0)
24	Personal Services	(75,499)
26	All Other	(24,426)
28	TOTAL	(99,925)
30	Provides for the deappropriation of funds	
32	through the elimination of the following	
34	positions: one Clerk Typist II position,	
36	one Account Clerk I position, one Public	
38	Relations Representative position, one	
40	Social Services Program Specialist I	
42	position and 2 Social Services Program	
44	Specialist II positions.	
46	Alcoholism and Drug Abuse Prevention -	
48	Human Services	
50	Positions - Legislative Count	(-1.0)
52	Personal Services	(13,000)
54	Provides for the deappropriation of funds	
56	from the elimination of one Clerk Typist II	
58	position.	
60	Child Care Services	
62	All Other	(60,000)
64	Provides for the deappropriation of funds	
66	from reducing the funds received by the 10	
68	resource development centers by \$6,000 each.	
70	Congregate Housing	
72	All Other	(193,207)
74	Provides for the deappropriation of funds	

2 for supportive services to elderly residents
3 living in subsidized housing, except that
4 Biddeford and Fort Kent shall not be
5 affected by this reduction.

6 **Crippled Children Services**

8 Positions - Legislative Count (-0.5)
9 Personal Services (12,510)

10 Provides for the deappropriation of funds by
11 reducing to 1/2 time a Public Health
12 Physician position assigned to the Division
13 of Disease Control.
14

16 **Division of Driver Education
17 Evaluation Programs**

18 Positions - Legislative Count (-1.0)
19 Personal Services (6,400)
20 All Other (52,500)

21
22 TOTAL (58,900)

23
24 Provides for the deappropriation of funds by
25 reducing the Weekend Offender Program and by
26 not implementing the Automated Offender
27 Evaluation Program through the elimination
28 of one Clerk Typist II position.

30 **Bureau of Elder and Adult Services**

31
32 Positions - Legislative Count (-4.0)
33 Personal Services (43,477)
34 All Other (90,500)
35 Capital Expenditures (4,000)

36
37 TOTAL (137,977)

38
39 Provides for the deappropriation of funds
40 from the Bureau of Elder and Adult Services,
41 grants to Area Agencies on Aging, general
42 operating expenses and the elimination of 2
43 Social Services Program Specialist I
44 positions, one Clerk Typist III position and
45 the transfer of one Clerk Typist II position
46 salary to federal funds.

47
48 **Emergency Medical Services**

49 All Other (21,243)

50
51
52

2 Provides for the deappropriation of funds
3 for the operation of the Maine Emergency
4 Medical Services, or MEMS, System.

6 **Adaptive Equipment Loan Program
Fund Board**

8 All Other (400)

10 Provides for the deappropriation of funds
11 for administrative support to the Adaptive
12 Equipment Loan Fund.

14 **Health Insurance Subsidy Program**

16 All Other (1,000,000)

18 Provides for the deappropriation of funds
19 for a supplemental health insurance program
20 for former Aid to Families with Dependent
21 Children recipients, which is no longer
22 required.

24 **Bureau of Health**

26 Positions - Legislative Count (-11.0)

27 Personal Services (95,458)

28 All Other (115,109)

30 TOTAL (210,567)

32 Provides for the deappropriation of funds
33 for the Bureau of Health Administration
34 program management, service delivery and
35 purchase of community-based services through
36 the elimination of the following positions:
37 three Sanitarian II positions, 3 Clerk
38 Typist III positions, one Clerk Typist II
39 position, one Librarian I position, one
40 Public Health Educator I position, one
41 Public Health Educator II position and one
42 Microbiologist II position.

44 **Health Planning and Development**

46 Positions - Legislative Count (-3.0)

47 Personal Services (34,638)

48 All Other (3,286)

50 TOTAL (37,924)

52 Provides for the deappropriation of funds by

2 decreasing the capability of Certificate of
Need determination, implementation of
4 special projects, preparation of key
planning documents and the elimination of 2
6 Comprehensive Health Planner II positions
and one Health Care Financial Analyst
8 position.

10 **Income Maintenance - Regional**

12	Positions - Legislative Count	(-7.0)
12	Personal Services	(96,278)
14	All Other	(4,500)
16	TOTAL	<hr/> (100,778)

18 Provides for the deappropriation of funds
from the elimination of the following
20 positions with determination of eligibility
for public assistance programs: five Income
22 Maintenance Specialist positions, one Clerk
Typist II position and one Income
24 Maintenance Unit Supervisor position.

26 **Interdepartmental Council -
Medicaid Enhancement**

28	All Other	(2,577)
----	-----------	---------

30 Provides for the deappropriation of funds
32 from a contract for consultation services on
Medicaid enhancement.

34 **Intermediate Care - Payments
to Providers**

36	All Other	(125,401)
----	-----------	-----------

38 Provides for the deappropriation of funds
40 for drug rebates for ICF/MR residents.

42 **Legal Services - Human Services**

44	Positions - Legislative Count	(-2.0)
46	Personal Services	(57,468)

48 Provides for the deappropriation of funds
from the transfer of 2 Assistant Attorney
50 General positions to federal funds.

52 **Long-term Care - Human Services**

2	All Other	(61,000)
4	Provides for a 4% reduction in administrative funds available to the Area Agencies on Aging and Alpha I for the Home-based Care Program.	
8	Medical Care Administration	
10	Positions - Legislative Count	(-11.0)
12	Personal Services	(188,944)
14	Provides for the deappropriation of funds from the elimination of the following positions: two Clerk Typist II positions, one Health Services Consultant position, one Social Service Program Specialist I position, one Social Service Program Specialist II position, 2 Medical Claims Evaluator positions, one Word Processing Operator position, one Accountant II position, one Medical Services Utility Supervisor position and one Medical Services Utility Assistant Director position.	
26	Purchased Social Services	
28	All Other	(740,000)
30	Provides for the deappropriation of funds to purchase social services that are delivered by community agencies. A proposed 3% across-the-board reduction in contracted services will not take place and day care vouchers will not be affected by this deappropriation.	
38	Bureau of Rehabilitation - Vocational Rehabilitation	
40	All Other	(290,608)
42	Provides for the deappropriation of funds to substitute state vocational rehabilitation case service funds with federal funds.	
46	Social Services - Regional	
48	Positions - Legislative Count	(-5.0)
50	Personal Services	(50,635)
52	All Other	(10,000)

2	TOTAL	(60,635)
4	Provides for the deappropriation of funds from the elimination of 3 Human Services Casework Supervisor positions, 2 part-time Paralegal Assistant positions, one Social Services Program Specialist position. The Human Services Casework Supervisor position in Sagadahoc County is not affected by this deappropriation.	
12	State Supplement to Federal Supplemental Security Income	
14	All Other	(447,000)
16	Provides for the deappropriation of available funds.	
20	Welfare Employment, Education and Training	
22	Personal Services	(15,000)
24	All Other	(749,000)
26	TOTAL	(764,000)
28	Provides for the deappropriation of available funds. No ASPIRE client is to be dropped as a result of this deappropriation. Funds are not eliminated for services purchased in Bangor, \$10,000.	
32	Medical Care Payments to Providers	
34	All Other	(200,000)
36	Provides for the deappropriation of funds from the anticipated collection of unpaid debts owed to the department from health care providers.	
42	General Assistance - Reimbursement to Cities and Towns	
44	All Other	(680,530)
46	Provides for the deappropriation of funds for reimbursement to municipalities for general assistance expenditures.	
50	Medical Care - Payments to Providers	
52		

2 All Other (1,467,000)

4 Provides for the deappropriation of funds

6 from implementing: an out-patient radiology

8 fee schedule; managed care initiatives,

10 including prior authorization, 2nd surgical

12 opinion and concurrent utilization review; a

federally mandated discount from

pharmaceutical companies; reduced payments

in cases when Medicaid supplements Part B

Medicare; and freezing the amount of

equipment purchased by physicians.

14 **DEPARTMENT OF HUMAN SERVICES**

16 **TOTAL** (7,328,345)

18 **INLAND FISHERIES AND WILDLIFE,**

20 **DEPARTMENT OF**

22 **Office of the Commissioner -**

Inland Fisheries and Wildlife

24 Personal Services (23,000)

26 All Other (52,475)

28 Capital Expenditures (6,500)

30 **TOTAL** (81,975)

32 Provides for the deappropriation of funds

34 from not filling a vacant Clerk Typist II

position and a vacant Clerk Stenographer III

position, from reductions in general

operating expenses and the delay in the

purchase of one film processor.

36 **Administrative Services - Inland**

Fisheries and Wildlife

38 Personal Services (12,000)

40 All Other (16,438)

42 Capital Expenditures (10,146)

44 **TOTAL** (38,584)

46 Provides for the deappropriation of funds

48 from not filling a vacant Account Clerk II

position, reductions in general operating

expenses and the delay in the purchase of

one vehicle.

50 **Atlantic Sea Run Salmon Commission**

52

2	All Other	(407)
	Capital Expenditures	(3,200)
4	TOTAL	(3,607)
6	Provides for the deappropriation of funds	
8	through the reduction of general operating	
	costs and the delay in the purchase of one	
	fish transportation tank.	
10	ATV Safety and Educational Program	
12	All Other	(1,555)
14	Provides for the deappropriation of funds	
16	from reductions in general operating	
	expenses.	
18	Endangered Nongame Operations	
20	All Other	(233)
22	Provides for the deappropriation of funds	
24	from reductions in out-of-state travel.	
26	Enforcement Operations - Inland	
	Fisheries and Wildlife	
28	Personal Services	(56,625)
30	All Other	(576,751)
	Capital Expenditures	(80,144)
32	TOTAL	(713,520)
34	Provides for the deappropriation of funds	
36	from the elimination of 25 vacant	
	intermittent Game Warden Assistant	
38	positions, reductions in general operating	
	expenses and the delay in purchasing 5	
40	vehicles and miscellaneous equipment.	
42	Fisheries and Hatcheries Operations	
44	Personal Services	(29,000)
	All Other	(43,309)
46	Capital Expenditures	(91,549)
48	TOTAL	(163,858)
50	Provides for the deappropriation of funds	
52	from not filling 2 vacant Fish and Game	
	Technician positions, reductions in general	

2 operating expenses and the delay in the
purchase of land and miscellaneous equipment.

4 **Licensing Services - Inland Fisheries
and Wildlife**

6 All Other (8,585)
8 Capital Expenditures (3,316)
10 TOTAL (11,901)

12 Provides for the deappropriation of funds
14 from reductions in general operating
expenses and the delay in the purchase of a
16 printer.

18 **Resource Management Services - Inland
Fisheries and Wildlife**

20 Personal Services (20,000)
All Other (50,950)
22 Capital Expenditures (967)
24 TOTAL (71,917)

26 Provides for the deappropriation of funds
28 from not filling 2 vacant Biology Specialist
positions, reductions in general operating
30 expenses and the delay in the purchase of
office equipment.

32 **Office of the Commissioner - Inland
Fisheries and Wildlife**

34 All Other (10,354)

36 Provides for the deappropriation of funds no
38 longer needed.

40 **DEPARTMENT OF INLAND FISHERIES
AND WILDLIFE**
42 **TOTAL**

(1,097,504)

44 **JUDICIAL DEPARTMENT**

46 **Courts - Supreme, Superior, District and
Administrative**

48 Positions - Legislative Count (-2.0)
50 Personal Services (50,000)
52 All Other (100,000)

2 Provides for the deappropriation of funds
4 from the layoff of a part-time Research
6 Analyst position and a part-time Assistant
8 Purchasing Manager position and from salary
10 savings associated with reducing the hours
of the State Court Library Supervisor from
37.5 hours to 25 hours and reducing the
hours of an Assistant Librarian in Bangor
from 18.75 hours to 12.5 hours and from
reductions in general operating expenses.

12 **JUDICIAL DEPARTMENT**
14 **TOTAL**

(150,000)

16 **LABOR, DEPARTMENT OF**

18 **Administration - Labor**

18 Personal Services (2,720)
20 All Other (405)
22 **TOTAL** (3,125)

24 Provides for the deappropriation of funds
26 from the overall reduction in general
operating expenses.

28 **Administration - Bureau of Labor**
Standards

30 Personal Services (5,102)
32 All Other (6,586)
34 **TOTAL** (11,688)

36 Provides for the deappropriation of funds
38 from not filling a vacant Statistical
Program Supervisor position, discontinuing
40 intradepartmental mail service and
reductions in travel.

42 **Displaced Homemakers Program**

44 All Other (42,153)

46 Provides for the deappropriation of funds
48 associated with employment and training
activities of the Displaced Homemakers
Program.

50 **Job Training Partnership Program**
52

2	Personal Services	(3,719)
	All Other	(105,333)
4	TOTAL	(109,052)

6 Provides for the deappropriation of funds
 8 through voluntary cost savings and
 10 reductions associated with employment and
 12 training activities of the Maine Training
 Initiative, MTI, and the Health Occupations
 Training, HOT, programs.

Maine Labor Relations Board

14	Personal Services	(25,771)
16	All Other	(2,831)
18	TOTAL	(28,602)

20 Provides for the deappropriation of funds
 22 from not filling a vacant Labor
 24 Attorney-mediator position and reductions of
 travel, utility services and professional
 training.

**Maine Occupational Information
 Coordinating Committee**

28	All Other	(18,965)
----	-----------	----------

30 Provides for the deappropriation of funds
 32 associated with career education and
 34 occupational information activities, which
 include materials development, training and
 technical assistance.

Regulation and Enforcement

38	Positions - Legislative Count	(-3.0)
40	Personal Services	(84,530)
42	All Other	(12,800)
44	TOTAL	(97,330)

46 Provides for the deappropriation of funds
 48 from the elimination of one Assistant Chief
 Boiler Elevator position, one Occupational
 Safety position, one Statistician I position
 and related expenses.

STAR

52

2	Personal Services	(16,128)
	All Other	(109,276)
4	TOTAL	<u>(125,404)</u>
6	Provides for the deappropriation of funds	
8	from voluntary cost savings and from savings	
10	with employment and training activities of	
	the Strategic Training for Accelerated	
	Reemployment, STAR, program.	
12	DEPARTMENT OF LABOR	
	TOTAL	<u>(436,319)</u>
14	LEGISLATURE	
16	Legislature	
18	All Other	(1,257,000)
20	Provides for the deappropriation of funds	
22	from operations. The Legislature is	
24	authorized to achieve the amount specified	
26	for deappropriation through savings in all	
28	line categories, including Personal	
30	Services, All Other and Capital Expenditures	
32	from all its various accounts. Included in	
	this deappropriation is \$184,722 of unused	
	salary plan funds from fiscal year 1989-90	
	which shall be transferred from balances	
	left in the salary plan.	
34	LEGISLATURE	
	TOTAL	<u>(1,257,000)</u>
36	MAINE STATE LIBRARY	
38	Administration - Library	
40	All Other	(2,393)
42	Provides for the deappropriation of funds	
44	from general operating expenses and supplies.	
46	Library Development Services	
48	All Other	(118,579)
50	Provides for the deappropriation of funds	
52	through decreases in Media Services and	
	Special Services and to phase out the film	
	and video program.	

2	Reader and Information Services -	
	Library	
4	Personal Services	(2,230)
6	All Other	(99,600)
	Capital Expenditures	(8,000)
8		
	TOTAL	<u>(109,830)</u>
10		
12	Provides for the deappropriation of funds	
	from salary savings and a reduction in the	
	Maine Cat program.	
14		
	MAINE STATE LIBRARY	
16	TOTAL	<u>(230,802)</u>
18	MARINE RESOURCES, DEPARTMENT OF	
20	Bureau of Marine Development	
22	All Other	(124,893)
24	Provides for the deappropriation of funds	
	from shifting some general operating costs	
26	to the dedicated account.	
28	Bureau of Marine Patrol	
30	All Other	(174,684)
	Capital Expenditures	(3,453)
32		
	TOTAL	<u>(178,137)</u>
34		
36	Provides for the deappropriation of funds	
	from shifting some general operating costs	
	to the dedicated account.	
38	Bureau of Marine Sciences	
40	All Other	(161,798)
42	Provides for the deappropriation of funds	
44	from shifting some of the general operating	
	costs to the dedicated account.	
46		
	DEPARTMENT OF MARINE RESOURCES	
48	TOTAL	<u>(464,828)</u>
50	MAINE MARITIME ACADEMY	
52	Maritime Academy - Operations	

2	All Other	(40,000)
4	Provides for the deappropriation of funds	
6	from reductions in general operating	
	expenses.	
8	MAINE MARITIME ACADEMY	
	TOTAL	<u>(40,000)</u>
10		
12	MENTAL HEALTH AND MENTAL RETARDATION,	
	DEPARTMENT OF	
14	Administration - Mental Health and Mental	
	Retardation	
16		
	Positions - Legislative Count	(-3.5)
18	Personal Services	(55,506)
	All Other	(10,000)
20	Capital Expenditures	(4,000)
22	TOTAL	<u>(69,506)</u>
24	Provides for the deappropriation of funds	
26	through the elimination of one Director of	
	Planning and Management Information	
28	position, one Staff Development Coordinator	
	position, one Social Services Program	
30	Specialist I position, one part-time	
	Reimbursement Specialist position and	
32	reductions in capital.	
	Aroostook Residential Center	
34		
	Positions - Legislative Count	(-1.0)
36	Personal Services	(19,138)
38	Provides for the deappropriation of funds	
40	through the elimination of one Psychologist	
	II position.	
42	Augusta Mental Health Institute	
44		
	Positions - Legislative Count	(-18.0)
	Personal Services	(194,995)
46	Capital Expenditures	(35,000)
48	TOTAL	<u>(229,995)</u>
50	Provides for the deappropriation of funds	
52	through the elimination of the following	
	positions and related expenses: two Clerk	

2 Typist II positions, 6 Mental Health Worker
 3 I positions, one Staff Development
 4 Coordinator position, one Psychologist I
 5 position, one Chief Volunteer Services
 6 position, one Tailor position, one
 7 Occupational Therapist II position, one Food
 8 Service Worker position, one Nurse IV
 9 position, one nurse III position, one Cook I
 10 position, one Carpenter Foreman position,
 11 general operating expenses and the delay in
 12 the purchase of capital equipment.

13 **Bangor Mental Health Institute**

14	Positions - Legislative Count	(-33.5)
15	Personal Services	(345,684)
16	All Other	(41,200)
17	Capital Expenditures	(30,000)
18		<hr/>
19	TOTAL	(416,884)

20
 21 Provides for the deappropriation of funds
 22 through the elimination of the following
 23 positions: six Mental Health Worker I
 24 positions, 3 Mental Health Worker II
 25 positions, 3 Assistant Team Leader
 26 positions, one Team Leader position, one
 27 Nurse III position, 2 LPN positions, one
 28 Ward Clerk position, 3 Institutional
 29 Custodial Worker positions, one Psychiatric
 30 Social Worker II position, one Audio Visual
 31 Specialist position, one Boiler Engineer
 32 position, one part-time Heavy Equipment
 33 Operator position, one Mason position, one
 34 Clerk Typist II position, one Watchperson
 35 position, one part-time Lab Technician I
 36 position, 2 part-time Cook I positions, one
 37 Program Services Director position, one
 38 full-time and one part-time, 16 hours,
 39 Switchboard Operator positions, 1/2 of a
 40 Print Shop Manager position, 1/2 of a
 41 Chaplain I position, one part-time Clerk
 42 Typist II position, one Furniture Repair
 43 position and one Volunteer Assistant
 44 position, and not purchasing 2 12-passenger
 45 vans.

46
 47 **Bath Children's Home**

48	Positions - Legislative Count	(-1.0)
49	Personal Services	(7,937)
50	Capital Expenditures	(3,000)

2	TOTAL	(10,937)
4	Provides for the deappropriation of funds	
6	through the elimination of one Laundry	
	Worker position and capital equipment.	
8	Elizabeth Levinson Center	
10	Positions - Legislative Count	(-1.0)
	Personal Services	(10,401)
12	Capital Expenditures	(14,000)
14	TOTAL	(24,401)
16	Provides for the deappropriation of funds	
18	through the elimination of one Carpenter	
	position and the delay in the purchase of	
	medical supplies.	
20		
22	Mental Health Services - Children	
24	All Other	(130,000)
26	Provides for the deappropriation of funds	
	from the increase in Medicaid funding, which	
	will have little impact on actual clients.	
28		
30	Mental Health Services - Community	
32	Positions - Legislative Count	(-1.0)
	Personal Services	(15,265)
	All Other	(300,000)
34	TOTAL	(315,265)
36	Provides for the deappropriation of funds	
38	through the elimination of one Community	
	Support Services Coordinator position and	
40	the elimination of existing encumbrances.	
42	Mental Retardation Services - Community	
44	Positions - Legislative Count	(-2.0)
	Personal Services	(9,161)
46	Capital Expenditures	(4,000)
48	TOTAL	(13,161)
50	Provides for the deappropriation of funds	
52	through the elimination of one Mental	
	Retardation Specialist position and one	

2 Physical Therapist position and the delay of
the purchase of capital equipment.

4 **Pineland Center**

6	Positions - Legislative Count	(-12.5)
	Personal Services	(124,156)
8	Capital Expenditures	(40,000)
10	TOTAL	<hr/> (164,156)

12 Provides for the deappropriation of funds
14 through the elimination of 10 full-time and
one part-time Mental Retardation Trainer
16 positions, one Planning and Research
Associate position, one Supervisor of
18 Grounds and Transportation position and the
delay in the purchase of residential
furnishings.

20 **Substance Abuse Services - Mental Health
22 and Mental Retardation**

24	All Other	(50,000)
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26 Provides for the deappropriation of funds
28 through the cancellation of planned training
and consultation on relapse prevention and
substance abuse.

30 **DEPARTMENT OF MENTAL HEALTH AND
32 MENTAL RETARDATION
TOTAL**

(1,443,443)

34 **MAINE STATE MUSEUM**

36 **Administration - Museum**

38	Personal Services	(12,955)
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40 Provides for the deappropriation of funds
42 through the suspension of holiday hours, the
closing of the 2nd floor of the museum and
44 cancellation of school demonstration
programs.

46 **Exhibit Design and Preparation -
48 Museum**

50	Positions - Legislative Count	(-1.0)
	Personal Services	(7,339)
52	All Other	(66,146)

2	TOTAL	<u>(73,485)</u>
4	Provides for the deappropriation of funds	
6	through the elimination of one Senior	
8	Professional position and the suspension of	
	plans to complete the archaeology exhibition.	
	Research and Collection - Museum	
10	Positions - Legislative Count	(-1.0)
12	Personal Services	(9,293)
14	All Other	(39,137)
	TOTAL	<u>(48,430)</u>
16	Provides for the deappropriation of funds	
18	through the elimination of one Senior	
20	Professional position and the elimination of	
22	conservation care for the museum's	
	collection.	
	State House and Blaine House Art Fund -	
24	Museum	
26	All Other	(4,905)
28	Provides for the deappropriation of funds	
30	through the elimination of the program.	
	MAINE STATE MUSEUM	
32	TOTAL	<u>(139,775)</u>
	PINE TREE LEGAL ASSISTANCE	
36	Legal Assistance	
38	All Other	(12,131)
40	Provides for the deappropriation of funds	
42	from program activities.	
	PINE TREE LEGAL ASSISTANCE	
44	TOTAL	<u>(12,131)</u>
46	PROFESSIONAL AND FINANCIAL REGULATION,	
48	DEPARTMENT OF	
50	Administration - Professional and	
	Financial Regulation	
52	Positions - Legislative Count	(-2.0)

2	Personal Services	(37,725)
	All Other	(9,618)
4	TOTAL	(47,343)
6	Provides for the deappropriation of funds	
8	from the transfer of the Commissioner and	
10	one Senior Secretary position and related	
	expenses to a special revenue account, and	
	the elimination of out-of-state travel.	
12	Bureau of Banking	
14	All Other	(17,963)
	Capital Expenditures	(5,671)
16	TOTAL	(23,634)
18	Provides for the deappropriation of funds	
20	from the elimination of out-of-state travel,	
22	reductions in general operating expenses and	
	the delay in purchasing capital equipment.	
24	DEPARTMENT OF PROFESSIONAL AND FINANCIAL	
	REGULATION	
26	TOTAL	(70,977)
28	STATE BOARD OF PROPERTY TAX REVIEW	
30	State Board of Property Tax Review	
32	All Other	(2,922)
34	Provides for the deappropriation of funds by	
	reducing All Other.	
36	STATE BOARD OF PROPERTY TAX REVIEW	
38	TOTAL	(2,922)
40	PUBLIC SAFETY, DEPARTMENT OF	
42	Administration - Public Safety	
44	Positions - Legislative Count	(-1.0)
	Personal Services	(14,600)
46	Provides for the deappropriation of funds	
48	through the transfer of funding for one	
50	Administrative Secretary position to the	
	dedicated account.	
52	Bureau of Capitol Security	

2	Positions - Legislative Count	(-1.0)
	Personal Services	(9,695)
4		
6	Provides for the deappropriation of funds through the elimination of one vacant Watchperson position.	
8		
	Criminal Justice Academy	
10		
	All Other	(15,000)
12		
14	Provides for the deappropriation of funds through the transfer of obligations to the dedicated account.	
16		
	Intergovernmental Drug Enforcement	
18		
	Personal Services	(50,000)
20	All Other	(280,000)
22	TOTAL	<hr/> (330,000)
24		
26	Provides for the deappropriation of funds through the reduction of authorized overtime and funds for local and county agents.	
28	Liquor Enforcement	
30		
	Positions - Legislative Count	(-1.0)
	Personal Services	(9,921)
32		
34	Provides for the deappropriation of funds through the elimination of one Liquor Enforcement Officer II position, to be vacated due to retirement.	
36		
38	State Police	
40		
	Positions - Legislative Count	(-7.0)
	Personal Services	(675,164)
42	All Other	(89,097)
44	TOTAL	<hr/> (764,261)
46		
48	Provides for the deappropriation of funds through travel and fuel conservation and the elimination of 3 Detective positions, one Trooper position, one Police Communications Operator position, paid overtime and the elimination of 2 State Police Commissioned Officer positions.	
50		
52		

2	DEPARTMENT OF PUBLIC SAFETY	
	TOTAL	<u>(1,143,477)</u>
4	PUBLIC UTILITIES COMMISSION	
6	Public Utilities - Administrative	
8	Division	
10	Personal Services	(61,646)
12	Provides for the deappropriation of funds	
	from salary savings.	
14		
16	Public Utilities - Administrative Division	
18	Positions - Legislative Count	(-21.0)
	Personal Services	(437,117)
20	Provides for the deappropriation of funds	
	effective January 1, 1991 from the transfer	
22	of all authorized positions to the Public	
	Utilities Commission Regulatory Fund.	
24		
26	PUBLIC UTILITIES COMMISSION	
	TOTAL	<u>(498,763)</u>
28	MAINE STATE RETIREMENT SYSTEM, BOARD	
	OF TRUSTEES OF THE	
30	Retirement System - Retirement Allowance	
32	Fund	
34	All Other	(12,048)
36	Provides for the deappropriation of funds	
	from reductions in retirement benefits of	
38	retired governors or surviving widows.	
40	BOARD OF TRUSTEES OF THE	
	MAINE STATE RETIREMENT SYSTEM	
42	TOTAL	<u>(12,048)</u>
44	SECRETARY OF STATE,	
	DEPARTMENT OF THE	
46	Administration - Secretary of State	
48	Personal Services	(10,000)
50	All Other	(54,692)
	Capital Expenditures	(103,500)
52		<u></u>

2	TOTAL	(168,192)
4	Provides for the deappropriation of funds from salary savings, reduction in All Other and the reduction of the information system lease purchase payment in fiscal year 1990-91.	
8	Administration - Archives	
10	All Other	(6,000)
12	Provides for the deappropriation of funds from staff training, travel, equipment repairs, operational supplies and microfilm preservation.	
18	DEPARTMENT OF THE SECRETARY OF STATE	
20	TOTAL	<hr/> (174,192)
22	MAINE TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE	
24	Maine Technical College System - Board of Trustees	
26	All Other	(200,000)
28	Provides for the deappropriation of funds by maintaining position vacancies and reducing capital equipment purchases and All Other expenses.	
34	BOARD OF TRUSTEES OF THE MAINE TECHNICAL COLLEGE SYSTEM	
36	TOTAL	<hr/> (200,000)
38	TRANSPORTATION, DEPARTMENT OF	
40	Administration - Ports and Marine Transportation	
42	All Other	(56,500)
44	Provides for the deappropriation of funds by reducing operating funds transferred to the Maine State Ferry Service.	
48	Air Search and Rescue	
50	All Other	(22,000)
52		

2	Provides for the deappropriation of funds for the reimbursement of other agencies for air search and rescue efforts.	
4		
6	Highway and Bridge Improvement	
8	Capital Expenditures	(736,212)
10	Provides for the deappropriation of funds through deferring action on highway projects.	
12	Railroad Assistance Program	
14	Personal Services	(9,300)
16	Provides for the deappropriation of funds from reduced Personal Services costs of Railroad Inspector positions.	
18		
20	State Plane	
22	Personal Services	(19,900)
24	All Other	(18,000)
26	TOTAL	<u>(37,900)</u>
28	Provides for the deappropriation of funds through decreased aircraft usage and not filling a temporary vacancy for an Executive Aircraft Pilot position.	
30		
32	DEPARTMENT OF TRANSPORTATION	
34	TOTAL	<u>(861,912)</u>
36	TREASURER OF STATE	
38	Administration - Treasury	
40	Positions - Legislative Count	(-1.0)
42	Personal Services	(10,136)
44	All Other	(60,846)
46	Capital Expenditures	(1,500)
48	TOTAL	<u>(72,482)</u>
50	Provides for the deappropriation of funds for one Clerk Typist I position, All Other operating costs and capital equipment.	
52	TREASURER OF STATE	
	TOTAL	<u>(72,482)</u>

2	UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE	
4	Educational and General Activities - University of Maine System	
6	All Other	(1,642,947)
8	Provides for the deappropriation of funds 10 from operating expenses.	
12	Maine Public Broadcasting Network	
14	All Other	(26,916)
16	Provides for the deappropriation of funds 18 from operating expenses.	
20	BOARD OF TRUSTEES OF THE UNIVERSITY OF MAINE SYSTEM TOTAL	<hr/> (1,669,863)
22	MAINE COMMISSION FOR WOMEN	
24	Maine Commission for Women	
26	Personal Services	(9,200)
28	All Other	(1,735)
30	Provides for the deappropriation of funds 32 from salary savings and reductions in printing and supply expenditures.	
34	MAINE COMMISSION FOR WOMEN TOTAL	<hr/> (10,935)
36	MAINE HEALTH POLICY ADVISORY COUNCIL	
38	Maine Health Policy Advisory Council	
40	Personal Services	(4,389)
42	All Other	(6,499)
44	Provides for the deappropriation of funds 46 through the reduction in the workweek of a Clerk Typist III position from 40 hours to 32 hours.	
48	MAINE HEALTH POLICY ADVISORY COUNCIL TOTAL	<hr/> (10,888)
52	MAINE WORLD TRADE ASSOCIATION	

2 **Maine World Trade Association**
4 All Other (9,375)

6 Provides for the deappropriation of funds
8 through reductions in All Other.

10 **MAINE WORLD TRADE ASSOCIATION**
TOTAL (9,375)

12 **SECTION A-1**
TOTAL APPROPRIATIONS (\$29,891,734)

14 **Sec. A-2. Allocation.** The following funds are allocated from
16 Federal Expenditures for the fiscal year ending June 30, 1991 to
18 carry out the purposes of this Act.

1990-91

20 **MAINE COMMITTEE ON AGING**

22 **Maine Committee on Aging**

24 Positions - Other Count (0.5)
26 Personal Services \$12,000

28 Provides for the allocation of funds for 1/2
30 of an Advocate position to reflect a
deappropriation from the General Fund.

32 **MAINE COMMITTEE ON AGING**
TOTAL \$12,000

34 **EXECUTIVE DEPARTMENT**

36 **Energy and Weatherization**

38 Positions - Other Count (-9.0)
40 Personal Services (\$109,045)
42 All Other (2,121,117)

44 Provides for the deallocation of funds due
to the transfer of the Energy Weatherization
46 Program to the Maine State Housing Authority
including the transfer of the following
48 positions: four Energy Technician
positions, one Account Clerk II position,
one Staff Development Specialist position,
50 one DCS Program Specialist position, one
System Analyst position and one Management
52 Analyst II position.

2	EXECUTIVE DEPARTMENT	
	TOTAL	(\$2,230,162)
4	HUMAN SERVICES, DEPARTMENT OF	
6	Bureau of Elder and Adult Services	
8		
	Positions - Other Count	(-3.0)
10	Personal Services	(\$35,512)
	All Other	35,512
12		<hr/>
	Total	-0-
14		
16	Provides for the deallocation of funds to	
	match a General Fund deappropriation to	
18	include the layoff of one Planning and	
	Research Associate I position, one Social	
20	Services Program Specialist II position and	
	one Field Examiner II position.	
22	Administration - Human Services	
24		
	Positions - Other Count	(-1.0)
	Personal Services	(\$6,505)
26	All Other	(76,000)
28		<hr/>
	Total	(\$82,505)
30		
32	Provides for the deallocation of funds to	
	match a General Fund deappropriation to	
34	include the layoff of one Administrative	
	Assistant position.	
36	Welfare Employment, Education	
	and Training	
38		
	All Other	(\$1,693,382)
40		
42	Provides for the deallocation of funds to	
	match a General Fund deappropriation.	
44	Intermediate Care - Payments	
	to Providers	
46		
	All Other	(\$129,633)
48		
50	Provides for the deallocation of funds to	
	match a General Fund deappropriation.	
52	Administration - Regional -	
	Human Services	

2 All Other (\$221,817)

4 Provides for the deallocation of funds to
 6 match a General Fund deappropriation
 8 associated with closing offices in South
 10 Paris and Waterville and closing WEET
 12 offices in Bangor, Lewiston
 14 and Presque Isle.

Income Maintenance - Regional

12 Positions - Other Count (-7.0)

14 Personal Services (\$76,683)

16 All Other (20,546)

18 Total (\$97,229)

20 Provides for the deallocation of funds to
 22 match a General Fund deappropriation to
 24 include the elimination of one Income
 26 Maintenance Supervisor position, one Income
 28 Maintenance Specialist position and 5 Clerk
 30 Typist II positions.

Administration - Income Maintenance

28 Positions - Other Count (-6.0)

30 Personal Services (\$39,355)

32 All Other (30,760)

34 Total (\$70,115)

36 Provides for the deallocation of funds to
 38 match a General Fund deappropriation to
 40 include the layoff of 2 Clerk Typist II
 42 positions, one Social Services Program
 44 Specialist II position and 3 Income
 46 Maintenance Specialist positions.

Medical Care Administration

42 Positions - Other Count (-8.0)

44 Personal Services (\$92,333)

46 All Other (102,633)

48 Total (\$194,966)

50 Provides for the deallocation of funds to
 52 match a General Fund deappropriation to
 include the layoff of one Clerk III
 position, one Clerk Typist II position, one

2 Management Analyst I position, one Bureau of
 3 Medical Services Assistant Director
 4 position, 2 Provider Relations Specialist
 5 positions and 2 Medical Social Work
 6 Consultant positions.

7 **Medical Care -Payments to Providers**

8 All Other (2,598,965)
 9
 10 Provides for the deallocation of funds to
 11 match a General Fund deappropriation.

12
 13 **DEPARTMENT OF HUMAN SERVICES**
 14 **TOTAL** (\$5,088,612)

15 **SECTION A-2**
 16 **TOTAL ALLOCATIONS** (\$7,306,774)

17
 18 **Sec. A-3. Allocation.** The following funds are allocated from
 19 Other Special Revenue for the fiscal year ending June 30, 1991 to
 20 carry out the purposes of this Act.

21 **1990-91**

22 **AGRICULTURE, FOOD AND RURAL**
 23 **RESOURCES, DEPARTMENT OF**

24 **Agricultural Production**

25 Positions - Other Count (1.0)
 26 Personal Services \$13,098

27 Provides funds for the transfer of a Clerk
 28 Typist II position from the General Fund.

29
 30 **DEPARTMENT OF AGRICULTURE, FOOD**
 31 **AND RURAL RESOURCES**
 32 **TOTAL** \$13,098

33 **ENVIRONMENTAL PROTECTION,**
 34 **DEPARTMENT OF**

35 **Administration - Environmental**
 36 **Protection**

37 Positions - Other Count (1.0)
 38 Personal Services \$20,000
 39 All Other 7,521

40 **Total** \$27,521

2	Provides for the allocation of funds to	
4	transfer a Programmer Analyst position and	
	related general operating costs from the	
6	General Fund.	
8	DEPARTMENT OF ENVIRONMENTAL	
	PROTECTION	
	TOTAL	<u>\$27,521</u>
10	LABOR, DEPARTMENT OF	
12	Safety Education and Training	
14	Programs	
16	Positions - Other Count	(2.0)
	Personal Services	\$17,416
18		
20	Provides funds for the transfer of one	
	Occupation Safety Compliance Engineer	
22	position and one Statistician I position	
	from the General Fund.	
24	DEPARTMENT OF LABOR	
	TOTAL	<u>\$17,416</u>
26		
28	PROFESSIONAL AND FINANCIAL	
	REGULATION, DEPARTMENT OF	
30	Administrative Services -	
	Professional and Financial Regulation	
32		
34	Positions - Other Count	(2.0)
	Personal Services	\$43,870
	All Other	5,832
36		
	Total	<u>\$49,702</u>
38		
40	Provides for the allocation of funds for the	
	transfer of the Commissioner and a Senior	
42	Administrative Secretary position and	
	related expenses from the General Fund.	
44	DEPARTMENT OF PROFESSIONAL AND	
	FINANCIAL REGULATION	
46	TOTAL	<u>\$49,702</u>
48	SECTION A-3	
	TOTAL ALLOCATIONS	<u>\$107,737</u>
50		

2 **Sec. A-4. Allocation.** The following funds are allocated from
the Highway Fund for the fiscal year ending June 30, 1991 to
carry out the purposes of this Act.

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1990-91

PUBLIC SAFETY, DEPARTMENT OF

State Police

Personal Services (\$12,858)

Provides for the deallocation of funds through the layoff of 2 State Police Commissioned Officers.

DEPARTMENT OF PUBLIC SAFETY

TOTAL (\$12,858)

SECTION A-4

TOTAL ALLOCATIONS (\$12,858)

Sec. A-5. Allocation; State Lottery Fund. In order to provide for the necessary expenses of operation and administration of the Department of Finance, Bureau of Lottery, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the State Lottery Fund.

1990-91

FINANCE, DEPARTMENT OF

Lottery Operations

Positions - Legislative Count (-1.0)

Personal Services (\$7,093)

All Other (137,000)

Total (\$144,093)

Provides for the deallocation of funds from reductions in All Other and the layoff of a Deputy Director of Sales position. General Fund undedicated revenue will increase by \$144,093.

DEPARTMENT OF FINANCE

TOTAL (\$144,093)

SECTION A-5

TOTAL ALLOCATIONS (\$144,093)

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Sec. A-6. Allocation of Public Utilities Commission Regulatory Fund. The following funds are allocated from the Public Utilities Commission Regulatory Fund for the fiscal year ending June 30, 1991 to carry out the purposes of this Act.

1990-91

PUBLIC UTILITIES COMMISSION

Regulatory Fund - Public Utilities Commission

Positions - Legislative Count (21.0)
Personal Services \$468,000

Provides for the allocation of funds to transfer 21 positions from the General Fund.

**PUBLIC UTILITIES COMMISSION
TOTAL**

\$468,000

**SECTION A-6
TOTAL ALLOCATIONS**

\$468,000

2 **PART B**

4 **Sec. B-1. Appropriation.** There are appropriated from the
6 General Fund for the fiscal year ending June 30, 1991, to the
8 departments listed, the following sums.

1990-91

10 **ADMINISTRATION, DEPARTMENT OF**

12 **Buildings and Grounds Operations**

14 All Other \$469,800

16 Provides funds for increased fuel oil and
18 electricity costs.

20 **State Police Headquarters
Building Maintenance**

22 All Other \$8,200

24 Provides funds for increased fuel oil and
26 electricity costs.

28 **DEPARTMENT OF ADMINISTRATION
TOTAL**

\$478,000

30 **CONSERVATION, DEPARTMENT OF**

32 **Maine Land Use Regulation Commission**

34 Positions - Legislative Count (1.0)

36 Head count proposal only. Funding was
38 appropriated for an Environmental Specialist III
40 position for fiscal year 1990-91, but the
42 position was inadvertently excluded. Funding
and head count to continue this position beyond
fiscal year 1990-91 will be necessary.

44 **Maine Land Use Regulation Commission**

46 Positions - Legislative Count (1.0)

48 Personal Services \$10,273

All Other 24,120

48 Capital Expenditures 3,600

50 TOTAL \$37,993

52 Provides funds for an Environmental Specialist

2 III position and contractual work to process
3 mining permit applications pending before the
4 Maine Land Use Regulation Commission.

6	DEPARTMENT OF CONSERVATION	
	TOTAL	<u>\$37,993</u>
8	CORRECTIONS, DEPARTMENT OF	
10	Bangor Pre-Release Center	
12	Personal Services	\$33,756
14	All Other	35,000
16	TOTAL	<u>\$68,756</u>
18	Provides funds for unbudgeted overtime, 19 employee health insurance, workers' 20 compensation and contracted medical 21 services.	
22	Central Maine Pre-Release Center	
24	Personal Services	\$22,970
26	Provides funds for unbudgeted overtime and 27 employee health insurance.	
28	Charleston Correctional Facility	
30	Personal Services	\$155,085
32	All Other	31,723
34	TOTAL	<u>\$186,808</u>
36	Provides funds for unbudgeted overtime, 37 employee health insurance, inmate medical 38 costs and workers' compensation.	
40	Community Based Corrections	
42	All Other	\$616,000
44	Provides funds to reimburse the county 45 jails for the remainder of fiscal year 46 1990-91.	
48	Correctional Services	
50	Personal Services	\$3,512
52	All Other	45,000

2	TOTAL	\$48,512
4	Provides funds for employee health insurance and 9 home-based services programs.	
6		
8	Correctional Center	
10	Personal Services	\$826,992
10	All Other	1,650,300
12	TOTAL	<u>\$2,477,292</u>
14	Provides funds for unbudgeted overtime, employee health insurance, inmate medical costs and increased operating costs due to increased inmate population.	
16		
18		
20	Downeast Correctional Facility	
22	Personal Services	\$84,453
22	All Other	138,531
24	Capital Expenditures	11,800
26	TOTAL	<u>\$234,784</u>
28	Provides funds for unbudgeted overtime, employee health insurance, medical services, plant operations, equipment and restoration of psychological services.	
30		
32	Food - Maine Correctional Center	
34	All Other	\$253,500
36	Provides funds for the increased costs of food.	
38		
40	Food - Maine Youth Center	
42	All Other	\$90,089
44	Provides funds for the increased costs of food, \$45,000, and unpaid invoices as of June 30, 1990, \$45,089, paid in fiscal year 1990-91.	
46		
48	Food - State Prison	
50	All Other	\$120,000

2	Provides funds for the increased costs of food.	
4	Fuel - Corrections	
6	All Other	\$543,296
8	Provides funds for increased fuel costs.	
10	Probation and Parole	
12	Personal Services	\$254,594
14	All Other	55,255
16	TOTAL	<u>\$309,849</u>
18	Provides funds for salaries, wages, employee health insurance, all other expenditures and rental of office space.	
20	State Prison	
22	Personal Services	\$638,025
24	All Other	408,512
26	Capital Expenditures	47,113
28	TOTAL	<u>\$1,093,650</u>
30	Provides funds for unbudgeted overtime, employee health insurance costs, workers' compensation, medical services and capital purchases.	
32		
34	State Prison - Farm Program	
36	Personal Services	\$10,000
38	All Other	(10,000)
40	TOTAL	<u>-\$0-</u>
42	Provides funds for unbudgeted overtime costs.	
44	Unemployment Compensation - Corrections	
46	Personal Services	\$78,209
48	Provides funds for increased unemployment costs.	
50		
52	Maine Youth Center	

2	Personal Services	\$420,223
	All Other	174,412
4	TOTAL	<u>\$594,635</u>
6	Provides funds for unbudgeted overtime,	
8	employee health insurance, medical costs,	
	repairs and workers' compensation.	
10	DEPARTMENT OF CORRECTIONS	
	TOTAL	<u>\$6,738,350</u>
12		
14	EDUCATION, DEPARTMENT OF	
16	Administration - Local School Services	
18	Personal Services	\$7,028
20	Provides funds through a transfer from Governor	
22	Baxter School for the Deaf in order to cover a	
	projected Personal Services shortfall.	
24		
	Alcohol and Drug Education Services	
26		
	Positions - Legislative Count	(1.0)
28	Personal Services	\$5,271
	All Other	(5,271)
30	TOTAL	<u>-\$0-</u>
32		
34	Provides funds for an Education Specialist II	
36	position to correct the effect of Public Law	
	1989, chapter 934 on the position transfer in	
	Public Law 1989, chapter 875.	
38	Certification, Placement and Teacher Education	
40	Personal Services	\$20,772
42	Provides funds for a projected Personal Services	
44	shortfall through a transfer from the Governor	
	Baxter School for the Deaf.	
46	Donated Commodities Program - Local Schools	
48	Personal Services	\$2,743
50	Provides funds for a projected Personal Services	
52	shortfall through a transfer from the Governor	
	Baxter School for the Deaf.	

2	Education in Unorganized Territory	
4	Personal Services	\$70,000
6	Provides funds to meet Personal Services costs	
	in the 4th quarter of fiscal year 1990-91.	
8	General Fund costs will be offset by additional	
	General Fund undedicated revenues.	
10		
12	Education in Unorganized Territory	
14	All Other	\$168,000
16	Provides funds to cover additional operational	
	needs. General Fund costs will be offset by	
18	additional General Fund undedicated revenues.	
20	Governor Baxter School for the Deaf	
22	Personal Services	(\$30,543)
24	Provides for the deappropriation of funds from	
	salary savings to transfer Personal Services	
26	appropriations to the following programs to	
	cover projected Personal Services shortfall:	
28	seven thousand twenty-eight dollars to	
	Administration - Local School Services;	
30	\$2,743 to Donated Commodities Program -	
	Local Schools; and \$20,772 to Certification,	
32	Placement and Teacher Education.	
34	Grant-Loan-Scholarship Fund	
36	All Other	\$247,800
38	Provides funds to offset effect of a double	
	deappropriation in Public Law 1989, chapter 698	
40	and Public Law 1989, chapter 875 from this account.	
42	Administration - Education	
44	Positions - Legislative Count	(1.0)
46	Provides authorization to establish a	
	Director of Special Projects position,	
48	salary range 27.	
50	DEPARTMENT OF EDUCATION	
	TOTAL	<u>\$485,800</u>
52	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	

2	Departmentwide - Department of Environmental Protection	
4		
6	All Other	\$90,000
8	Provides funds for the payment of an arbitration settlement against the department regarding compressed workweek.	
10		
12	DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL	<u>\$90,000</u>
14	FINANCE AUTHORITY OF MAINE	
16	Student Financial Assistance Programs	
18	All Other	(\$247,800)
20	Provides for the deappropriation of funds from a double appropriation in Public Law 1989, chapter 698 and Public Law 1989, chapter 875.	
22		
24	FINANCE AUTHORITY OF MAINE TOTAL	<u>(\$247,800)</u>
26		
28	HUMAN SERVICES, DEPARTMENT OF	
30	Aid to Families with Dependent Children	
32	All Other	\$9,610,949
34	Provides funds to meet increased case loads.	
36	General Assistance - Reimbursement to Cities and Towns	
38	All Other	\$5,887,747
40	Provides funds to meet increased case loads.	
42	Intermediate Care - Payments to Providers	
44	All Other	\$13,722,490
46	Provides funds to cover projected shortfall due to federal regulations and higher-than-anticipated fuel costs and other recession-related problems.	
48		
50		
52	Medical Care - Payments to Providers	

1	All Other	\$12,013,259
2		
3	Provides funds for increased hospital costs,	
4	increases in prescribed drug costs and increases	
5	resulting from the federal deficit reduction	
6	bill.	
7		
8	Medical Care Administration	
9		
10	All Other	\$685,496
11		
12	Provides funds to cover an anticipated shortfall	
13	resulting from increased costs associated with	
14	EPSDT outreach regulations.	
15		
16	Social Services - Regional	
17		
18	Personal Services	\$1,416,804
19		
20	Provides funds to meet expected payroll costs.	
21		
22	DEPARTMENT OF HUMAN SERVICES	
23	TOTAL	<u>\$43,336,745</u>
24		
25	JUDICIAL DEPARTMENT	
26		
27	Courts-Supreme, Superior, District	
28	and Administrative	
29		
30	All Other	\$600,000
31	Capital Expenditures	160,000
32		
33	TOTAL	<u>\$760,000</u>
34		
35	Provides funds for civil jury trials, increased	
36	court security costs and computer equipment.	
37		
38	Indigent Defense	
39		
40	All Other	\$400,000
41		
42	Provides funds for increased indigent defense	
43	counsel costs due to an increase in the number of	
44	cases, as well as invoices carried forward from	
45	fiscal year 1989-90.	
46		
47	JUDICIAL DEPARTMENT	
48	TOTAL	<u>\$1,160,000</u>
49		
50	LEGISLATURE	
51		
52	Commission to Implement the Computerization	

of Criminal History Record Information

2		
4	All Other	\$4,000
6	Provides additional funding to allow the commission to complete its work.	
8	LEGISLATURE	
	TOTAL	<u>\$4,000</u>
10		
12	MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF	
14	Administration - Mental Health and Mental Retardation	
16		
18	All Other	\$68,500
20	Provides funds to meet the cost of operating the forensic service of the State.	
22	Administration - Mental Health and Mental Retardation	
24		
26	All Other	\$175,000
28	Provides funds to establish the Office of the Court Master required under the consent decree and for payment of plaintiff's attorney's fees, expert consultants and management structure required to monitor the State's compliance with the terms and conditions of the decree.	
34	Aroostook Residential Center	
36	Personal Services	\$97,455
38	All Other	15,000
40	TOTAL	<u>\$112,455</u>
42	Provides funds for the unbudgeted costs of collective bargaining, holiday and overtime pay and costs associated with a workers' compensation claim.	
46	Augusta Mental Health Institute	
48	Personal Services	\$1,201,111
50	All Other	1,377,727
52	TOTAL	<u>\$2,578,838</u>

2 Provides funds for the unbudgeted costs of
collective bargaining and overtime as well as
4 All Other expenses such as workers'
compensation, utilities, patient medical bills
and drugs.

6

Augusta Mental Health Institute

8

9	Personal Services	\$25,714
10	All Other	126,000
12	TOTAL	<u>\$151,714</u>

14 Provides funds to begin implementation of
consent decree requirements.

16

Bangor Mental Health Institute

18

19	Personal Services	\$921,556
20	All Other	1,897,072
22	TOTAL	<u>\$2,818,628</u>

24 Provides funds for payroll, workers'
26 compensation, psychiatrist contracts, drugs,
patient medical bills, insurance and peer and
death review expenses.

28

Bath Children's Home

30

31	All Other	\$20,500
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34 Provides funds for unbudgeted expenditures
relating to a workers' compensation claim.

Elizabeth Levinson Center

38

39	Personal Services	\$133,798
40	All Other	61,564
42	TOTAL	<u>\$195,362</u>

44 Provides funds to support the unbudgeted costs
of collective bargaining, overtime and holiday
pay, workers' compensation and utilities.

46

**Food for Institutions - Mental Health and
48 Mental Retardation**

50

51	All Other	\$475,000
----	-----------	-----------

52

Provides funds to support food costs over and

above those presently budgeted.

2

**Fuel for Institutions - Mental Health and
Mental Retardation**

4

6

All Other

\$280,000

8

Provides funds to support fuel costs over and
above those budgeted.

10

Mental Health Services - Children

12

All Other

\$115,000

14

16

Provides funds for a diversion program for
adolescents.

18

Mental Health Services - Community

20

Personal Services

\$52,129

22

Provides funds for collective bargaining
increases and holiday coverage through overtime.

24

Mental Health Services - Community

26

All Other

\$54,000

28

30

Provides funds for fulfilling immediate
obligations, under the consent decree, through
training and by moving patients into community
placements.

32

34

Mental Retardation Services - Community

36

All Other

\$120,308

38

Provides funds for unanticipated and unbudgeted
demands placed on the Bureau of Mental
Retardation, presenting the bureau with a
budget shortfall.

40

42

Pineland Center

44

Personal Services

\$2,000,066

46

All Other

498,682

48

TOTAL

\$2,498,748

50

Provides funds to support unbudgeted costs of
collective bargaining increases, holiday and
overtime pay and workers' compensation.

52

2	Unemployment Compensation - Mental Health and Mental Retardation	
4	Personal Services	\$224,550
6	Provides funds to meet a projected shortfall in 8 the department's centralized unemployment 10 compensation account.	
12	Mental Health Services - Community	
14	All Other	\$640,000
16	Provides funds for additional community 18 services for the mentally ill in response to 20 decreased staff and other resources at Augusta Mental Health Institute and Bangor Mental Health Institute. These funds carry forward to June 30, 1992.	
22	DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION	
24	TOTAL	<hr/> \$10,580,732
26	SECRETARY OF STATE, DEPARTMENT OF THE	
28	Administration-Secretary of State	
30	All Other	\$45,165
32	Provides funds for printing, postage and related 34 expenses for the November 1990 referenda, less 36 available savings in this program.	
38	DEPARTMENT OF THE SECRETARY OF STATE TOTAL	<hr/> \$45,165
40	OFFICE OF TREASURER OF STATE	
42	Debt Service - Treasury	
44	All Other	\$2,510,503
46	Provides funds for payment of debt service on 48 outstanding bonds.	
50	OFFICE OF TREASURER OF STATE TOTAL	<hr/> \$2,510,503
52	SECTION B-1	<hr/>

TOTAL APPROPRIATIONS

\$65,219,488

2
4
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52

Sec. B-2. Allocation. There are allocated from Federal Expenditures for the fiscal year ending June 30, 1991 the following sums.

1990-91

EDUCATION, DEPARTMENT OF

Alcohol and Drug Education Services

Positions - Other Count	(2.5)
Personal Services	\$13,437
All Other	574
TOTAL	<u>\$14,011</u>

Provides funds for the continuance of 2 Education Specialist II positions and one part-time Clerk Stenographer II position in order to carry out the responsibilities of the federal Drug Free Schools and Communities Act of 1986.

Special Education - Exceptional Children

Positions - Other Count	(5.0)
Personal Services	\$24,962
All Other	1,066
TOTAL	<u>\$26,028</u>

Provides funds for 2 Education Specialist II positions, an Education Specialist III position, a Clerk Typist III position and a Clerk Stenographer II position for the continuance of a student assistance team for high-risk youth.

**DEPARTMENT OF EDUCATION
TOTAL**

\$40,039

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

**Administration - Environmental
Protection**

All Other	\$7,000
Capital Expenditures	22,876
TOTAL	<u>\$29,876</u>

2 Provides funds for computer equipment,
networking and software to support
4 implementation of the comprehensive automation
plan.

6 **Air Quality Control**

8	Positions - Other Count	(3.0)
	Personal Services	\$53,602
10	All Other	293
12	TOTAL	<u>\$53,895</u>

14 Provides funds for the transfer of an
Environmental Specialist IV position
16 and a Chemist III position and
continues a Senior Meteorologist position
18 funded through the Federal Clean Air Act
and established by Financial Order #2715.

20 **Lake Restoration and Protection Fund**

22	Positions - Other Count	(1.0)
24	Personal Services	\$6,600
26	All Other	60
28	TOTAL	<u>\$6,660</u>

30 Provides funds for an Environmental Services
Specialist II position to complete
32 studies and restoration of area lakes.

34 **Land Quality Control**

34	Positions - Other Count	(1.0)
36	Personal Services	\$6,418
38	All Other	195
40	TOTAL	<u>\$6,613</u>

42 Provides funds for the continuation of an
Environmental Specialist III position funded
44 through the federal RCRA 8001(a) (1) grant from
the Environmental Protection Agency.

46 **Land Quality Control**

48	Positions - Other Count	(1.0)
	Personal Services	\$8,736
50	All Other	266
52	TOTAL	<u>\$9,002</u>

2	Provides funds to continue an Environmental	
4	Specialist IV position funded through federal RCRA	
6	8001(a) (1) grant from the Environmental Protection	
	Agency and established by a financial order,	
	which is in process.	
8	Oil and Hazardous Materials Control	
10	Positions - Other Count	(1.0)
	Personal Services	\$8,784
12	All Other	362
14	TOTAL	<u>\$9,146</u>
16	Provides for the continuation of an	
18	Environmental Specialist III position	
20	funded through the Federal Core Grant II	
	and established by Financial Order #2640.	
22	Oil and Hazardous Materials Control	
24	Positions - Other Count	(1.0)
26	Personal Services	\$6,418
	All Other	195
28	TOTAL	<u>\$6,613</u>
30	Provides funds for an Environmental Specialist	
32	III position funded through the Federal	
	Hazardous Waste Grant from the Environmental	
	Protection Agency.	
34	Solid Waste Management	
36	Positions - Other Count	(1.0)
38	Personal Services	\$8,176
	All Other	337
40	TOTAL	<u>\$8,513</u>
42	Provides funds for the continuation of an Oil	
44	and Hazardous Material Specialist II	
46	position funded through the Federal Asbestos	
	Program Enhancement Grant and established by	
	Financial Order #2638.	
48	Water Quality Control	
50	Positions - Other Count	(3.0)
52	Personal Services	\$21,032
	All Other	645

2	TOTAL	<u>\$21,677</u>
4	Provides funds for a Casco Bay Estuary Project	
6	Coordinator position, established by Financial	
8	Order #2642, a Program Analyst position and a	
	Planning and Research Associate II position.	
10	DEPARTMENT OF ENVIRONMENTAL PROTECTION	
	TOTAL	<u>\$151,995</u>
12	EXECUTIVE DEPARTMENT	
14	Planning Office	
16	Positions - Other Count	(1.0)
18	Personal Services	\$4,751
	All Other	(4,751)
20	TOTAL	<u>-\$0-</u>
22	Provides funds for the continued development of	
24	the Maine Shore Stewards Program under the	
26	Coastal Grant, by transfer of All Other to	
	Personal Services.	
28	Planning Office	
30	Personal Services	\$7,830
32	Provides funds for increased Personal	
34	Services for personnel to perform a state	
	biomass energy study.	
36	EXECUTIVE DEPARTMENT	
	TOTAL	<u>\$7,830</u>
38	HUMAN SERVICES, DEPARTMENT OF	
40	Aid to Families with Dependent Children	
42	All Other	\$16,713,206
44	Provides funds to match the General Fund	
46	emergency request for fiscal year 1990-91.	
48	Intermediate Care - Payments to Providers	
50	All Other	\$8,267,313
52	Provides funds to match the General Fund	
	emergency request for fiscal year 1990-91.	

2	Medical Care - Payments to Providers	
4	All Other	\$6,235,482
6	Provides funds to match the General Fund emergency request for fiscal year 1990-91.	
8		
	Medical Care Administration	
10	Positions - Other Count	(2.0)
12	Personal Services	\$27,118
	All Other	850
14		
	TOTAL	\$27,968
16		
18	Provides funds from Title XIX for one Social Services Program Specialist I position and one Medicaid Surveillance and Utilization Assistant Director position for the Division of Residential Care.	
20		
22		
	Bureau of Child and Family Services	
24	Positions - Other Count	(1.0)
26	Personal Services	\$9,070
	All Other	10,000
28		
	TOTAL	\$19,070
30		
32	Provides funds for improving child care licensing and registration requirements and moni- toring child care services provided to children receiving aid under the State IV-A Plan and includes the continuation of one Planning and Research Associate I position established by financial order.	
34		
36		
38		
	Medical Care Administration	
40	Positions - Other Count	(1.0)
42	Personal Services	\$7,488
	All Other	1,166
44		
	TOTAL	\$8,654
46		
48	Provides funds from Title XIX for a Health Services Consultant position.	
50	DEPARTMENT OF HUMAN SERVICES	
	TOTAL	\$31,271,693
52		

2 PUBLIC SAFETY, DEPARTMENT OF

4 Criminal Justice Academy

6	Positions - Other Count	(3.0)
	Personal Services	\$39,102
	All Other	411

8 Provides funds for the continuation of 2
10 Planning and Research Associate II
12 positions and one Clerk Stenographer I position to
administer the Federal Drug Control and Systems
Improvement Grant.

14 DEPARTMENT OF PUBLIC SAFETY
16 TOTAL

\$39,513

18 SECTION B-2
20 TOTAL ALLOCATIONS

\$31,511,070

22 Sec. B-3. Allocation. The following funds are allocated from
Other Special Revenue for the fiscal year ending June 30, 1991 to
24 carry out the purposes of this Act.

1990-91

26 ADMINISTRATION, DEPARTMENT OF

28 Accident - Sickness - Health Insurance

30	Capital Expenditures	\$100,000
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32 Provides funds for the continued development and
34 analysis of alternative health insurance plans
to rebid the Health Maintenance Organization
36 contract and to comply with collective
bargaining agreements.

38 DEPARTMENT OF ADMINISTRATION
40 TOTAL

\$100,000

42 AGRICULTURE, FOOD AND RURAL
44 RESOURCES, DEPARTMENT OF

46 Agriculture Production

48	All Other	(\$800)
	Capital Expenditures	800

50 TOTAL -\$0-

52 Provides funds for a rapid print acquiring

2	electric date stamp in support of the Equine Infectious Anemia Program.	
4	Dairy and Nutrition Council Committee	
6	All Other	\$55,000
8	Provides funds for purchasing nutrition education materials.	
10	Dairy Promotions Board	
12	All Other	\$55,000
14	Provides funds for increased media advertising.	
16		
18	DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES	
	TOTAL	<u>\$110,000</u>
20	CONSERVATION, DEPARTMENT OF	
22	Parks - General Operations	
24	All Other	\$70,532
26	Unallocated	1,629
28	TOTAL	<u>\$72,161</u>
30	Provides funds for access improvements expected to be transferred from Land for Maine's Future Fund, the Maine Revised Statutes, Title 5, section 6203.	
32		
34	Parks - General Operations	
36	Personal Services	\$13,651
38	All Other	267
40	Unallocated	819
42	TOTAL	<u>\$14,737</u>
44	Provides funds from the unencumbered balance forward to fund salary increases and reimburse Wolfe's Neck Woods State Park Fund.	
46		
48	DEPARTMENT OF CONSERVATION	
	TOTAL	<u>\$86,898</u>
50	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
52		

2 **Administration - Environmental
Protection**

4	All Other	\$135,000
	Capital Expenditures	365,000
6		
	TOTAL	<u>\$500,000</u>

8
10 Provides funds for computer equipment,
12 networking and software to assist implementation
14 of the comprehensive automation plan.

12 **Maine Environmental Protection Fund**

14	Personal Services	\$655
16	All Other	20
18		
	TOTAL	<u>\$675</u>

20 Provides funds for the reclassification through
22 reorganization of 2 Environmental Specialist II
24 positions to Oil and Hazardous Material Specialist
26 I positions.

26 **Technical Studies - Department of
Environmental Protection**

28	All Other	\$28,178
	Capital Expenditures	6,000
30		
	TOTAL	<u>\$34,178</u>

32 Provides funds for additional planned activities
34 and Capital Expenditures by the advisory
36 commission.

36 **Oil and Hazardous Materials Control**

38	Personal Services	\$2,154
40	All Other	65
42		
	TOTAL	<u>\$2,219</u>

44 Provides funds for 2 limited-period Conservation
46 Aide positions to be used for 16 weeks as
48 general purpose employees.

48 **Oil and Hazardous Materials Control**

50	Personal Services	\$2,154
	All Other	65
52		
		<u> </u>

2	TOTAL	\$2,219
4	Provides funds for 2 limited-period Conservation Aide positions to be used for 16 weeks as general purpose employees.	
6	Oil and Hazardous Materials Control	
8	Personal Services	\$2,154
10	All Other	65
12	TOTAL	<u>\$2,219</u>
14	Provides funds for 2 limited-period Conservation Aide positions to be used for 16 weeks as general purpose employees.	
16		
18	Oil and Hazardous Materials Control	
20	Personal Services	\$60,000
22	All Other	2,100
24	TOTAL	<u>\$62,100</u>
26	Provides funds for Personal Services in the surface account.	
28	Radioactive Waste Evaluation Fund	
30	All Other	\$14,355
32	Provides funds for additional planned activities by the Advisory Commission on Radioactive Waste.	
34		
36	DEPARTMENT OF ENVIRONMENTAL PROTECTION	
38	TOTAL	<u>\$617,965</u>
40	EXECUTIVE DEPARTMENT	
42	Petroleum Violation Escrow	
44	Positions - Other Count	(1.0)
46	Personal Services	\$3,975
48	Provides funds to increase Personal Services in the Standard Oil, Coline Gas Account, to administer a grant award.	
50	Office of Siting and Disposal Operations	
52	Positions - Other Count	(1.0)

2	Personal Services	\$11,888
	All Other	108,460
4	Capital Expenditures	5,500
	TOTAL	<u>\$125,848</u>
6		
8	Provides funds for an Environmental Specialist III position and the development of a hazardous waste disposal program as mandated by the Maine Revised Statutes, Title 38, section 2164.	
10		
12	Planning Office	
14	Personal Services	\$12,057
16	Provides funds for an increase in 4th-quarter allotment in Personal Services for the State Nuclear Safety Advisor.	
18		
20	EXECUTIVE DEPARTMENT	
	TOTAL	<u>\$141,880</u>
22		
24	HUMAN SERVICES, DEPARTMENT OF	
	Medical Care - Payments to Providers	
26		
	All Other	\$200,000
28		
30	Provides for the allocation of funds received from collection of unpaid debts owed to the department from health care providers.	
32		
34	DEPARTMENT OF HUMAN SERVICES	
	TOTAL	<u>\$200,000</u>
36	MAINE STATE LIBRARY	
38	Library Development Services	
40	Positions - Other Count	(1.0)
	Personal Services	\$2,369
42	All Other	(2,369)
44	TOTAL	<u>-\$0-</u>
46	Provides funds to reestablish one Laborer II posi- tion by the transfer of funds between line items.	
48		
50	SECTION B-3	
	TOTAL ALLOCATIONS	<u>\$1,256,743</u>

Sec. B-4. Allocation. The following funds are allocated from Federal Block Grant funds for the fiscal year ending June 30, 1991 to carry out the purposes of this Act.

2		
4		1990-91
6	EDUCATION, DEPARTMENT OF	
8	Education in Unorganized Territory	
10		
12	All Other	\$4,063
	Capital Expenditures	3,764
14	Provides funds for fiscal year 1990-91 Chapter II grant carryover.	
16		
18	DEPARTMENT OF EDUCATION TOTAL	<u>\$7,827</u>
20	SECTION B-4 TOTAL ALLOCATIONS	<u>\$7,827</u>

Sec. B-5. Allocation. The following funds are allocated from the Highway Fund for the fiscal year ending June 30, 1991 to carry out the purposes of this Act.

26		
		1990-91
28	ADMINISTRATION, DEPARTMENT OF	
30	Transportation Building Maintenance	
32		
34	All Other	\$165,000
36	Provides funds for increased fuel oil and electricity costs.	
38	State Police Headquarters Building Maintenance	
40	All Other	\$8,200
42	Provides funds for increased fuel oil and electricity costs.	
44		
46	DEPARTMENT OF ADMINISTRATION TOTAL	<u>\$173,200</u>
48	PUBLIC SAFETY, DEPARTMENT OF	
50	State Police	
52	Personal Services	\$152,027

2	All Other	(152,027)
4	Provides funds to meet payroll obligations.	
6	DEPARTMENT OF PUBLIC SAFETY	
	TOTAL	<u>-\$0-</u>
8	SECTION B-5	
10	TOTAL ALLOCATIONS	<u>\$173,200</u>

12 **PART C**

14 **Sec. C-1. Appropriation.** There are appropriated from the
 16 General Fund for the fiscal year ending June 30, 1991, to the
 18 departments listed, the sums identified in the following, in
 order to provide funding for approved reclassifications and range
 changes,

20		1990-91
22	ADMINISTRATION, DEPARTMENT OF	
24	Public Improvements - Planning and	
26	Construction - Administration	
28	Personal Services	\$5,134
30	DEPARTMENT OF ADMINISTRATION	
	TOTAL	<u>\$5,134</u>
32	AGING, MAINE COMMITTEE ON	
34	Maine Committee on Aging	
36	Personal Services	\$1,030
38	MAINE COMMITTEE ON AGING	
	TOTAL	<u>\$1,030</u>
40	AGRICULTURE, FOOD AND RURAL RESOURCES,	
42	DEPARTMENT OF	
44	Marketing Services - Agriculture	
46	Personal Services	\$52,596
48	Soil and Water Conservation Commission	
50	Personal Services	\$3,869
52	DEPARTMENT OF AGRICULTURE, FOOD AND RURAL	

2	RESOURCES	
	TOTAL	<u>\$56,465</u>
4	CONSERVATION, DEPARTMENT OF	
6	Engineering and Realty	
8	Personal Services	\$3,452
10	Parks - General Operations	
12	Personal Services	\$2,918
14	DEPARTMENT OF CONSERVATION	
	TOTAL	<u>\$6,370</u>
16	CORRECTIONS, DEPARTMENT OF	
18	Charleston Correctional Facility	
20	Personal Services	\$3,427
22	Correctional Center	
24	Personal Services	\$10,118
26	Probation and Parole	
28	Personal Services	\$611
30	State Prison	
32	Personal Services	\$2,187
34	Maine Youth Center	
36	Personal Services	\$2,062
38	DEPARTMENT OF CORRECTIONS	
40	TOTAL	<u>\$18,405</u>
42	DEFENSE AND VETERANS' SERVICES,	
44	DEPARTMENT OF	
	Administration - Defense and Veterans' Services	
46	Personal Services	\$4,204
48	DEPARTMENT OF DEFENSE AND	
50	VETERANS' SERVICES	
	TOTAL	<u>\$4,204</u>
52		

2	EDUCATION, DEPARTMENT OF	
4	Administrative Services - Education	
6	Personal Services	\$1,055
8	Alcohol and Drug Education Services	
10	Personal Services	\$1,250
12	Education in Unorganized Territory	
14	Personal Services	\$15,392
16	Finance - Education	
18	Personal Services	\$2,732
20	DEPARTMENT OF EDUCATION	
	TOTAL	<u>\$20,429</u>
22	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
24	Administration - Environmental Protection	
26	Personal Services	\$8,977
28	Air Quality Control	
30	Personal Services	\$3,149
32	Land Quality Control	
34	Personal Services	\$1,928
36	Water Quality Control	
38	Personal Services	\$921
40	DEPARTMENT OF ENVIRONMENTAL	
42	PROTECTION	
	TOTAL	<u>\$14,975</u>
44	EXECUTIVE DEPARTMENT	
46	Office of Substance Abuse	
48	Personal Services	\$9,580
50	Planning Office	
52	Personal Services	\$1,508

2	Public Advocate	
4	Personal Services	\$3,343
6	EXECUTIVE DEPARTMENT	
	TOTAL	<u>\$14,431</u>
8		
10	FINANCE, DEPARTMENT OF	
12	Bureau of Accounts and Control	
	Personal Services	\$12,240
14	Bureau of Taxation	
16	Personal Services	\$11,353
18		
20	DEPARTMENT OF FINANCE	
	TOTAL	<u>\$23,593</u>
22	GOVERNMENTAL ETHICS AND ELECTION PRACTICES,	
24	COMMISSION ON	
26	Commission on Governmental Ethics and Election	
	Practices	
28	Personal Services	\$3,825
30	COMMISSION ON GOVERNMENTAL ETHICS AND	
32	ELECTION PRACTICES	
	TOTAL	<u>\$3,825</u>
34	HUMAN SERVICES, DEPARTMENT OF	
36	Administration - Human Services	
38	Personal Services	\$17,768
40	Administration - Regional - Human Services	
42	Personal Services	\$871
44	Alcoholism and Drug Abuse Prevention - Human	
46	Services	
48	Personal Services	\$480
50	Bureau of Health	
52	Personal Services	\$12,960

2	Medical Care Administration	
4	Personal Services	\$15,808
6	DEPARTMENT OF HUMAN SERVICES	
	TOTAL	<u>\$47,887</u>
8	INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF	
10	Fisheries and Hatcheries Operations	
12	Personal Services	\$129,217
14	Licensing Services	
16	Personal Services	\$2,338
18	Office of the Commissioner	
20	Personal Services	\$1,670
22	Resource Management Services	
24	Personal Services	\$11,716
26	DEPARTMENT OF INLAND FISHERIES	
28	AND WILDLIFE	
	TOTAL	<u>\$144,941</u>
30	LABOR, DEPARTMENT OF	
32	Labor Relations Board	
34	Personal Services	\$2,755
36	DEPARTMENT OF LABOR	
	TOTAL	<u>\$2,755</u>
38	MAINE STATE LIBRARY	
40	Administration	
42	Personal Services	\$1,513
44	Library Development Services	
46	Personal Services	\$6,677
48	Reader and Information Services	
50	Personal Services	\$4,823
52		

2	MAINE STATE LIBRARY	
	TOTAL	<u>\$13,013</u>
4	MARINE RESOURCES, DEPARTMENT OF	
6	Administration - Marine Resources	
8	Personal Services	\$1,324
10	Bureau of Marine Development	
12	Personal Services	\$7,198
14	Bureau of Marine Patrol	
16	Personal Services	\$4,101
18	Bureau of Marine Sciences	
20	Personal Services	\$2,813
22	DEPARTMENT OF MARINE RESOURCES	
	TOTAL	<u>\$15,436</u>
24	SECRETARY OF STATE, DEPARTMENT OF THE	
26	Administration	
28	Personal Services	\$4,878
30	DEPARTMENT OF THE SECRETARY OF STATE	
32	TOTAL	<u>\$4,878</u>
34	WORKERS' COMPENSATION COMMISSION	
36	Workers' Compensation Commission	
38	Personal Services	\$12,375
40	WORKERS' COMPENSATION COMMISSION	
	TOTAL	<u>\$12,375</u>
42	SECTION C-1	
44	TOTAL APPROPRIATIONS	<u>\$410,146</u>

46

48 **Sec. C-2. Allocation; Highway Fund.** There are allocated from
the Highway Fund for the fiscal year ending June 30, 1991, to the
50 departments listed, the sums identified in the following, in
order to provide funding for approved reclassifications and range
52 changes.

1990-91

2		
4	PUBLIC SAFETY, DEPARTMENT OF	
6	Administration - Public Safety	
8	Personal Services	\$859
10	State Police	
12	Personal Services	\$4,490
14	DEPARTMENT OF PUBLIC SAFETY	
14	TOTAL	<u>\$5,349</u>
16	SECRETARY OF STATE, DEPARTMENT OF THE	
18	Administration - Motor Vehicles	
20	Personal Services	\$11,734
22	Fuel Use Decal Program	
24	Personal Services	\$963
26	DEPARTMENT OF THE SECRETARY OF STATE	
26	TOTAL	<u>\$12,697</u>
28	TRANSPORTATION, DEPARTMENT OF	
30	Administration and Planning	
32	Personal Services	\$4,571
34	Highway Maintenance	
36	Personal Services	\$1,459
38	DEPARTMENT OF TRANSPORTATION	
40	TOTAL	<u>\$6,030</u>
42	SECTION C-2	
42	TOTAL ALLOCATIONS	<u>\$24,076</u>

44

46 **Sec. C-3. Allocations; Federal Expenditures.** There are allocated
46 from Federal Expenditures for the fiscal year ending June 30,
48 1991, to the departments listed, the sums identified in the
48 following, in order to provide funding for approved
50 reclassifications and range changes.

1990-91

52

2	AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF	
4	Marketing Services	
6	Personal Services	\$45,961
8	DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES	
10	TOTAL	<u>\$45,961</u>
12	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
14	Air Quality Control	
16	Personal Services	\$7,555
18	Municipal Sewerage Construction	
20	Personal Services	\$921
22	Oil and Hazardous Materials Control	
24	Personal Services	\$2,084
26	DEPARTMENT OF ENVIRONMENTAL PROTECTION	
28	TOTAL	<u>\$10,560</u>
30	HUMAN SERVICES, DEPARTMENT OF	
32	Administration	
34	Personal Services	\$8,271
36	Bureau of Health	
38	Personal Services	\$2,230
40	Income Maintenance - Regional	
42	Personal Services	\$4,278
44	Medical Care Administration	
46	Personal Services	\$24,915
48	DEPARTMENT OF HUMAN SERVICES TOTAL	<u>\$39,694</u>
50	SECTION C-3	
52	TOTAL ALLOCATIONS	<u>\$96,215</u>

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Sec. C-4. Allocations; Other Special Revenue. There are allocated from Other Special Revenue for the fiscal year ending June 30, 1991, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

1990-91

**AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF**

Dairy and Nutrition Council Committee

Personal Services \$8,747

Marketing Services - Agriculture

Personal Services \$61,295

**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL
RESOURCES**

TOTAL \$70,042

BAXTER STATE PARK AUTHORITY

Baxter State Park Authority

Personal Services \$51,729

**BAXTER STATE PARK AUTHORITY
TOTAL**

\$51,729

CONSERVATION, DEPARTMENT OF

Boating Facilities Fund

Personal Services \$985

**DEPARTMENT OF CONSERVATION
TOTAL**

\$985

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Dam Registration

Personal Services \$3,856

Maine Environmental Protection Fund

Personal Services \$2,743

2	DEPARTMENT OF ENVIRONMENTAL	
	PROTECTION	
4	TOTAL	<u>\$6,599</u>
6	HUMAN SERVICES, DEPARTMENT OF	
8	Bureau of Health	
10	Personal Services	\$709
12	DEPARTMENT OF HUMAN SERVICES	
	TOTAL	<u>\$709</u>
14		
16	PUBLIC SAFETY, DEPARTMENT OF	
18	Licensing and Enforcement - Beano -	
	Games of Chance	
20	Personal Services	\$2,732
22	DEPARTMENT OF PUBLIC SAFETY	
	TOTAL	<u>\$2,732</u>
24		
26	PUBLIC UTILITIES COMMISSION	
28	Public Utilities - Administration Division	
30	Personal Services	\$17,497
32	PUBLIC UTILITIES COMMISSION	
	TOTAL	<u>\$17,497</u>
34	SECRETARY OF STATE, DEPARTMENT OF THE	
36	Administration - Secretary of State	
38	Personal Services	\$1,856
40	DEPARTMENT OF THE SECRETARY OF STATE	
	TOTAL	<u>\$1,856</u>
42		
44	SECTION C-4	
	TOTAL ALLOCATIONS	<u>\$152,149</u>

46

48 **Sec. C-5. Allocations; Federal Block Grant funds.** There are

50 allocated from Federal Block Grant funds for the fiscal year

52 ending June 30, 1991, to the department listed, the sums

identified in the following, in order to provide funding for

approved reclassifications and range changes.

		1990-91
2	HUMAN SERVICES, DEPARTMENT OF	
4	Crippled Children Services	
6	Personal Services	\$8,360
8	All Other	(8,360)

10 **DEPARTMENT OF HUMAN SERVICES**

12 **TOTAL** \$ -0-

14 **SECTION C-5**

14 **TOTAL ALLOCATIONS** \$ -0-

16 **Sec. C-6. Legislative intent.** It is the intent of the
 18 Legislature that the reclassifications and range changes
 20 represented by the appropriation and allocation amounts
 identified in Part C of this Act are effective upon approval of
 this Act.

22 **Sec. C-7. Nonlapsing funds.** Funds appropriated in section C-1
 24 of this Act may not lapse on June 30, 1991, but must be carried
 forward for the same purpose.

26 **PART D**

28 **Appropriation.** There are appropriated from the General Fund
 30 for the fiscal year ending June 30, 1991, to the departments
 32 listed, the sums identified in the following, in order to provide
 funding for approved reclassifications and range changes.

		1990-91
34	ADMINISTRATION, DEPARTMENT OF	
36	Public Improvements - Planning and	
38	Construction - Administration	
40	Personal Services	(\$5,134)

42 **DEPARTMENT OF ADMINISTRATION**

44 **TOTAL** (\$5,134)

46	AGING, MAINE COMMITTEE ON	
48	Maine Committee on Aging	
50	Personal Services	(\$1,030)

52 **MAINE COMMITTEE ON AGING**

2	TOTAL	(\$1,030)
4	AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF	
6	Marketing Services - Agriculture	
8	Personal Services	(\$52,596)
10	Soil and Water Conservation Commission	
12	Personal Services	(\$3,869)
14	DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES	
16	TOTAL	<u>(\$56,465)</u>
18	CONSERVATION, DEPARTMENT OF	
20	Engineering and Realty	
22	Personal Services	(\$3,452)
24	Parks - General Operations	
26	Personal Services	(\$2,918)
28	DEPARTMENT OF CONSERVATION TOTAL	<u>(\$6,370)</u>
30	CORRECTIONS, DEPARTMENT OF	
32	Charleston Correctional Facility	
34	Personal Services	(\$3,427)
36	Correctional Center	
38	Personal Services	(\$10,118)
40	Probation and Parole	
42	Personal Services	(\$611)
44	State Prison	
46	Personal Services	(\$2,187)
48	Maine Youth Center	
50	Personal Services	(\$2,062)
52		

2	DEPARTMENT OF CORRECTIONS	
	TOTAL	<u>(\$18,405)</u>
4	DEFENSE AND VETERANS' SERVICES,	
6	DEPARTMENT OF	
8	Administration - Defense and Veterans'	
	Services	
10	Personal Services	(\$4,204)
12	DEPARTMENT OF DEFENSE AND VETERANS'	
	SERVICES	
14	TOTAL	<u>(\$4,204)</u>
16	EDUCATION, DEPARTMENT OF	
18	Administrative Services - Education	
20	Personal Services	(\$1,055)
22	Alcohol and Drug Education Services	
24	Personal Services	(\$1,250)
26	Education in Unorganized Territory	
28	Personal Services	(\$15,392)
30	Finance - Education	
32	Personal Services	(\$2,732)
34	DEPARTMENT OF EDUCATION	
	TOTAL	<u>(\$20,429)</u>
36	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
38	Administration - Environmental Protection	
40	Personal Services	(\$8,977)
42	Air Quality Control	
44	Personal Services	(\$3,149)
46	Land Quality Control	
48	Personal Services	(\$1,928)
50	Water Quality Control	
52		

2	Personal Services	(\$921)
4	DEPARTMENT OF ENVIRONMENTAL PROTECTION	
6	TOTAL	<u>(\$14,975)</u>
8	EXECUTIVE DEPARTMENT	
10	Office of Substance Abuse	
12	Personal Services	(\$9,580)
14	Planning Office	
16	All Other	(\$1,508)
18	Public Advocate	
20	Personal Services	(\$3,343)
22	EXECUTIVE DEPARTMENT	
24	TOTAL	<u>(\$14,431)</u>
26	FINANCE, DEPARTMENT OF	
28	Bureau of Accounts and Control	
30	Personal Services	(\$12,240)
32	Bureau of Taxation	
34	Personal Services	(\$11,353)
36	DEPARTMENT OF FINANCE	
38	TOTAL	<u>(\$23,593)</u>
40	GOVERNMENTAL ETHICS AND ELECTION PRACTICES, COMMISSION ON	
42	Commission on Governmental Ethics and Election Practices	
44	Personal Services	(\$3,825)
46	COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES	
48	TOTAL	<u>(\$3,825)</u>
50	HUMAN SERVICES, DEPARTMENT OF	
52	Administration - Human Services	

2	Personal Services	(\$17,768)
4	Administration - Regional - Human Services	
6	Personal Services	(\$871)
8	Alcoholism and Drug Abuse Prevention - Human Services	
10	Personal Services	(\$480)
12	Bureau of Health	
14	Personal Services	(\$12,960)
16	Medical Care Administration	
18	Personal Services	(\$15,808)
20	DEPARTMENT OF HUMAN SERVICES	
22	TOTAL	<hr/> (\$47,887)
24	INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF	
26	Fisheries and Hatcheries Operations	
28	Personal Services	(\$129,217)
30	Licensing Services - Inland Fisheries and Wildlife	
32	Personal Services	(\$2,338)
34	Office of the Commissioner - Inland Fisheries and Wildlife	
36	Personal Services	(\$1,670)
38	Resource Management Services - Inland Fisheries and Wildlife	
40	Personal Services	(\$11,716)
42	DEPARTMENT OF INLAND FISHERIES AND WILDLIFE	
44	TOTAL	<hr/> (\$144,941)
46	LABOR, DEPARTMENT OF	
48	Labor Relations Board	
50	Personal Services	(\$2,755)
52		

2	DEPARTMENT OF LABOR	
	TOTAL	<u>(\$2,755)</u>
4	MAINE STATE LIBRARY	
6	Administration - Library	
8	Personal Services	(\$1,513)
10	Library Development Services	
12	Personal Services	(\$6,677)
14	Reader and Information Services - Library	
16	Personal Services	(\$4,823)
18	MAINE STATE LIBRARY	
20	TOTAL	<u>(\$13,013)</u>
22	MARINE RESOURCES, DEPARTMENT OF	
24	Administration - Marine Resources	
26	Personal Services	(\$1,324)
28	Bureau of Marine Development	
30	Personal Services	(\$7,198)
32	Bureau of Marine Patrol	
34	Personal Services	(\$4,101)
36	Bureau of Marine Sciences	
38	Personal Services	(\$2,813)
40	DEPARTMENT OF MARINE RESOURCES	
	TOTAL	<u>(\$15,436)</u>
42	SECRETARY OF STATE, DEPARTMENT OF THE	
44	Administration - Secretary of State	
46	Personal Services	(\$4,878)
48	DEPARTMENT OF THE SECRETARY OF STATE	
50	TOTAL	<u>(\$4,878)</u>
52	WORKERS' COMPENSATION COMMISSION	

2	Workers' Compensation Commission	
4	Personal Services	(\$12,375)
6	WORKERS' COMPENSATION COMMISSION	
	TOTAL	<u>(\$12,375)</u>
8	PART D	
10	TOTAL APPROPRIATIONS	<u>(\$410,146)</u>

PART E

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Sec. E-1. 4 MRSA §153, sub-§3, as amended by PL 1981, c. 201, is further amended to read:

3. **Western Aroostook.** Western Aroostook consists of the municipalities and unorganized territory known as Hamlin Plt., Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook shall must be held at Madawaska ~~for criminal and civil business and at~~ Fort Kent and Van Buren ~~solely for criminal business, traffic infractions and civil violations.~~

Sec. E-2. 4 MRSA §812 is enacted to read:

§812. Attorneys' Client Security Fund

The Supreme Judicial Court shall establish by rule a program to ensure that clients of an attorney admitted to the bar of this State may be reimbursed for losses incurred due to fraud or defalcation in breach of an attorney's duty to a client. That program must include the Attorneys' Client Security Fund. The Attorneys' Client Security Fund is a dedicated, nonlapsing fund to be used to carry out the purposes of this section.

1. Rules. The Supreme Judicial Court may adopt rules to implement this program, including a schedule of surcharges on an annual registration fee for attorneys, subject to subsection 2, qualifications or standards for reimbursement, procedures for making claims and determining the validity of claims and methods of payment.

2. Surcharge. A surcharge of \$20 on the annual attorney registration fee for 1991 must be imposed immediately. For subsequent years, the Supreme Judicial Court may establish an appropriate surcharge amount that establishes a maximum amount available in the Attorneys' Client Security Fund of \$300,000.

3. Deposit. The surcharge must be transferred to the Treasurer of State:

A. In fiscal year 1990-91, as undedicated revenue to the General Fund; and

B. In fiscal year 1991-92 and thereafter, into the Attorneys' Client Security Fund.

4. Credit. On December 31, 1991, the Treasurer of State shall transfer from the General Fund an amount equal to the

2 amount of the fiscal year 1990-91 surcharges after deduction for
3 claims paid.

4 5. Payment. The Treasurer of State shall make payment of a
5 claim from the Attorney's Client Security Fund on direction from
6 the Supreme Judicial Court.

8 **Sec. E-3. 5 MRSA §16, sub-§1-A** is enacted to read:

10 1-A. Advancement of vacation time. A state employee who
11 has vacation time credited in advance and who uses some or all of
12 that advanced vacation time and subsequently leaves state service
13 is responsible for reimbursing the State for the dollar value at
14 that state employee's current wage for all advanced but unearned
15 vacation time. A state employee who leaves state service may be
16 paid only for vacation time earned and may not be paid for
17 vacation time credited in advance.

18 **Sec. E-4. Retroactivity.** That section of this Part that enacts
19 the Maine Revised Statutes, Title 5, section 16, subsection 1-A,
20 applies retroactively to January 1, 1991.

22 **Sec. E-5. 5 MRSA §1511,** as amended by PL 1987, c. 816, Pt. O,
23 §1, is further amended to read:

24 **§1511. Reserve for General Fund Operating Capital**

26
27 The State Controller may, at the close of each fiscal year,
28 transfer from the Unappropriated Surplus of the General Fund to
29 the Reserve for General Fund Operating Capital such amounts as
30 may be available from time to time up to an amount of \$1,000,000
31 a year until a maximum of \$25,000,000 is achieved. The State
32 Controller is further authorized, at the close of each fiscal
33 year, to transfer from the Unappropriated Surplus of the General
34 Fund to the Loan Insurance Reserve amounts as may be available
35 from time to time, up to an amount of \$1,000,000 per year. The
36 balance of this reserve shall must be paid to the Finance
37 Authority of Maine if such payment would does not cause the
38 balance in the reserve fund maintained by the authority, when
39 added to amounts held in the Finance Authority of Maine Mortgage
40 Insurance Fund which that are not committed or encumbered for
41 another purpose, to exceed \$10,000,000. Any balance in the Loan
42 Insurance Reserve is appropriated for this purpose. The State
43 Controller on or before June 30, 1991 shall transfer the balance
44 in the Reserve for General Fund Operating Capital to the
45 Unappropriated Surplus of the General Fund.

48 **Sec. E-6. 5 MRSA §1585, sub-§1,** as amended by PL 1985, c. 737,
49 Pt. B, §7, is further amended to read:

2 1. **Transfer procedures.** Any balance of any appropriation
4 or subdivision of an appropriation made by the Legislature for
6 any state department or agency, which at any time may not be
8 required for the purpose named in such appropriations or
10 subdivision, may be transferred at any time prior to the closing
12 of the books to any other appropriation or subdivision of an
14 appropriation made by the Legislature for the use of the same
16 department or agency for the same fiscal year subject to review
18 by the joint standing committee of the Legislature having
jurisdiction over appropriations and financial affairs. Financial
orders describing such transfers shall must be submitted by the
Bureau of the Budget to the Office of Fiscal and Program Review
30 days before the transfer is to be implemented. In case of
extraordinary emergency transfers, the 30-day prior submission
requirement may be waived by vote of the committee. Positions,
or funding for those positions, that are currently funded with
federal or other funds may not be transferred by financial order
to the General Fund.

20
22 **Sec. E-7. 5 MRSA §1667-A** is enacted to read:

24 §1667-A. Monthly budget variance reports

26 Not later than the 15th day following the close of every
28 quarter, the State Controller and the State Budget Officer,
30 working jointly, shall submit a report to the joint standing
32 committee of the Legislature having jurisdiction over
34 appropriations and financial affairs that compares actual
expenditures to budgeted expenditures segregated by funding
source for every program in State Government for the previous
quarter and fiscal year to date. The report must include
aggregate data at the line item level.

36 **Sec. E-8. 5 MRSA §1668, last ¶,** as enacted by PL 1975, c. 771,
§77-A, is amended to read:

38 The Governor shall immediately upon the curtailment of any
40 allotment, notify the President of the Senate and the Speaker of
42 the House and the majority and minority leaders of the Senate and
44 House of the specific allotments curtailed, the extent of
curtailment of each allotment and the effect of each curtailment
on the objects and purposes of the program so affected. The
Governor may not curtail or withhold funds appropriated or
allocated for the Maine State Retirement System.

46 **Sec. E-9. 5 MRSA §17151, sub-§2,** as enacted by PL 1985, c.
48 801, §§5 and 7, is amended to read:

50 2. **Intent.** It is the intent of the Legislature that there
52 shall be appropriated and transferred annually to the retirement
system the funds necessary to meet the system's long-term and

2 short-term financial obligations based on the actuarial
3 assumptions established by the board upon the advice of the
4 actuary. Funds that have been appropriated must be considered
5 assets of the retirement system.

6 A. The goal of the actuarial assumptions shall be to
7 achieve a fully funded retirement system.

8 B. The retirement system's unfunded liability for persons
9 formerly subject to the Maine Revised Statutes of 1944,
10 chapter 37, sections 212 to 220 shall be repaid to the
11 system from annual appropriations over the funding period of
12 the retirement system.

13 C. This section may not be construed to require the State
14 to appropriate and transfer funds to meet the obligations of
15 participating local districts to the retirement system.

16 **Sec. E-10. 12 MRSA §602, sub-§4, as amended by PL 1989, c.**
17 **875, Pt. E, §10, is further amended to read:**

18 **4. Fees for services and accommodations.** With the consent
19 of the Governor and Council, the bureau may:

20 A. Furnish accommodations and render services to the public
21 on state parks and parks under state control; and

22 B. Charge reasonable fees for such services and
23 accommodations.

24 All fees received under this subsection accrue to the General
25 Fund, except that effective July 1, 1990, all revenues resulting
26 from an increase in fees in the Allagash Wilderness Waterway
27 accrue to a dedicated revenue account to be used for capital
28 improvements in the Allagash Wilderness Waterway and, in fiscal
29 year years 1990-91 and 1991-92 only, engineering plans for
30 reconstruction of Churchill Dam. In cases where fees may be more
31 efficiently collected through 3rd party contracts, a percentage
32 of the fee may be retained by the contractor for services, as
33 agreed upon by the bureau.

34 Fifteen percent of all day use and camping fees received under
35 this subsection in any state-owned land under jurisdiction of the
36 bureau must be apportioned and paid to all municipalities having
37 such land within their boundaries. In determining the payment to
38 each municipality, the bureau shall assign one unit per front
39 foot for each foot of lake, pond, ocean or major river frontage
40 and 5 units for each acre of all said lands within the
41 municipality. Frontage and acreage must be determined as of
42 April 1st for the year in which revenue is being apportioned and
43 computed to the nearest whole unit. The bureau shall increase the
44 fees charged by it under this subsection by an amount that will

2 reflect the loss of revenue to the State occasioned by such
3 payment to the municipalities;

4 Sec. E-11. 12 MRSA §685-B, sub-§2, ¶B, as amended by PL 1989,
5 c. 681, §1, is further amended to read:

6
7 B. The fee prescribed by the commission rules, that fee to
8 be a minimum of \$40, except that the fee for accessory
9 structures or minor shoreline alterations is \$25, but no
10 greater than 2/10 of 1% of the total construction
11 development costs. Zoning petitions submitted by other than
12 a state or federal agency range from \$50 to \$500 depending
13 on size and complexity. The fees apply to all amendments
14 except for minor changes to building permits;

15 Sec. E-12. 12 MRSA §7052, sub-§2, as amended by PL 1985, c.
16 785, Pt. B, §72, is further amended to read:

17
18 2. Compensation. The compensation of the wardens shall be
19 appointed pursuant to section 7051, subsection 1 is determined
20 under the Civil Service Law. Assistant game wardens appointed
21 pursuant to section 7051, subsection 2 are not entitled to
22 compensation.

23 Sec. E-13. 14 MRSA §7484, as amended by PL 1989, c. 702, Pt.
24 E, §7, is repealed.

25 Sec. E-14. 14 MRSA §7484-A is enacted to read:

26 §7484-A. Procedures

27
28 1. Rules by Supreme Judicial Court. The procedures with
29 respect to the commencement of the action, the fee, the notice to
30 the parties, the settlement or hearing, the judgment, appeal and
31 post judgment proceedings must be set forth in rules of procedure
32 adopted by the Supreme Judicial Court.

33
34 2. Service of statement of claim and notice of disclosure.
35 When requested by the plaintiff, the clerk shall cause the
36 statement of claim and the notice of disclosure, including the
37 notice of the place, date and time of hearing, to be served upon
38 the defendant. A fee must be charged to the plaintiff for
39 service. A plaintiff may elect to arrange for service of the
40 statement of claim and the notice of disclosure, including the
41 notice of the place, date and time of hearing, by someone other
42 than the clerk.

43 Sec. E-15. 20-A MRSA §10952, sub-§7, as amended by PL 1989, c.
44 578, §1, is further amended to read:

45
46 7. Borrow money. To borrow money pursuant to this chapter
47 and issue evidences of indebtedness to finance the acquisition,
48
49
50
51
52

2 construction, reconstruction, improvement or equipping of any one
3 project, or more than one, or any combination of projects, or to
4 refund evidences of indebtedness hereafter issued or to refund
5 general obligation debt of the State previously issued to finance
6 any project or projects, or to refund any such refunding
7 evidences of indebtedness or for any one, or more than one, or
8 all of those purposes, or any combination of those purposes, and
9 to provide for the security and payment of those evidences of
10 indebtedness and for the rights of the holders of them, except
11 that any borrowing pursuant to this chapter, exclusive of
12 borrowing to refund evidences of indebtedness, to refund general
13 obligation debt of the State, or to fund issuance costs or
14 necessary reserves, shall may not exceed in the aggregate
15 principal amount outstanding at any time ~~\$18,000,000~~ \$27,000,000,
16 and except that no borrowing may be effected pursuant to this
17 chapter unless the amount of the borrowing and the project or
18 projects are submitted to the Legislative Office of Fiscal and
19 Program Review for review by the Joint Standing Committee on
20 Appropriations and Financial Affairs at least 60 days before
21 closing on such borrowing for the project or projects is to be
22 initiated;

23 **Sec. E-16. 23 MRSA §1961, sub-§2**, as enacted by PL 1987, c.
24 793, Pt. A, §6, is amended to read:

25 **2. Cooperation with the Department of Transportation.** The
26 Department of Transportation shall must be provided each year a
27 maximum amount of \$8,700,000 of the total annual operating
28 revenue after money has been put aside to pay operating expenses
29 and to meet the requirements of any resolution authorizing bonds
30 of the Maine Turnpike Authority, except that for state fiscal
31 year 1990-91, the Department of Transportation must be provided
32 an additional \$15,000,000. Any funds received by the department
33 under this provision in excess of \$4,700,000 shall must be
34 expended for highway and bridge improvements within counties
35 which contain turnpike mileage. These amounts are deemed
36 necessary for use by the department for construction,
37 reconstruction, operation and maintenance of access roads on the
38 state highway system which serve and benefit users of the
39 turnpike by providing direct and indirect access to and from the
40 turnpike as part of the integrated highway system. Due to the
41 utilization of the state highway system by users of the turnpike,
42 the turnpike and its users have received and will continue to
43 receive a benefit from, or have caused and will continue to
44 cause, or both, the State acting by and through the Department of
45 Transportation to incur costs for the construction, operation and
46 maintenance of the state highway system, which provides direct
47 and indirect access to and from the turnpike to areas in the
48 State for which the State may properly be and should be
49 compensated from the tolls to be collected. The Maine Turnpike
50 Authority should be maintained to carry out the purposes of this
51 chapter in cooperation with the Department of Transportation.
52

2 **Sec. E-17. 23 MRSA §1965, sub-§1, ¶10**, as repealed and replaced
by PL 1987, c. 793, Pt. A, §7, is amended to read:

4
6 O. Provide an annual amount not to exceed a maximum of
\$8,700,000 subject to the limitations in section 1961,
8 except that for state fiscal year 1990-91, the annual amount
may not exceed \$23,700,000, as the department shall request
10 and the authority shall determine pursuant to section 1974,
subsection 4, to be necessary for the use of the department
12 each year for the construction, operation and maintenance of
access roads and costs related thereto, after money has been
14 set aside or adequate provision has been made, to pay
operating expenses and to meet the requirements of any
16 resolution authorizing bonds of the authority;

18 **Sec. E-18. 23 MRSA §1974, sub-§4**, as amended by PL 1987, c.
793, Pt. A, §8, is further amended by amending the first
20 paragraph to read:

22 **4. Revenues for access roads and the state highway system.**
Subject to the terms and conditions of this chapter, the
24 authority, semi-annually on July 1st and January 1st of each
fiscal year commencing July 1, 1983, shall, upon making the
26 determination referred to in this subsection, authorize turnpike
revenues to be transferred to the Department of Transportation
28 for the costs of construction, reconstruction, operation and
maintenance of access roads provided, first, that the department
30 provide certification as to the utilization of all or a part of
the state highway system by turnpike users with respect to the
32 benefit received by the turnpike and its users and the costs
incurred by the department for the construction, reconstruction,
34 operation and maintenance of the access roads caused by the
turnpike and its users and supporting the transfer of turnpike
36 revenues for each 2-year period. The department shall may not
request and the authority shall may not approve a transfer of
38 turnpike revenues under this subsection in any year that exceeds
the cost to the department for construction, reconstruction,
40 operation and maintenance of access roads fairly attributable to
vehicular traffic traveling to or from the turnpike, except that
42 for state fiscal year 1990-91, an amount may be transferred that
exceeds that cost and is to be considered an early payment of the
44 state fiscal year 1991-92 amount. Based on the certification and
such other information as the authority deems necessary, the
46 authority shall determine whether or not the turnpike and users
thereof are so benefited by the system, and thereupon the
48 authority shall have and exercise sole discretion to determine
the level of revenues to be so transferred to the department, but
50 that transfer annually shall may not exceed \$8,700,000, except
that for state fiscal year 1990-91, that transfer annually may
52 not exceed \$23,700,000. In making its report, the department, as
a basis for requesting those revenues, and the authority in

2 determining the level of revenues to be transferred, may consider
3 the following factors, no one of which may necessarily be
4 determinative:

5 **Sec. E-19. 34-B MRSA §1217 is enacted to read:**

6 **§1217. Application of consent decree**

7
8 It is the intent of the Legislature that the principles of
9 the consent decree issued on August 2, 1990 by the Superior
10 Court, Kennebec County, in Civil Action Docket No. 89-88 as they
11 relate to the development of a comprehensive mental health system
12 apply to all persons with severe and prolonged mental illness.
13 The individualized support plan process as contained in the
14 decree in paragraphs 49 through 74, to the extent possible and
15 within available resources, must be applicable to current and
16 future patients of the Bangor Mental Health Institute. In
17 addition, patient assessments must be provided to Bangor Mental
18 Health Institute patients beginning July 1, 1991 and must be
19 completed quarterly until individualized support plan
20 implementation is developed.

21
22 **Sec. E-20. 35-A MRSA §116, sub-§1, as amended by PL 1989, c.**
23 **58, §1, is further amended to read:**

24
25 **1. Utilities subject to assessments.** Every electric, gas,
26 telegraph, telephone and water utility and ferry subject to
27 regulation by the commission shall ~~be~~ **is** subject to an assessment
28 of not more than ~~.25%~~ **.35%** on its intrastate gross operating
29 revenues to produce no more than ~~\$2,696,000 in revenues annually~~
30 ~~beginning in the 1989-90 fiscal year and not more than \$2,910,000~~
31 **\$3,378,000** in revenues annually beginning in the 1990-91 fiscal
32 year. The commission shall determine the assessments annually
33 prior to May 1st and assess each utility for its pro rata share.
34 Each utility shall pay the assessment charged to the utility on
35 or before July 1st of each year. Any increase in the assessment
36 that becomes effective subsequent to May 1st may be billed on the
37 effective date of the act authorizing the increase.

38
39 **A.** The assessments charged to utilities under this section
40 are just and reasonable operating costs for rate-making
41 purposes.

42
43 **B.** For the purposes of this section, "intrastate gross
44 operating revenues" means intrastate revenues derived from
45 filed rates, except revenues derived from sales for resale.

46
47 **C.** Gas utilities subject to the jurisdiction of the
48 commission solely with respect to safety shall not be
49 subject to any assessment.
50

2 D. The commission may correct any errors in the assessments
3 by means of a credit or debit to the following year's
4 assessment rather than reassessing all utilities in the
5 current year.

6 E. The commission may exempt utilities with annual
7 intrastate gross operating revenues under \$50,000 from
8 assessments under this section.

10 Sec. E-21. 35-A MRSa §116, sub-§2, as enacted by PL 1987, c.
11 141, Pt. A, §6, is amended to read:

12
13 2. Committee recommendations; legislative approval of
14 budget. The joint standing committee of the Legislature having
15 jurisdiction over public utilities may make recommendations to
16 the joint standing committee of the Legislature having
17 jurisdiction over appropriations and financial affairs regarding
18 all expenditures from the fund established pursuant to this
19 section. Except as otherwise provided, the assessments and
20 expenditures provided in this section are subject to legislative
21 approval in the same manner as the budget of the Public Utilities
22 Commission is approved. The commission shall make an annual
23 report in accordance with section 120 of its planned expenditures
24 for the year and on its use of funds in the previous year. The
25 commission shall also receive other funds as appropriated by the
26 Legislature.

28 Sec. E-22. 35-A MRSa §116, sub-§4, as amended by PL 1989, c.
29 875, Pt. E, §44, is further amended to read:

30
31 4. Use of funds. The Public Utilities Commission may use
32 the revenues provided in accordance with this section to fund 48
33 69 employees and 2 seasonal legal researchers and to defray the
34 costs incurred by the commission pursuant to this Title,
35 including administrative expenses, general regulatory expenses,
36 consulting fees and all other reasonable costs incurred to
37 administer this Title.

38
39 Sec. E-23. 35-A MRSa §120, sub-§1, as enacted by PL 1987, c.
40 141, Pt. A, §6, is amended to read:

41
42 1. Budget. The commission's planned expenditures for the
43 year and its use of funds in the previous year, including the
44 expenditures from the Public Utilities Commission Regulatory Fund
45 as established pursuant to section 116; and

46
47 Sec. E-24. 36 MRSa §1951, as amended by PL 1977, c. 679,
48 §6-A, is repealed.

50 Sec. E-25. 36 MRSa §1951-A is enacted to read:

51
52 §1951-A. Collection of tax; report to State Tax Assessor

2 1. Monthly report and payment. Every retailer shall file
4 with the State Tax Assessor, on or before the 15th day of each
6 month, a report made under the pains and penalties of perjury on
8 such form as the State Tax Assessor may prescribe that discloses
10 the total sale price of all sales made during the preceding
12 calendar month and such other information as the State Tax
14 Assessor requires. The State Tax Assessor may permit the filing
16 of returns other than monthly. The State Tax Assessor, by rule,
18 may waive reporting nontaxable sales. Upon application of a
20 retailer, the State Tax Assessor shall issue a classified permit
establishing the percentage of exempt sales. The classified
permit may be amended or revoked as to its classification
whenever the State Tax Assessor determines that the percentage of
exempt sales is inaccurate. The State Tax Assessor may for good
cause extend for not more than 30 days the time for making
returns required under chapters 211 to 225. Every person subject
to the use tax shall file similar reports, at similar dates, and
pay the tax or furnish a receipt for the same from a registered
retailer.

22 2. Estimated payment. Every retailer that had a tax
24 liability under this Part in excess of \$250,000 for the preceding
26 calendar year and is required to file a monthly return shall pay
28 over to the State Tax Assessor by the 21st day of each month an
30 amount equal to 66% of the retailer's liability under this Part
32 for the corresponding month in the prior year or 66% of the
34 retailer's liability under this Part for the actual month.
Payments made pursuant to this subsection must be credited
against tax due with the monthly return. The State Tax Assessor
shall prescribe the voucher required to be filed with the
payment. If the retailer does not file the required voucher, the
amount of the retailer's liability is equal to an amount that is
66% of the retailer's liability under this Part for the
corresponding month in the prior year.

36 Sec. E-26. 36 MRSA §5253, sub-§1, as amended by PL 1989, c.
38 875, Pt. E, §48 and affected by §49, is further amended to read:

40 1. General. Every person required to deduct and withhold
42 tax under this Part shall, for each calendar quarter, on or
44 before the 21st day of the month following the close of such the
46 calendar quarter or such other reporting period as the State Tax
48 Assessor may require, file a withholding return as prescribed by
50 the assessor ~~and pay over to the assessor or to a depository~~
52 ~~designated by the assessor, the taxes so required to be deducted~~
and withheld State Tax Assessor. ~~The State Tax Assessor may, by~~
~~rule, require or permit the filing of returns and paying over of~~
~~taxes withheld on other than a quarterly basis.~~ Whenever, for
federal income tax purposes under the Code, Section 6302 and
regulations adopted to the Code, an employer is required to
deposit withholding taxes on an 8th-monthly period, the employer

2 shall pay over the amount required to be withheld by this Part to
3 the State Tax Assessor within 3 days of the last day of each
4 month for which the amount equals or exceeds \$3,000 or within 3
5 days of the end of any other 8th-monthly period for which the
6 amount required to be withheld by this Part but not yet paid over
7 during the month equals or exceeds \$3,000. All other persons
8 shall pay over to the State Tax Assessor taxes required to be
9 withheld by this Part at the time they are required to file a
10 withholding return. The State Tax Assessor shall prescribe the
11 voucher required to be filed with the payment.

12 **Sec. E-27. Application.** That section of this Part that amends
13 the Maine Revised Statutes, Title 36, section 5253, subsection 1,
14 applies to taxes required to be withheld on or after May 1, 1991.

15 **Sec. E-28. 38 MRSA §351,** as amended by PL 1987, c. 787, §5,
16 is further amended by adding at the end a new paragraph to read:

17 The commissioner may, subject to the approval of the
18 Governor, apply for, accept on behalf of the State and deposit to
19 the fund, funds, grants, bequests, gifts or contributions from
20 any person, corporation or governmental entity. The funds must
21 be allocated by the Legislature and expended consistent with the
22 purposes of the department as established in section 341-A.

23 **Sec. E-29. Public Law 1991, c. 5, §3** is amended to read:

24 **Sec. 3. Treasurer of State authorization.** The Treasurer of State
25 is authorized to set aside sufficient General Fund revenues in
26 fiscal year 1990-91 in the event there are insufficient resources
27 in the debt service account established in section 3 2 of this
28 Act to meet principal, interest and related payments. The
29 Treasurer of State shall report to the Joint Standing Committee
30 on Appropriations and Financial Affairs the amount, if any, of
31 General Fund revenue set aside.

32 **Sec. E-30. P&SL 1985, c. 135, §4, last sentence,** as affected by PL
33 1989, c. 878, Pt. A, §§147 and 148, is amended to read:

34 The commission shall present its final report and
35 recommendations, together with any recommended legislation, to
36 the First Regular Session of ~~115th~~ 116th Legislature by March 1,
37 1991 1993.

38 **Sec. E-31. Resolve 1989, c. 99, §3, first ¶** is repealed and the
39 following enacted in its place:

40 **Sec. 3. Initial intervention, treatment and support services.**
41 **Resolved:** That within the limits of funds available for this
42 purpose, the Coordinated Response System includes, but
43 not is limited to, the following:

2 is not limited to, such initial intervention, treatment and
3 support services as:

4 **Sec. E-32. Resolve 1989, c. 99, §10** is repealed and the following
5 enacted in its place:

6 **Sec. 10. Financing. Resolved:** That the Department of Human
7 Services is encouraged to seek funding from the Federal
8 Government or other sources, or provide Title IV-E administrative
9 reimbursement funds, as available, to establish this model and
10 implement this legislation on January 1, 1992.

11 **Sec. E-33. Resolve 1989, c. 99, §11** is repealed and the following
12 enacted in its place:

13 **Sec. 11. Effective date.** This resolve takes effect January 1,
14 1992.

15 **Sec. E-34. Retroactivity.** Those sections of this Part that
16 affect Resolve 1989, chapter 99 apply retroactively to January 1,
17 1991.

18 **Sec. E-35. Transfer of funds.** Notwithstanding the Maine
19 Revised Statutes, Title 39, section 57, subsection 6, \$375,738 is
20 authorized to be transferred from the Second Injury Fund of the
21 Workers' Compensation Commission to General Fund undedicated
22 revenues by June 30, 1991.

23 **Sec. E-36. Transfer of funds.** Notwithstanding the Maine
24 Revised Statutes, Title 22, section 391, subsections 1 to 6,
25 \$18,338 is authorized to be transferred from the Health Care
26 Finance Commission Fund account of the Maine Health Care Finance
27 Commission to General Fund undedicated revenues by June 30, 1991.

28 **Sec. E-37. Transition provision.** Notwithstanding the Maine
29 Revised Statutes, Title 5, sections 1728-A to 1736, or any other
30 provision of law, the Commissioner of Administration is
31 authorized to transfer from the reserve fund for self-insured
32 retention losses to the General Fund \$2,000,000 by June 30, 1991
33 to ensure the prompt payment of workers' compensation claims by
34 state agencies supported by the General Fund, as required by law.

35 **Sec. E-38. Transfer of funds.** General Fund repayment of the
36 \$2,000,000 transfer to the General Fund authorized in this Part
37 from the reserve fund for self-insured retention losses must be
38 made by June 30, 1993 at an interest rate of 5% per annum
39 calculated on the unpaid balance.

40 **Sec. E-39. Funding for Bureau of State Police.** Notwithstanding
41 Public Law 1987, chapter 793, Part B, section 4, the Legislature
42 determines that, for fiscal year 1990-91 only, funding for the
43 Department of Public Safety, Bureau of State

2 Police must be provided as follows: Seventy-five percent must be
4 allocated from the Highway Fund and 25% must be appropriated from
6 the General Fund.

8 **Sec. E-40. Transfer.** The Department of Transportation shall
10 transfer \$10,000,000 of the \$15,000,000 increase received from
12 the Maine Turnpike Authority under this Part from the Highway
14 Fund to the General Fund by June 30, 1991 as repayment of a
16 portion of the \$13,200,000 appropriated from the Maine Rainy Day
18 Fund in Public Law 1987, chapter 793.

20 **Sec. E-41. Repayment to Highway Fund.** Funds advanced from
22 the Maine Turnpike Authority under this Part, as an early payment
24 of the Maine Turnpike Authority's fiscal year 1991-92 Highway
26 Fund obligation, must be repaid to the Highway Fund in the amount
28 of \$5,000,000 on August 1, 1991 and in the amount of \$10,000,000
30 on July 1, 1992.

32 **Sec. E-42. Educational technicians not to become members of**
34 **retirement system.** An employee of a school administrative unit
36 who was promoted from a Teacher Aide position or Educational
38 Technician I position to an Educational Technician II position or
40 Educational Technician III position based upon misinterpretation
42 of the Department of Education rules, chapter 115, section 14, as
44 amended by the State Board of Education on November 15, 1989,
46 effective February 6, 1990, may not be a member of the Maine
48 State Retirement System as a teacher.

50 **Sec. E-43. Lewiston-Auburn College; increase in borrowing**
52 **authority.** The increase in the borrowing authority, pursuant to
the amendment in this Part to the Maine Revised Statutes, Title
20-A, section 10952, subsection 7, from \$18,000,000 to
\$27,000,000 must be used primarily to acquire the Lewiston-Auburn
College facility of the University of Southern Maine. Any money
borrowed under Title 20-A, section 10952, subsection 7 that
involves the acquisition of the Lewiston-Auburn College facility
is exempt from the review requirements of that subsection. Any
money borrowed that does not involve the acquisition of the
Lewiston-Auburn College facility is still subject to the review
requirements of that subsection.

42 **Sec. E-44. Financial orders; rescindment.** On the effective date
44 of this Act, Financial Order #03064 F1 approved January 4, 1991
46 and Financial Order #03075 F1 approved January 8, 1991 must be
48 rescinded.

50 **Sec. E-45. Legislative intent.** It is the intent of the
52 Legislature to confirm the efforts of the Judicial Department in
providing additional General Fund revenue of \$500,000 in fiscal
year 1990-91 over the current General Fund revenue estimates
established by the State Budget Officer. These efforts will
generate additional revenue by rule or increased administrative

2 action of the Judicial Department, including: \$200,000 in revenue
3 from the State of Maine Tax Offset Program; an additional
4 \$100,000 in revenue from the Comprehensive District Court
5 Collection Program; and \$200,000 from the establishment of a jury
6 fee in the Superior Court.

7 **Sec. E-46. Appropriation.** The following funds are
8 appropriated from the General Fund to carry out the purposes of
9 this Part.

10 1990-91

11 **PUBLIC SAFETY, DEPARTMENT OF**

12 **State Police**

13 Personal Services (\$5,000,000)

14 Deappropriates funds no longer required in
15 order to adjust State Police funding to
16 approximately 25% General Fund and 75%
17 Highway Fund for fiscal year 1990-91 only.
18 State Police funding will return to 50%
19 General Fund and 50% Highway Fund for fiscal
20 year 1991-92 and thereafter.

21 **Sec. E-47. Allocation.** The following funds are allocated from
22 the Highway Fund to carry out the purposes of this Part.

23 1990-91

24 **PUBLIC SAFETY, DEPARTMENT OF**

25 **State Police**

26 Personal Services \$5,000,000

27 Provides funds for a change in State Police
28 funding for fiscal year 1990-91 only to
29 approximately 75% Highway Fund and 25%
30 General Fund. State Police funding will
31 return to 50% General Fund and 50% Highway
32 Fund for fiscal year 1991-92 and thereafter.

33 **PART F**

34 **Sec. F-1. 7 MRSA §1,** as amended by PL 1987, c. 435, §2, is
35 further amended to read:

36 **§1. Department of Agriculture, Food and Rural Resources**

2 The Department of Agriculture, Food and Rural Resources, as
3 established and in this Title called the "department," shall must
4 be maintained for the improvement of agriculture and the
5 advancement of the interests of husbandry, and shall ~~consist~~
6 consists of the Commissioner of Agriculture, Food and Rural
7 Resources, in this Title called the "commissioner," and the
8 following as created and established: The Aroostook Water and
9 Soil Management Board, the Board of ~~Pestieide~~ Pesticides Control,
10 the Maine Dairy and Nutrition Council Committee, the Maine Dairy
11 Promotion Board, the Maine Milk Commission, the Maine Potato
12 Commission, ~~the---Seed---Potato---Board,~~ the Soil and Water
13 Conservation Commission, the Harness Racing Commission, the Board
14 of Veterinary Medicine and the Animal Welfare Board. The
15 commissioner shall ~~be~~ is appointed by the Governor, subject to
16 review by the joint standing committee of the Legislature having
17 jurisdiction over agriculture and to confirmation by the
18 Legislature, and shall ~~hold~~ holds office during the pleasure of
19 the Governor. ~~He---shall~~ The commissioner is entitled to receive
20 his actual expenses incurred in the performance of his official
21 duties. ~~He~~ The commissioner may employ such clerical labor as
22 may be required, subject to the Civil Service Law, and he may
23 expend such sums for postage, telephone, telegraph and other
24 general office expenses as may be necessary in the performance of
25 ~~his~~ the commissioner's duties, the same to be paid out of any
26 money appropriated by the Legislature for such purpose.

27 **Sec. F-2. 7 MRSA §2, 3rd ¶ from the end, as amended by PL 1989,**
28 **c. 878, Pt. B, §7, is further amended to read:**

29 The commissioner does not have authority to exercise or
30 interfere with the exercise of any discretionary statutory
31 authority granted to the following, which authority is
32 exclusively within the specific board, bureau, agency,
33 commission, committee or other governmental unit: The Maine Dairy
34 and Nutrition Council Committee, the Maine Dairy Promotion Board,
35 the Maine Milk Commission, ~~the---Seed---Potato---Board,~~ the Harness
36 Racing Commission, the Maine Potato Board, the Soil and Water
37 Conservation Commission, the Board of Veterinary Medicine and the
38 Board of ~~Pestieide~~ Pesticides Control.

39 **Sec. F-3. 7 MRSA §125 is enacted to read:**

40 **§125. Seed Potato Board**

41 The Maine Agricultural Experiment Station shall administer
42 the Seed Potato Board as established in chapter 403.

43 **Sec. F-4. 7 MRSA §2151, as amended by PL 1989, c. 503, Pt. B,**
44 **§45, is further amended to read:**

45 **§2151. Creation and membership**

2 The Seed Potato Board, established within the Maine
3 Agricultural Experiment Station of the University of Maine System
4 and by Title 5, section 12004-H, subsection 5, and located in the
5 Department of Agriculture, Food and Rural Resources, shall
6 consist consists of the commissioner and 8 additional members
7 appointed by the commissioner Maine Agricultural Experiment
8 Station. Of the 8 appointed members, 7 shall must be chosen from
9 representatives of the potato industry in Aroostook County and
10 one from elsewhere in the State, provided that one appointed
11 member shall must be primarily a table stock producer and one
12 primarily a processor producer.

13 Sec. F-5. 7 MRSA §2152, as amended by PL 1983, c. 565, §4, is
14 repealed and the following enacted in its place:

15 §2152. Terms; vacancies; salaries

16 Each appointed member serves for a term of 3 years or until
17 a successor has been appointed and qualified, except that no
18 member may serve for more than 2 consecutive terms.

19 Upon the expiration of the term of office of any appointed
20 member of the board, that member's successor must be appointed by
21 the Maine Agricultural Experiment Station or, in case of a
22 vacancy for any reason, the Maine Agricultural Experiment Station
23 shall appoint a member to fill the unexpired term.

24 The members of the Seed Potato Board receive no salary, but
25 are entitled to be reimbursed for their expenses in accordance
26 with Title 5, section 12004-H, subsection 5.

27 Sec. F-6. 7 MRSA §2155, as amended by PL 1985, c. 785, Pt. B,
28 §47, is repealed and the following enacted in its place:

29 §2155. Records and proceedings

30 1. Administration. The Seed Potato Board shall elect a
31 secretary, who need not be a member of the board. The board may
32 hire employees necessary to assist in carrying out its duties and
33 responsibilities. The board is subject to the provisions of
34 Title 5, chapter 379.

35 2. Program plan. The Maine Agricultural Experiment Station
36 of the University of Maine System shall present to the board, at
37 least annually, a program plan for the board's consideration and
38 specific action. This plan must include an assessment of the
39 seed potato industry, a projection of demand for seed by variety
40 in the various marketing areas, the impact of significant changes
41 in seed potato acreage, the capital needs of the state seed
42 potato farm, consideration of current and future technology,
43 proposals to improve the varieties and quality of Maine seed
44 potatoes, recommendations to promote the sale of Maine seed and
45

2 other such matters the Maine Agricultural Experiment Station
3 determines appropriate.

4 **Sec. F-7. Study of Porter Farm and Homestead Farm.** The Dean of
5 the College of Applied Sciences and Agriculture of the University
6 of Maine System shall conduct a study of the Porter Farm in
7 Masardis and the Homestead Farm in Florida. The study must
8 include an examination of the history, functions and
9 responsibilities of these operations and make recommendations
10 that address improving the efficiency and effectiveness of the
11 farms. The dean shall submit a report regarding the
12 comprehensive review of the Porter Farm and Homestead Farm and
13 any related issues along with any implementing legislation to the
14 First Regular Session of the 115th Legislature by June 1, 1991.

16 **Sec. F-8. Transition.** Notwithstanding any other provision of
17 law, the following provisions apply to the Department of
18 Agriculture, Food and Rural Resources and the transfer of the
19 Seed Potato Board to the Maine Agricultural Experiment Station of
20 the University of Maine System.

22 1. All accrued expenditures, assets, liabilities, balances
23 of appropriations, allocations, transfers, revenues or other
24 available funds in any account or subdivision of any account of
25 the Seed Potato Board must be transferred to the proper accounts
26 in the Maine Agricultural Experiment Station of the University of
27 Maine System by the State Controller upon the request of the
28 State Budget Officer.

30 2. All agreements, leases or contracts issued by the Seed
31 Potato Board prior to the effective date of this Act continue to
32 be valid under the terms of issuance until they expire or are
33 rescinded, amended or revoked.

34 3. All rules adopted by the Seed Potato Board that do not
35 conflict with the provisions of this Act remain in effect until
36 rescinded or amended by the Maine Agricultural Experiment Station
37 of the University of Maine System or overturned by a court of law.

40 4. This Act has no effect on the terms of appointment of
41 members of the Seed Potato Board.

42 5. The Director of the Maine Agricultural Experiment
43 Station of the University of Maine System and the Commissioner of
44 Agriculture, Food and Rural Resources shall determine the best
45 method of resolving any legal, fiscal, personnel or operational
46 conflict created as a result of this Act.

48 **Sec. F-9. Effective date.** Sections F-1 to F-6 and F-8 take
49 effect July 1, 1991.

52

PART G

2 Sec. G-1. 5 MRSA §203, as amended by PL 1973, c. 567, §20,
4 is repealed and the following enacted in its place:

6 §203. Appropriations

8 1. Expenses charged to appropriation. Such sum as may be
10 appropriated for the purposes of this chapter may be expended
12 under the direction of the Attorney General. The Attorney General
14 shall, at the request of any state department, make or cause to
16 be made investigations in behalf of the department and the
18 Attorney General shall prosecute any case to such extent as may
seem advisable with all the rights, powers and privileges of
district attorneys. The expense of any such investigation and of
any prosecution that results from the investigation is charged to
this appropriation.

20 2. Legal services to agency with dedicated revenue.
22 Notwithstanding any other provision of law, when the Attorney
24 General provides legal services to any board or state agency that
26 is financed in whole or in part by dedicated revenues, the
28 Attorney General may bill the board or agency at a reasonable
rate to be determined by the Attorney General. After
reimbursement to an account in the Office of the Attorney General
is made, the remaining balance must be deposited in the General
Fund.

30 3. Allocation of work. Notwithstanding any other provision
32 of law, the Attorney General has discretion to allocate legal
34 work among the attorneys in the Department of the Attorney
36 General without reference to position counts contained in any
38 appropriation. If the provisions of this section are used to
40 seek reimbursement for legal services for which there is specific
42 appropriation, the Attorney General shall keep time records
44 demonstrating the amount of legal services performed for which
reimbursement is sought. The Attorney General shall submit a
quarterly report detailing the manner in which legal work has
been allocated among attorneys in that office pursuant to this
subsection to the joint standing committee of the Legislature
having jurisdiction over appropriations and financial affairs and
the joint standing committee of the Legislature having
jurisdiction over audit and program review.

46 Sec. G-2. 14 MRSA §1522 is enacted to read:

48 §1522. Litigation costs

50 1. Costs allowed. In any action or proceeding brought by
52 the Attorney General pursuant to any of the provisions listed
below or to enforce any of the provisions listed below, the court
shall allow litigation costs, including court costs, reasonable

2 attorney's fees and reasonable expert witness fees, to be
4 deposited in the General Fund of the State if the State or any of
6 its officers or agencies is a prevailing party in the action or
8 proceeding:

10 A. Title 5, section 209;

12 B. Title 5, section 4681;

14 C. Title 10, section 1104, subsection 2;

16 D. Title 10, section 1104, subsection 3;

18 E. Title 26, section 46;

20 F. Title 26, section 354;

22 G. Title 26, section 625-B;

24 H. Title 26, section 626;

26 I. Title 26, section 629-B;

28 J. Title 26, section 631;

30 K. Title 26, section 781;

32 L. Title 32, section 10602;

34 M. Title 32, section 11301;

36 N. Title 32, section 11302;

38 O. Title 32, section 11303;

40 P. Title 38, section 348;

42 Q. Title 38, section 349;

44 R. Title 38, section 552;

46 S. Title 38, section 570;

48 T. Title 38, section 1319-G;

50 U. Title 38, section 1319-J; and

52 V. Title 38, section 1367.

2. Affect. Costs allowed under subsection 1 do not affect
any fees, costs or expenses otherwise recoverable by the State or
any of its officers or agencies.

2 3. Application. This section applies to any action or
3 proceeding that is pending on the effective date of this section.

4 Sec. G-3. 22 MRSA §1714, as enacted by PL 1989, c. 34, is
5 repealed.

6 Sec. G-4. 22 MRSA §1714-A is enacted to read:

7 §1714-A. Debts owed the department by providers

8 1. Definitions. As used in this section, unless the
9 context otherwise indicates, the following terms have the
10 following meanings.

11 A. "Boarding home" means any facility that meets the
12 definition of section 7901-A, subsection 4.

13 B. "Debt" means any amount of money that is owed to the
14 department as a result of:

15 (1) Overpayments that have been determined by an audit
16 pursuant to the applicable principles of reimbursement,
17 overpayments as reported by a provider in an unaudited
18 cost report or overpayments that have been discovered
19 in any other manner;

20 (2) The department's authority to recapture
21 depreciation;

22 (3) The assessment of fines and sanctions; or

23 (4) Projected overpayments reported in an interim cost
24 report. If an interim report is not filed at least 30
25 days prior to the transfer, "debt" also includes 5% of
26 Medicaid reimbursement or cost reimbursement for the
27 last fiscal year or \$50,000, whichever is less.

28 C. "Former provider" means the person reimbursed by the
29 department for the provision of health care services at a
30 nursing home, boarding home or hospital prior to its
31 transfer.

32 D. "Hospital" means any facility licensed pursuant to
33 sections 1811 and 1817.

34 E. "Interim cost report" means a cost report that covers
35 the current fiscal year and any prior periods not covered by
36 a previously filed cost report. Cost incurred in the 90
37 days prior to the transfer need not be covered in the
38 interim cost report.

2 F. "Nursing home" means any facility that meets the
definition of section 1812-A, including an intermediate care
4 facility for the mentally retarded.

6 G. "Person" means any natural person, partnership,
association, corporation or other entity including any
8 county, local or other governmental unit.

10 H. "Provider" means a person reimbursed by the department
for the provision of health care services.

12 I. "Transfer" means any change in the ownership or control
of a nursing home, boarding home or hospital, including, but
14 not limited to, a sale, lease or gift of the land, building
or operating entity, that results in:

16 (1) The department reimbursing a person other than the
18 former provider for the provision of care or services;
20 or

22 (2) The discontinuation of the provision of care or
services.

24 J. "Transferee" means any person to whom a nursing home,
26 boarding home or hospital is transferred.

28 2. Establishment of debt. A debt is established by the
department when it notifies a provider of an overpayment or debt,
30 or when the Maine Health Care Finance Commission notifies a
hospital that the hospital owes the department pursuant to a
32 final reconciliation decision and order. A debt is collectible
by the department 31 days after exhaustion of all administrative
34 appeals.

36 3. Notice of overpayment or debt. Any notice of
overpayment or debt issued to a provider by the department, must
38 include the following:

40 A. A statement of the debt accrued;

42 B. A statement of the time period during which the debt
accrued;

44 C. The basis for the debt;

46 D. The debtor's right to request a fair hearing within 30
days of receipt of the notice; and

48 E. A statement that after a debt is established, the
50 department may proceed to collect that debt through
administrative offset, lien and foreclosure, or other
52 collection action.

2 4. Successor liability. Liability of transferees is
3 governed by this subsection.

4 A. When a nursing home, boarding home or hospital is
5 transferred, the transferee is liable for debts owed to the
6 department by the former provider unless by the time of sale:

7 (1) All debts owed by the former provider to the
8 department have been paid, except as stated in
9 subparagraph (2):

10 (2) If the indebtedness is the subject of an
11 administrative appeal, an escrow account has been
12 created and funded in an amount sufficient to cover the
13 debt as claimed by the department; or

14 (3) An interim cost report has:

15 (a) Been filed and an escrow account has been
16 created and funded in an amount sufficient to
17 cover any overpayment identified in the report; or

18 (b) Not been filed and an escrow account has been
19 created and funded in an amount sufficient to
20 cover 5% of Medicaid reimbursement or cost
21 reimbursement for the last fiscal year or \$50,000,
22 whichever is less.

23 B. Any person affected by this subsection may request that
24 the department identify the amount of any debt owed by a
25 nursing home, boarding home or hospital. When the
26 department receives such a request, it shall identify the
27 debt within 30 days. Failure to identify the amount of a
28 debt when a request is made in writing at least 30 days
29 prior to the transfer precludes the department from
30 recovering that debt from the transferee.

31 C. The department shall provide written notice of the
32 requirements of this law to the transferee in a letter
33 acknowledging receipt of a request for a certificate of need
34 or waiver of the certificate of need for a nursing home or
35 hospital transfer or in response to a request for an
36 application for a license to operate a boarding home.

37 D. If a transferee becomes liable for a debt pursuant to
38 this subsection, the transferee shall succeed to any
39 defenses to the debt that could have been exercised by the
40 former provider.

41 E. Nothing in this subsection may limit the liability of
42 the former provider to the department for any debts whether
43

2 or nor they are identified at the time of sale. In
4 addition, a transferee has a cause of action against a
6 former provider to the extent that debts of the former
8 provider are paid by the transferee, unless the transferee
10 has waived the right to sue the former provider for those
12 debts.

14 5. Department may offset. The department may offset
16 against current reimbursement owed to a provider or any entity
18 related by ownership or control to that provider any debt it is
20 owed by that provider, after the debt is established.

22 6. Liens. Liens are governed by this subsection.

24 A. After a debt is established, the amount stated in the
26 notice of debt or overpayment is a lien in favor of the
28 department against all real or personal property of the
30 provider or any entity related by ownership or control to
32 the provider.

34 B. The lien attaches to all real and personal property of
36 the responsible party when the department files, in the
38 registry of deeds of any county or with any office
40 appropriate for a notice with respect to personal property,
42 a certificate that states the name of the responsible party,
44 that party's address, the amount of debt accrued, the date
46 of the underlying audit or decision and the name and address
48 of the authorized agent of the department who issues the
50 lien.

52 C. When a lien is filed and there is in the possession of
54 any person having notice of the lien any property that may
56 be subject to the lien, the property may not be paid over,
58 released, sold, transferred, encumbered or conveyed unless:

60 (1) A release or waiver signed by the commissioner has
62 been delivered to the person in possession; or

64 (2) A court has ordered the release of the lien. A
66 court may order a release only when alternative
68 security has been provided for the department's debt.

70 D. The commissioner shall proceed as follows with respect
72 to foreclosure on filed liens.

74 (1) Actions to foreclose liens on real property filed
76 under this section may be brought in the county where
78 the lien is filed pursuant to the procedures of Title
80 14, chapter 713, subchapter VI. For purposes of
82 foreclosure by civil action as described in Title 14,
84 chapter 713, subchapter VI, a lien filed in accordance
86 with this section is considered a mortgage claim of the

2 department on any or all real property owned by the
3 debtor. Failure to pay the debt owed to the department
4 is considered a breach of condition in the mortgage.

5
6 (2) Actions to foreclose liens on personal property
7 filed under this section may be brought in the county
8 where the lien is filed pursuant to the procedures of
9 Title 14, chapter 509, subchapter III.

10 7. Other collection actions. In addition to the other
11 remedies provided in this section, the department may seek
12 collection of any debt established as described in subsection 2
13 pursuant to Title 14, chapter 502. The establishment of a debt
14 pursuant to subsection 2 is deemed to be a debt enforceable
15 through the provisions of that chapter. The procedures set forth
16 in Title 14, chapter 502 apply fully to the enforcement of an
17 established debt.

18
19 8. Rulemaking. The department may adopt any rule, or amend
20 existing rules as necessary, to implement the provisions of this
21 section.

22
23 **Sec. G-5. 24 MRSA §2321, sub-§2, as amended by PL 1979, c.**
24 **558, §2, is further amended to read:**

25
26 **2. Filing information.** When a filing is not accompanied by
27 the information upon which the organization supports such filing,
28 or the superintendent does not have sufficient information to
29 determine whether such filing meets the requirements that the
30 rates shall not be excessive, inadequate or unfairly
31 discriminatory, ~~he~~ the superintendent shall require the
32 organization to furnish the information upon which it supports
33 the filing. A filing and supporting information shall ~~be~~ is a
34 public record within the meaning of Title 1, section 402,
35 subsection 3 and shall ~~become~~ becomes part of the official record
36 of any hearing held pursuant to section 2322. For the purpose of
37 determining whether the filing produces rates that are not
38 excessive, inadequate or unfairly discriminatory, the
39 superintendent and the Attorney General each may employ
40 consultants, including actuaries, and the reasonable costs of the
41 consultants, including actuaries, which shall must include costs
42 of testifying at any hearing held pursuant to section 2322, shall
43 must be borne by the organization making such filing.

44
45 **Sec. G-6. Report by Attorney General.** The Department of the
46 Attorney General shall submit a report detailing the manner in
47 which legal work has been allocated among attorneys in the
48 department pursuant to the Maine Revised Statutes, Title 5,
49 section 203, subsection 3 to the Joint Standing Committee on
50 Appropriations and Financial Affairs and to the Joint Standing
51 Committee on Audit and Program Review by March 31, 1992.
52

2

PART H

4

Sec. H-1. PL 1989, c. 881, §2, the line relating to State CAP charge is amended to read:

6

State CAP charge - 13% 15% 1,005,160

8

1,159,800

10

Sec. H-2. PL 1989, c. 881, §2, the line relating to Total State Agencies is amended to read:

12

Total State Agencies \$8,737,159

14

\$8,891,799

16

Sec. H-3. PL 1989, c. 881, §2, the line relating to TOTAL REQUIREMENTS is amended to read:

18

TOTAL REQUIREMENTS \$11,156,019

20

\$11,310,659

22

Sec. H-4. PL 1989, c. 881, §2, under the caption "COMPUTATION OF ASSESSMENT," the first line is amended to read:

24

Requirements \$11,156,019

26

\$11,310,659

28

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

30

TAX ASSESSMENT \$10,058,061

32

\$10,212,701

34

PART I

36

Sec. I-1. 5 MRSA c. 330, as amended, is repealed.

38

Sec. I-2. 5 MRSA §12004-I, sub-§3, as enacted by PL 1987, c. 786, §5, is repealed.

40

42

Sec. I-3. 5 MRSA c. 383, sub-c. IX is enacted to read:

44

SUBCHAPTER IX

46

COMMUNITY SERVICES

48

§13120. Community services

50

The Office of Community Development, referred to in this subchapter as the "office," is established within the department and shall carry out the responsibilities of State Government

52

2 relating to planning and financing community services and
3 community action agencies and shall administer state and federal
4 community services block grants and other funds that may be
5 available. These responsibilities include designating community
6 action programs and administering, monitoring and evaluating
7 block grant programs.

8 1. Federal, state and other funds. Through plans and
9 contracts, the office shall obtain, distribute and administer
10 federal, state and other funds, including block grants and other
11 unassigned funds as may become available. Funds must be
12 administered in compliance with any federal rules and regulations
13 and amendments to those rules and regulations. Any balances of
14 funds appropriated to the office remaining at the end of a fiscal
15 year do not lapse but are carried forward from year to year to be
16 expended for the same purpose.

17 2. Monitoring of poverty level. The office shall monitor
18 the poverty level of citizens of the State and carry out the
19 following activities:

20
21 A. Conduct an annual survey of poverty in the State,
22 reporting the results of this survey to the Governor, the
23 Legislature and the public;

24
25 B. Make recommendations annually to the Governor and the
26 Legislature on ways and means to combat and reduce poverty
27 in the State;

28
29 C. Seek federal, state and private funds to combat poverty
30 in the State; and

31
32 D. Advise the Governor, the Legislature and local officials
33 on the impact of state and local policies on poverty in the
34 State.

35
36 3. Overseeing community action agencies. The office shall
37 oversee community action agencies as follows.

38
39 A. The office shall designate community action agencies
40 every 7 years pursuant to the requirements of this chapter.

41
42 B. The office shall establish audit requirements in
43 accordance with the federal Human Services Community Agency
44 Accounting Practices Act.

45
46 C. The office shall evaluate community action agencies
47 every 3 years.

48
49 D. Any community agency designated as a community action
50 program under the former Maine Community Services Act,
51 chapter 330, prior to the effective date of this section
52

2 shall automatically retain that designation until otherwise
3 rescinded.

4 4. Planning and coordination for state services. The
5 office shall provide planning and coordination for state services
6 to low-income people.

8 5. Technical assistance. The office shall provide
9 technical assistance to community action agencies and other
10 groups serving the interests of low-income people in this State.

12 6. Research and assistance to Governor. The office shall
13 provide research and assistance to the Governor as the Governor
14 may request.

16 7. Monitoring local program operators. The office shall be
17 responsible for monitoring subgrantees to ensure conformance with
18 appropriate rules.

20 §13120-A. Community action agencies

22 1. Definitions. As used in this subchapter, unless the
23 context otherwise indicates, the following terms have the
24 following meanings.

26 A. "Community action agency" means a private nonprofit
27 agency that has previously been designated by and authorized
28 to accept funds from the Federal Community Services
29 Administration under the United States Economic Opportunity
30 Act of 1964.

32 2. Community action agencies. Designation and duties of
33 community action agencies are as follows.

34 A. Community action agencies must be designated by the
35 division to carry out the purposes of this section; Title 7,
36 section 2; Title 22, chapter 1474; and Title 30-A, section
37 4982. These designations are for 7 years.

38 B. The office may withdraw its designation of a community
39 action agency after an evaluation in which the agency has
40 demonstrated substantial incompetency and a clear inability
41 to carry out the purposes of this section, unless there is
42 or has been financial malfeasance, which may be cause for
43 immediate withdrawal of designation.

44 The office shall notify an agency of a pending withdrawal of
45 designation. Upon notification, the agency has up to 6
46 months to take corrective action, at which time a
47 designation withdrawal evaluation must be performed by the
48 office. Failure to pass this evaluation means immediate
49 loss of designation.
50
51
52

2 Upon the final order from the office that rescinds a
4 community action agency's designation, the community action
6 agency may file a petition for review of this final decision
in the appropriate Superior Court within 30 days, under the
Maine Rules of Civil Procedure, Rule 80B.

8 C. Community action agencies have the following powers and
10 duties to:

12 (1) Develop information on the causes and conditions
of poverty in the service area;

14 (2) Determine how much and how effectively assistance
16 is being provided to deal with those causes and
conditions;

18 (3) Establish priorities among projects, activities
20 and areas as needed for the best and most efficient use
of available resources;

22 (4) Develop, administer and operate programs to reduce
24 poverty with particular emphasis on self-help
approaches and programs to promote economic
opportunities through affirmative action;

26 (5) Initiate, sponsor and provide programs and
28 services responsive to the needs of the poor that are
not otherwise being met;

30 (6) Promote interagency cooperation and coordination
32 of all services and activities in the service area that
are related to the purposes of this section;

34 (7) Establish effective procedures by which the poor
36 and other concerned area residents are able to
38 influence the character of programs affecting their
40 interests, provide for their regular participation in
42 the implementation of those programs and provide
technical and other support needed to enable low-income
and neighborhood groups to secure on their own behalf
available assistance from public and private sources;

44 (8) Join with and encourage business, labor and other
46 private groups and organizations to undertake, together
48 with private officials and agencies, activities in
50 support of the purposes of this section that result in
the increased use of private resources and capabilities
in providing social and economic opportunities to
low-income citizens;

2 (9) Enter into contracts with federal, state and local
3 public agencies and private agencies and organizations,
4 businesses and individuals, as necessary to carry out
5 the purposes of this section; and

6 (10) Receive funds from federal, state, local and
7 private sources as appropriate to carry out the
8 purposes of this section.

10 All programs administered by community action agencies must
11 be in conformance with federal and state laws and
12 regulations. Applicants for programs and assistance must be
13 promptly notified of their rights and responsibilities when
14 they qualify for or are denied services.

16 D. A community action agency shall establish a governing
17 board of directors which consists of not less than 15 nor
18 more than 30 members. One third of the members must be
19 representatives of low-income residents of the service area
20 who are selected through a democratic process in accordance
21 with guidelines established by the office. One third of the
22 members must be elected public officials or their designees
23 or officials of public agencies operating in the service
24 area. One third of the members must be representatives of
25 private sector organizations, including business and
26 industry, as well as educational, civic, labor and religious
27 organizations.

28 E. A board of directors of a community action agency is
29 responsible for the following:

32 (1) Overall direction, oversight and development of
33 policies of the agency;

34 (2) Selection, evaluation and dismissal of the
35 executive director of the community action agency;

38 (3) Approval of all contracts;

40 (4) Approval of all agency budgets;

42 (5) Performance of an annual audit by an independent,
43 qualified outside auditor. The audit must be submitted
44 upon completion to the office;

46 (6) Convening public meetings to provide low-income
47 and other citizens of the service area the opportunity
48 to comment upon policies and programs of the community
49 action agency; and

50 (7) Evaluate agency programs and assess community and
51 agency needs.

2 All meetings of the board of directors must be in accordance
4 with the freedom of access laws.

6 3. Allocation of Community Services Block Grant funds. The
8 office shall administer, distribute and apply for block grant
10 funds in the following manner.

12 A. The office shall administer and distribute to community
14 action agencies, according to Title 5, section 1670,
16 Community Services Block Grant funds received from the
18 Federal Government.

20 B. Of the 90% of Community Service Block Grant funds passed
22 through to local agencies, community action agencies must
24 receive first priority in the allocation of these funds.
26 These funds must be distributed according to a formula
28 determined annually as follows.

30 (1) Twenty percent of the 90% of the Community
32 Services Block Grant funds must be divided equally
34 among all designated agencies.

36 (2) The balance of these funds must be distributed
38 according to rules adopted by the office.

40 C. Proposals for Community Services Block Grant funds,
42 submitted to the Legislature by the office in accordance
44 with section 1670, must:

46 (1) Include a description of current uses of Community
48 Services Block Grant funds and how the plan proposes to
50 change that distribution;

(2) Retain the absolute minimum necessary for state
administrative costs; and

(3) Provide for maximum flexibility within community
action agencies for the uses of Community Services
Block Grant funds.

42 §13120-B. Confidentiality

44 The following rules apply to information obtained from
46 applicants for services funded by federal and state block grants.

48 1. Confidentiality. Records containing the following
50 information are deemed confidential and may not be considered
public records for the purpose of Title 1, section 402,
subsection 3:

2 A. Any information acquired by a state agency,
4 municipality, district, private corporation, partnership,
6 association, fuel vendor, private contractor, individual or
8 an employee or agent of any of those persons or entities,
providing services relating to authorized programs of the
office or programs administered by community action
agencies, when that information was provided by the
applicant for those services or by any 3rd person; and

10 B. Any statements of financial condition or information
12 pertaining to financial condition submitted to any of the
14 persons or entities set forth in paragraph A in connection
16 with an application for services relating to authorized
programs of the office or programs administered by community
action agencies.

18 2. Exceptions. Notwithstanding subsection 1, any person or
20 agency directly involved in the administration or auditing of
22 those programs described in subsection 1, paragraph A and any
agency of the State with a legitimate reason to know must be
given access to those records.

24 3. Waiver of protection. Nothing in this section may be
26 construed to limit in any way the right of any person whose
interest is protected by this section to waive in writing the
benefits of protection.

28 4. Reports to State Government or Federal Government.
30 Notwithstanding subsection 1, the office may make full and
32 complete reports concerning its administration of authorized
programs as may be required by the Legislature, the Federal
Government or any agency or department of the Legislature or the
Federal Government.

34 Sec. I-4. 7 MRSA §2, 4th ¶, as amended by PL 1989, c. 501, Pt.
36 DD, §18, is further amended to read:

38 In addition, the commissioner shall be concerned with the
40 quality of life of Maine farmers and rural communities. The
42 commissioner shall promote: ~~Farm~~ farm financing and rural
44 development proposals; conservation and preservation of
46 agricultural lands; increased and improved production of beef,
48 poultry, sheep, dairy beef and other livestock; expanded and
50 improved production of potatoes, fruits and other vegetables and
52 horticultural ventures; coordinated foreign and domestic
marketing of Maine agricultural products; in conjunction with the
university, crop development and integrated pest management; and
conservation of nonrenewable energy resources and utilization of
renewable energy resources in conjunction with the State Planning
Office. To accomplish these objectives, the commissioner is
authorized for, or on behalf of, Maine's farmers and rural
community: ~~To~~ to engage in research and educational programs; to

2 participate directly or indirectly in programs to encourage and
3 enable individuals to enter agricultural or other rural
4 enterprises; to institute litigation or upon request to represent
5 farmers or other members of the rural community in litigation
6 where when the commissioner determines that such litigation may
7 be beneficial to agricultural industry as a whole; and to
8 exercise all other powers of an agency of State Government. The
9 commissioner may study such issues and, consistent with statute,
10 take such actions either individually, for, or on behalf of, the
11 State's farmers or rural residents, or jointly with such other
12 persons, agencies or organizations as the commissioner determines
13 may benefit the State's farmers and rural communities. To
14 further accomplish these objectives, the commissioner, on behalf
15 of the State's rural community, may administer food assistance
16 programs including the receipt, distribution and administration
17 of federal and state funds, including block grants, for food
18 assistance. Programs to be administered include, but are not
19 limited to, programs for temporary food assistance, programs for
20 hunger prevention and programs for the homeless.

21 Sec. I-5. 22 MRSA §5311, sub-§2, ¶¶H and I, as enacted by PL
22 1985, c. 476, are amended to read:

23 H. Develop incentives for employer involvement in child
24 care; and

25 I. Promote cooperative relationships between public health
26 organizations and child care programs; and

27 Sec. I-6. 22 MRSA §5311, sub-§2, ¶J is enacted to read:

28 J. Administer the Head Start program.

29 Sec. I-7. 22 MRSA c. 1474 is enacted to read:

30 CHAPTER 1474

31 HEAD START

32 §5312. Head Start

33 The Bureau of Child and Family Services, Office of Child
34 Care Coordination shall administer the Head Start program.

35 1. Coordination with federal Head Start program. The
36 Bureau of Child and Family Services shall allocate state Head
37 Start funds to those grantees selected by the federal Department
38 of Health and Human Services to operate the federal Head Start
39 program. Whenever the federal Department of Health and Human
40 Services terminates or suspends a grant or denies refunding to a
41 grantee, the bureau shall take the same action against the
42 grantee.

2 Sec. I-8. 30-A MRSA c. 201, sub-c. XIII is enacted to read:

4 SUBCHAPTER XIII

6 ENERGY CONSERVATION AND FUEL ASSISTANCE

8 §4981. Administration of energy conservation programs

10 The Maine State Housing Authority shall administer energy
12 conservation and fuel assistance programs as provided in this
14 subchapter.

14 §4982. Powers and duties

16 1. Federal, state and other funds. The Maine State Housing
18 Authority shall obtain, accept, distribute and administer
20 federal, state and other funds, for the purpose of energy
22 conservation and fuel assistance, including, but not limited to,
24 the energy conservation program, the state weatherization program
26 and the Low-income Home Energy Assistance Block Grant. Funds
 must be administered in compliance with any federal rules and
 regulations and amendments to them. Any balances of funds
 appropriated to the Maine State Housing Authority remaining at
 the end of a fiscal year do not lapse but must be carried forward
 from year to year to be expended for the same purposes.

28 2. Distribution of funds; proposals. The Maine State
30 Housing Authority shall administer and distribute funds received
32 from the Federal Government for the purpose of energy
 conservation and fuel assistance according to Title 5, section
 1670.

34 3. Allocation. For each federal fiscal year beginning with
36 the 1990-91 fiscal year, not less than 15% of the federal funds
38 awarded to the Maine State Housing Authority each year under the
40 Low-income Home Energy Assistance Program must be used, subject
42 to federal requirements, in conjunction with the energy
44 conservation assistance program administered by the Maine State
 Housing Authority. Up to 10% of the amount of such funds
 received by the Maine State Housing Authority may be used for
 administrative costs of the program in compliance with federal
 requirements.

46 4. Administration of fuel assistance. The Maine State
48 Housing Authority may select local fuel assistance program
50 operators, except that, in the case of the fuel assistance
 program, the municipalities that served as local program
 operators in 1990 must be given the option to serve as local
 program operators of the fuel assistance program within their
 municipality, as long as they comply with the program operating

standards established by the Maine State Housing Authority by rule in accordance with the Maine Administrative Procedure Act.

The Maine State Housing Authority by rule shall provide, at a minimum, the following standards that apply to local program operators and administrators:

A. Standards that require generally acceptable accounting and bookkeeping procedures that meet the requirements of the Federal Government and the State Auditor;

B. Standards that prohibit conflicts of interest by local program operators and administrators. These standards must, at a minimum, meet the standards that apply to Legislators as defined in Title 1, section 1014;

C. Standards requiring the adherence of the local program operators to confidentiality with respect to program recipients;

D. Standards requiring local program operators and administrators to be available to the general public for a minimum specified period of time each week; and

E. Standards that ensure that qualified program recipients are expeditiously provided with assistance by the local program operator or administrator.

Any municipality that the Maine State Housing Authority finds to be in violation of the standards adopted by the Maine State Housing Authority pursuant to this section may be prohibited from acting as a local program operator or administrator of the fuel assistance program.

For the purpose of this section, "fuel assistance" means assistance paid to fuel vendors on behalf of an eligible household or directly to eligible tenants who pay heating costs as an undesignated portion of rent.

5. Fuel Assistance Reserve Fund. The authority shall use funds appropriated pursuant to this section to establish and capitalize the Fuel Assistance Reserve Fund.

A. The Maine State Housing Authority shall keep the Fuel Assistance Reserve Fund separate from all other funds managed by the Maine State Housing Authority and use the fund only under the conditions set forth in this section. The Maine State Housing Authority shall use the Fuel Assistance Reserve Fund to ensure that fuel assistance benefits for the State's eligible elderly and low-income residents are available prior to the beginning of the heating season.

2 B. The Maine State Housing Authority shall make available
4 to local program operators and municipal administrators of
6 the fuel assistance program, no later than October 1st of
 each year, funds sufficient to cover anticipated fuel
 assistance payments and program administrative costs for at
 least the months of October, November and December.

8
10 C. The Maine State Housing Authority's use of the fund is
 subject to the following conditions and limitations.

12 (1) If the Director of the Maine State Housing
14 Authority reasonably anticipates that federal fuel
16 assistance block grant funds are not available for
18 distribution to the local program operators and
20 municipal administrators by October 1st of each year,
22 the Maine State Housing Authority shall withdraw and
 distribute sufficient money from the fund as is
 necessary for the purposes set forth in this section.
 The Maine State Housing Authority may withdraw funds
 prior to October 1st, provided that those funds are
 used only for costs incurred on or after October 1st.

24 Money may not be withdrawn from the fund if sufficient
26 block grant funds are available to pay reasonably
28 anticipated fuel assistance program and administrative
 costs for the months of October, November and December.

30 (2) Money withdrawn from the fund must be sufficient
32 to cover anticipated fuel assistance payments and fuel
34 assistance program administrative costs for all local
 program operators and municipal administrators for the
 months of October, November and December.

36 (3) The Maine State Housing Authority may not withdraw
 money from the fund between October 1st and June 30th.

38 (4) The fund may not be used if the director knows, or
40 is reasonably certain, that no federal fuel assistance
 money will be received.

42 D. If money is withdrawn from the fund for the purposes of
44 this section, the Maine State Housing Authority shall ensure
 that the fund is fully recapitalized by June 30, 1991.

46 E. Authorization for the fund expires on June 30, 1991.
48 The Maine State Housing Authority shall ensure that the fund
50 is fully recapitalized and that all money in the fund is
 transferred to the General Fund no later than June 30, 1991.

52 F. Whoever knowingly uses, transfers, acquires or possesses
 fuel, provided through fuel assistance, in any manner not

2 authorized by this section or the rules adopted under this
3 section is guilty of a Class E crime.

4 **§4983. Confidentiality**

6 The information obtained in applications for block grant
7 funds is considered confidential pursuant to Title 5, section
8 13089-B.

10 **Sec. I-9. Report.** The Department of Human Services, Bureau of
11 Income Maintenance and the Maine State Housing Authority shall
12 jointly study alternatives to maximize the use of available
13 federal funds and any other funds to provide services for
14 low-income citizens. Their report must be submitted to the Joint
15 Standing Committee on Appropriations and Financial Affairs by
16 April 1, 1991.

18 **Sec. I-10. Grant administration.** Subject to federal approval,
19 special federal grant funds for the state coordinator of Head
20 Start services must be transferred from the former Division of
21 Community Services in the Executive Department to the Office of
22 Child Care Coordination in the Department of Human Services,
23 Bureau of Child and Family Services.

24 **Sec. I-11. Transition provisions.** The following provisions apply
25 to the reassignment of the duties and responsibilities of the
26 former Division of Community Services.

28
29 1. The Office of Community Development in the Department of
30 Economic and Community Development is the successor in every way
31 to the power, duties and functions of the former Division of
32 Community Services in the areas of community services and
33 community services block grant programs. The Department of
34 Agriculture, Food and Rural Resources is the successor in every
35 way to the power, duties and functions of the former Division of
36 Community Services in the area of food assistance. The Office of
37 Child Care Coordination in the Department of Human Services,
38 Bureau of Child and Family Services is the successor in every way
39 to the powers, duties and functions of the former Division of
40 Community Services in the areas of the Head Start program. The
41 Maine State Housing Authority is the successor in every way to
42 the powers, duties and functions of the former Division of
43 Community Services in the area of energy conservation and
44 low-income fuel assistance.

46 2. Notwithstanding the provisions of the Maine Revised
47 Statutes, Title 5, all accrued expenditures, assets, liabilities,
48 balances or appropriations, allocations, transfers, revenues or
49 other available funds in an account or subdivision of an account
50 of the former Division of Community Services must be transferred
51 to the proper accounts by the State Controller upon the request
52 of the State Budget Officer and with the approval of the Governor.

2 Special federal grant funds for the state coordinator of Head
3 Start services must be transferred from the former Division of
4 Community Services to the Office of Child Care Coordination in
5 the Department of Human Services, Bureau of Child and Family
6 Services.

8 3. All existing rules and procedures in effect, in
9 operation or adopted in or by the former Division of Community
10 Services or any of its administrative units or officers, are
11 hereby declared in effect and continue in effect until rescinded,
12 revised or amended by the proper authority.

14 4. All existing contracts, agreements and compacts
15 currently in effect in the former Division of Community Services
16 continue in effect.

18 5. Any authorized and allocated positions that are subject
19 to the personnel laws of the former Division of Community
20 Services may continue to be authorized, with the exception of the
21 following positions that are currently authorized as General Fund
22 positions: Director, Deputy Director, Assistant to the Director,
23 Field Examiner II, Auditor II, Business Manager II, Account Clerk
24 II, Receptionist and Evaluation Team Facilitator. The currently
25 authorized Secretary position in the General Fund and the
26 incumbent in that position are transferred to the Head Start
27 program in the Department of Human Services.

28 6. Authorized positions and incumbent personnel in
29 community services and community services block grant programs of
30 the former Division of Community Services are transferred to the
31 Department of Economic and Community Development, Office of
32 Community Development. Authorized positions and incumbent
33 personnel in food assistance programs of the former Division of
34 Community Services are transferred to the Department of
35 Agriculture, Food and Rural Resources. The following provisions
36 apply to any state personnel transferred to the Department of
37 Human Services, the Department of Economic and Community
38 Development and the Department of Agriculture, Food and Rural
39 Resources by the provisions in this Part.

42 A. The employees retain their accrued fringe benefits,
43 including vacation and sick leave, health and life insurance
44 and retirement benefits.

46 B. Employees who are members of collective bargaining units
47 on the effective date of this Part remain members in their
48 respective bargaining units and retain all rights,
49 privileges and benefits provided by their collective
50 bargaining agreements with respect to state service.

2 C. Employees who are members of the Maine State Retirement
System remain members of the Maine State Retirement System.

4 D. The Department of Administration, Bureau of Human
6 Resources shall assist with the orderly implementation of
these provisions.

8 7. Authorized positions and incumbent personnel in energy
10 conservation and fuel assistance programs of the former Division
of Community Services are transferred to the Maine State Housing
12 Authority and are subject to the provisions of this subsection.

14 A. Transferred employees may, at their option, remain state
16 employees as long as they remain continuously in their
current positions or in other positions which were
18 transferred from the former Division of Community Services
to the Maine State Housing Authority on the effective date
20 of this Part. Employees who do not remain state employees
become employees of the Maine State Housing Authority with
the rights and obligations of other employees of the Maine
22 State Housing Authority.

24 B. Transferred employees who remain state employees retain
their accrued fringe benefits associated with state
26 employment, including vacation and sick leave, and health
and life insurance, as long as they continue as state
28 employees.

30 C. Transferred employees who remain state employees and who
are members of collective bargaining units on the effective
32 date of this Part remain members in their respective
bargaining units and retain all rights, privileges and
34 benefits provided by their collective bargaining agreements
with respect to state service, as long as they remain state
36 employees.

38 D. Transferred employees who elect to remain state
employees remain members of the Maine State Retirement
40 System, as long as they remain state employees.

42 E. The Maine State Housing Authority shall reimburse the
State for all costs related to the transferred employees who
44 elect to remain state employees. The reimbursement includes
the employer's share of contributions to the Maine State
46 Retirement System for those employees.

48 F. Positions of transferred employees who remain state
employees are terminated when vacated by those employees,
50 unless filled by other transferred employees who elected to
remain state employees. Positions similar to those
52 terminated may be established within the Maine State Housing
Authority.

2 G. The Department of Administration, Bureau of Human
4 Resources shall assist with the orderly implementation of
these provisions.

6 8. All records, property and equipment previously belonging
8 to or allocated for the use of the former Division of Community
Services transfer to the program to which they were assigned. On
the effective date of this Part:

10 A. The records, property and equipment assigned to
12 community services and community services block grant
14 programs become part of the property of the Department of
Economic and Community Development, Office of Community
Development;

16 B. The records, property and equipment assigned to food
18 assistance programs become part of the property of the
Department of Agriculture, Food and Rural Resources;

20 C. The records, property and equipment assigned to the Head
22 Start program become part of the property of the Office of
Child Care Coordination in the Department of Human Services,
24 Bureau of Child and Family Services; and

26 D. The records, property and equipment assigned to
28 low-income fuel assistance and energy conservation programs
become part of the property of the Maine State Housing
Authority.

30 9. All existing forms, licenses, letterheads and similar
32 items bearing the name of or referring to the "Division of
Community Services" may be utilized by the Department of Economic
34 and Community Development, Office of Community Development; the
Department of Agriculture, Food and Rural Resources; the
36 Department of Human Services, Bureau of Child and Family
Services, Office of Child Care Coordination; and the Maine State
38 Housing Authority until existing supplies of those items are
exhausted.

40 **Sec. I-12. Unexpended funds.** Any balance of unexpended funds
42 appropriated from the General Fund in Account 010 07C 0052 04,
Administration - Community Services, lapses to the General Fund.
44 The unexpended balance of funds appropriated from the General
Fund for personal services in Account 010 07C 0545 04, Head
46 Start, lapses to the General Fund.

48 **Sec. I-13. Appropriation.** The following funds are appropriated
50 from the General Fund to carry out the purposes of this Part.

1990-91

2 EXECUTIVE DEPARTMENT

4 Administration - Community Services

6	Positions - Other Count	(-7.5)
	Personal Services	(\$40,000)
8	All Other	(15,000)
10	TOTAL	<hr/> (\$55,000)

12 Provides for the deappropriation of funds
14 from the abolishment of the Division of
16 Community Services. The layoff of the
18 following positions will result: one
20 Director position, one Deputy Director
22 position, one Assistant to the Director
24 position, one Field Examiner II position and
one Account Clerk II position. The vacant
Evaluation Team Facilitator position is also
eliminated. One Secretary position will be
transferred to the federal Head Start
program within the Department of Human
Services.

26 Head Start

28	Positions - Legislative Count	(-1.5)
	Personal Services	(\$5,800)
30	All Other	(1,500)
32	TOTAL	<hr/> (\$7,300)

34 Provides for the deappropriation of funds
36 due to the abolishment and layoff of the
38 Business Manager II position and funds
associated with a part-time position that
was never established.

40 EXECUTIVE DEPARTMENT
TOTAL

(\$62,300)

42 TOTAL APPROPRIATIONS - PART I

(\$62,300)

44
46 Sec. I-14. Allocation. The following funds are allocated from
Federal Expenditures to carry out the purposes of this Part.

48 1990-91

50 HUMAN SERVICES, DEPARTMENT OF

52 Head Start

2	Position - Other Count	(2.0)
	Personal Services	\$10,493
4	All Other	412
6	Provides funds for a Head Start Director	
	position and the transfer of a Secretary	
8	position from the General Fund in the former	
	Division of Community Services for the	
10	administration of the federal Head Start	
	program.	
12		
	DEPARTMENT OF HUMAN SERVICES	
14	TOTAL	<u>\$10,905</u>

16 **MAINE STATE HOUSING AUTHORITY**

18 **Energy Conservation**

20	All Other	\$2,230,162
22	Provides for the allocation of funds	
	associated with the transfer of the energy	
24	weatherization program from the Division of	
	Community Services to the Maine State	
26	Housing Authority.	

28	MAINE STATE HOUSING AUTHORITY	
	TOTAL	<u>\$2,230,162</u>

30	TOTAL ALLOCATIONS - PART I	<u>\$2,241,067</u>
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32 **Sec. I-15. Effective date.** Section I-5, which transfers food
 34 assistance programs to the Department of Agriculture, Food and
 Rural Resources, takes effect July 1, 1991. All other sections
 36 of this Part take effect April 1, 1991.

38 **PART J**

40 **Sec. J-1. 5 MRSA c.371, as amended, is repealed.**

42 **Sec. J-2. 5 MRSA §12004-J, sub-§6, as enacted by PL 1987, c.**
 786, §5, is repealed.

44 **Sec. J-3. 19 MRSA §770-B, sub-§1, as enacted by PL 1989, c.**
 46 862, §22, is amended to read:

48 **1. Composition.** The commission is composed of 12 11
 members appointed by the Governor.

50 **A.** The Governor shall name the chair from among the
 52 following appointed members:

- 2 (1) Two members who are representatives of the
statewide coalition of family crisis services;
4
6 (2) Two members who are representatives of the family
counseling profession, one of whom has experience
counseling abusers;
8
10 ~~(3) -- One member who is a representative of the Maine
Commission for Women;~~
12 (4) (3) Two members who are attorneys with experience
in domestic relations cases, one of whom has experience
14 representing victims of domestic abuse;
16 (5) (4) One person who was a victim of domestic abuse
and used the court system;
18
20 (6) (5) One member who is a district attorney or
assistant district attorney;
22 (7) (6) One member who is chief of a municipal police
department;
24
26 (8) (7) One member who is a county sheriff; and
28 (9) (8) The Commissioner of Public Safety or the
commissioner's designee.

30 B. In addition, the Chief Justice of the Supreme Judicial
32 Court is requested to appoint one person to serve the
commission in an advisory capacity.

34 **Sec. J-4. 22 MRSA §3774, sub-§1, ¶D,** as repealed and replaced
by PL 1985, c. 737, Pt. A, §57, is repealed.

36 **Sec. J-5. 26 MRSA §1002, sub-§9, first ¶,** as enacted by PL 1989,
38 c. 483, Pt. A, §44, is amended to read:

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

50 **Sec. J-6. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Part.

2

1990-91

4

MAINE COMMISSION FOR WOMEN

6

Maine Commission for Women

8

Positions - Legislative Count (-3.0)

Personal Services (\$8,640)

10

All Other (12,935)

12

Provides for the deappropriation of funds from

14

the elimination of 3

16

positions: one Executive

18

Director position, one

20

Assistant to the Executive

Director position and one

Clerk Typist II position.

22

MAINE COMMISSION FOR WOMEN

24

TOTAL (\$21,575)

26

Sec. J-7. Allocation. The following funds are allocated from Federal Expenditure funds to carry out the purposes of this Part.

28

1990-91

30

MAINE COMMISSION FOR WOMEN

32

Maine Commission for Women

34

All Other (\$2,000)

36

Provides for the deallocation

38

of funds due to the

40

elimination of the Maine

Commission for Women.

42

MAINE COMMISSION FOR WOMEN

44

TOTAL (\$2,000)

46

Sec. J-8. Effective date. This Part takes effect on March 1, 1991.

48

PART K

50

Sec. K-1. 25 MRSA §2399, 2nd ¶, as amended by PL 1987, c. 816, Pt. HH, §1, is further amended to read:

2 Every fire insurance company or association which that does
 4 business or collects premiums or assessments in the State shall
 6 pay to the State Tax Assessor, in addition to the taxes now
 8 imposed by law to be paid by those companies or associations, ~~95~~
 10 ~~of 1% 1.4%~~ of the gross direct premiums for fire risks written in
 12 the State, less the amount of all direct return premiums thereon
 14 and all dividends paid to policyholders on direct fire premiums.
 16 That tax shall must be paid as provided for insurance premium
 18 taxes as specified in Title 36, section 2521-A, except that the
 20 tax prescribed by this section shall must be paid on an estimated
 22 basis at the end of each quarter starting with the first quarter
 24 of 1983, with each installment equal to at least 25% of the
 26 estimated total tax to be paid for the current calendar year.
 28 The State Tax Assessor shall pay over all receipts from that tax
 30 to the Treasurer of State daily. Of these funds shall
 75.7% must be used to defray the expenses incurred by the
 Commissioner of Public Safety in administering all fire
 preventive and investigative laws, and rules and regulations and
 in educating the public in fire safety and are is appropriated
 for those purposes and to carry out the administration and duties
 of the Office of the State Fire Marshal. ~~In addition, 10.5% of~~
~~Of these funds shall also 24.3% must~~ be used to defray the
 expenses of the fire training and education program as
 established in Title 20-A, chapter 319. ~~An additional \$175,000~~
~~shall be allocated in state fiscal year 1988-89 to defray the~~
~~expenses of the fire training and education programs in the~~
~~State. If additional funds are needed in fiscal year 1989-90 and~~
~~thereafter, the State Fire Marshal shall make a recommendation to~~
~~the Legislature.~~

32 **Sec. K-2. Allocation.** The following funds are allocated from
 34 Other Special Revenue funds to carry out the purposes of this
 Part.

36 1990-91

38 **MAINE TECHNICAL COLLEGE SYSTEM,**
 40 **BOARD OF TRUSTEES OF THE**

42 **Maine Technical College System -**
Board of Trustees

44	All Other	\$277,000
46	Provides \$257,000 for the fire training and	
48	education program and \$20,000 for the	
50	firefighter training facilities grant	
52	program. The Department of Public Safety	
	and the Maine Technical College System shall	
	cooperate to achieve this level of funding	
	for the remainder of fiscal year 1990-91.	

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PART L

Sec. L-1. 22 MRSA §3104, sub-§11 is enacted to read:

11. Food stamp overpayment recovery. Any money recovered by the department as a result of the overpayment of food stamps must be deposited to the General Fund, including any money up to a maximum of \$81,475 recovered prior to the effective date of this subsection.

Sec. L-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1990-91

HUMAN SERVICES, DEPARTMENT OF

Administration - Income Maintenance

All Other \$81,475

Provides funds for general administrative costs associated with the food stamp program.

PART M

Sec. M-1. 5 MRSA §200-H is enacted to read:

§200-H. Division of Public Advocacy

The Attorney General shall appoint a deputy attorney general to act as the Public Advocate in charge of a Division of Public Advocacy. The Attorney General, through the Division of Public Advocacy or any other division, shall represent the interests of consumers and other persons, or particular groups of consumers or other persons, before state and federal agencies and in state and federal courts, including, but not limited to, the Public Utilities Commission as set forth in Title 35-A, chapter 17-A and the Superintendent of Insurance as set forth in Title 24-A, section 2363, subsection 9.

Sec. M-2. 35-A MRSA §116, sub-§8, as repealed and replaced by PL 1989, c. 875, Pt. E, §45, is repealed.

Sec. M-3. 35-A MRSA c. 17, as amended, is repealed.

Sec. M-4. 35-A MRSA c. 17-A is enacted to read:

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CHAPTER 17-A

ATTORNEY GENERAL

§1731. Powers and duties

The Attorney General, through the Division of Public Advocacy or any other division, in addition to other statutory or common law powers, shall represent the using and consuming public or any particular group of consumers in matters within the jurisdiction of the commission, including, but not limited to, the following.

1. Review and recommendation. The Attorney General may review, investigate and make appropriate recommendations to the commission with respect to:

A. The reasonableness of rates charged or proposed to be charged by a public utility;

B. The reasonableness and adequacy of the service furnished or proposed to be furnished by any public utility;

C. Any proposal by a public utility to reduce or abandon service to the public;

D. The issuance of certificates of public convenience and necessity. Recommendations may include alternative analyses and plans as necessary;

E. Terms and conditions of public utilities;

F. Mergers and consolidations of public utilities;

G. Contracts of public utilities with affiliates or subsidiaries; and

H. Securities, regulations and transactions of public utilities.

2. Intervention. The Attorney General may intervene in any proceedings before the commission related to the activities under subsection 1, when determined necessary by the Attorney General.

3. Petition to initiate proceedings. The Attorney General may petition the commission to initiate proceedings to review, investigate and take appropriate action with respect to the rates of service of any public utility when determined necessary by the Attorney General.

4. Public complaints. The Attorney General may investigate complaints affecting the using and consuming public generally, or

2 particular groups of consumers and, when appropriate, make
3 recommendations to the commission with respect to these
4 complaints.

5 5. Intervention on behalf of public. The Attorney General,
6 on behalf of the using and consuming public or any particular
7 group of consumers, may petition to initiate, or may intervene
8 and appear in, any proceedings before the commission, appeals
9 from orders of the commission or proceedings before state and
10 federal agencies and courts in which the subject matter of the
11 action affects the customers of any utility doing business in
12 this State, except that the Attorney General may not intervene in
13 any proceeding in which the commission staff is representing a
14 position substantially similar to that of the Attorney General,
15 as determined by the Attorney General.

16 6. Annual report. The Attorney General shall prepare and
17 submit an annual report of activities of the Attorney General
18 pursuant to this chapter to the Governor and to the joint
19 standing committee of the Legislature having jurisdiction over
20 public utilities matters by August 1st of each year, with copies
21 available to all Legislators on request.

22 7. Assist customers of consumer-owned electric utilities.
23 The Attorney General shall assist customers of consumer-owned
24 electric utilities in reviewing proposed rate increases and
25 preparing questions and testimony for public hearings and, on
26 request of a customer and when determined necessary by the
27 Attorney General, intervene in the proceedings conducted in
28 accordance with chapter 35.

29 §1732. Appeal from commission orders

30 The Attorney General has the same rights of appeal from
31 commission orders or decisions to which the Attorney General has
32 been a party as other parties to the commission proceedings.

33 §1733. Expert witnesses

34 The Attorney General may employ expert witnesses and pay
35 appropriate compensation and expenses to employ the witnesses.

36 §1734. Information from utilities

37 Utilities shall provide to the Attorney General copies of
38 all reports and other information required to be filed with or
39 that may be submitted to the commission, except to the extent
40 that this requirement is waived, in writing, by the Attorney
41 General. The Attorney General has the same right to request data
42 as an intervenor in a proceeding before the commission and, in
43 addition, may petition the commission for good cause shown to be
44

2 allowed such other information as may be necessary to carry out
3 the purposes of this chapter.

4 §1735. Attorney General regulatory assessment

6 Every utility subject to assessment under section 116 is
7 subject to additional annual assessments on its intrastate gross
8 operating revenues to produce \$383,000 in revenues for fiscal
9 year 1990-91 and in fiscal year 1991-92 and thereafter an amount
10 equal to 80% of the funds appropriated by the Legislature for
11 operating the Division of Public Advocacy for the preceding
12 year. The Attorney General shall determine the assessments
13 annually prior to May 1st and shall assess each utility for its
14 pro rata share. Each utility shall pay the assessment charged to
15 the utility on or before July 1st of each year. The revenues
16 produced under this section must be deposited with the Treasurer
17 of State as undedicated revenue to the General Fund. The
18 assessments charged to utilities under this section are deemed
19 just and reasonable operating costs for rate-making purposes.
20 The Attorney General shall develop a method of accounting for
21 staff time fulfilling duties required under this chapter.

22 This section is repealed on June 30, 1992.

24 **Sec. M-5. Transition.** The following provisions apply to any
26 state agency affected by the provisions of this Part and to the
27 transfer of the programs and personnel indicated in this Part.

28 1. Employees who are transferred by this Part are subject
30 to the following provisions.

32 A. The employees retain their accrued fringe benefits,
34 including vacation and sick leave, health and life insurance
and retirement benefits.

36 B. Employees who are members of collective bargaining units
38 on the effective date of this Part remain as members in
40 their respective bargaining units and retain all rights,
privileges and benefits provided by their collective
bargaining agreements with respect to state service.

42 C. Employees who are members of collective bargaining units
44 may remain as members of the Maine State Retirement System.

46 D. The Bureau of Human Resources shall assist the
48 Department of the Attorney General with the orderly
implementation of these provisions.

50 2. The Department of the Attorney General and any other
52 state agency affected by this Part shall determine the best
method of resolving any legal, fiscal, personnel or operational
conflict created as a result of this Part.

2 3. All rules and policies adopted by any agency affected by
3 this Part remain in full force and effect until rescinded or
4 amended by the Department of the Attorney General.

6 4. Notwithstanding the Maine Revised Statutes, Title 5,
7 sections 1583 and 1586, all accrued expenditures, assets,
8 liabilities, balances and appropriations or allocations,
9 transfers, revenues or other available funds in any account, and
10 any equipment and property of the Office of Public Advocate must
11 be transferred to the Department of the Attorney General.

12 **Sec. M-6. Revision clause.** Wherever in the Maine Revised
13 Statutes the words Public Advocate appear or reference is made to
14 those words, they are amended to read and mean Attorney General,
15 Division of Public Advocacy or other division, and the Revisor of
16 Statutes shall implement this revision when updating, publishing
17 or republishing the statutes.

18 **Sec. M-7. Appropriation.** The following funds are
19 appropriated from the General Fund to carry out the purposes of
20 this Part.

21 **1990-91**

22 **ATTORNEY GENERAL**

23 **Division of Public Advocacy**

24	Positions - Legislative Count	(7)
25	Personal Services	\$85,427
26	All Other	14,500
27		<hr/>
28	Total	\$99,927

29 Provides funds for the transfer of the
30 Office of Public Advocate to the Department
31 of the Attorney General effective April 1,
32 1991.

33 **EXECUTIVE DEPARTMENT**

34 **Public Advocate**

35	Positions - Legislative Count	(-7)
36	Personal Services	(\$85,427)
37	All Other	(14,500)
38		<hr/>
39	Total	(\$99,927)

40 Provides for the deappropriation of funds
41 effective April 1, 1991 from the transfer of

2 the Office of Public Advocate to the
Department of the Attorney General.

4
6 **TOTAL APPROPRIATIONS**

\$-0-

8 **Sec. M-8. Allocation.** The following funds are allocated from
Other Special Revenue to carry out the purposes of this Part.

10 **1990-91**

12 **ATTORNEY GENERAL**

14 **Division of Public Advocacy**

16 All Other \$10,000

18 Allocates funds to meet obligations of the
20 Office of Public Advocate.

22 **Sec. M-9. Effective date.** This Part takes effect on April 1,
24 1991.

26 **PART N**

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

30 **Sec. N-2. 22 MRSA §7241,** as enacted by PL 1989, c. 934, Pt.
32 B, §4, is amended to read:

34 **§7241. Office established**

36 There is created within the Department of Human Services the
Office of Alcohol and Drug Abuse Prevention. The office is
38 established to administer and oversee the operation of the
department's alcohol and drug abuse activities, ~~including those~~
40 ~~related to the abuse of alcohol by motor vehicle operators~~
pursuant to ~~subchapter I and excepting the State Employee~~
42 ~~Assistance Program established pursuant to chapter 254-A.~~ The
office shall operate in accordance with the provisions of Title
5, chapter 521 and the alcohol and drug abuse prevention and
44 treatment plan developed pursuant to Title 5, section 20009.

46 **Sec. N-3. 29 MRSA §1312-B, sub-§2, ¶D-1,** as amended by PL 1987,
48 c. 791, §19, is further amended to read:

50 D-1. In addition to the penalties provided under paragraphs
C and D, the court shall order the defendant to participate
in the alcohol and other drug education, evaluation and

2 treatment program for multiple offenders administered by the
3 Department of Human--Services Corrections, as defined in
4 Title 22 34-A, chapter 1602 11. The court may waive the
5 multiple offender intervention program under Title 22 34-A,
6 section 7203 11003, subsection 3 4, paragraph A, if the
7 court finds that the defendant has completed a residential
8 treatment program, or its equivalent, subsequent to the date
9 of the offense.

10 **Sec. N-4. 29 MRSA §1313-A, sub-§3, ¶¶A to C**, as enacted by PL
11 1985, c. 331, are amended to read:

12 A. Satisfactory completion of the Driver Education and
13 Evaluation Program of the Department of Human--Services
14 Corrections;

15 B. When required, satisfactory completion of a substance
16 abuse treatment program or rehabilitation program approved
17 or licensed by the Department of Human-Services Corrections;
18 and

19 C. When required, attendance for 2 years at an after-care
20 program approved by the Department of Human--Services
21 Corrections.

22 **Sec. N-5. 34-A MRSA c.11** is enacted to read:

23 **CHAPTER 11**

24 **DRIVER EDUCATION EVALUATION PROGRAMS**

25 **§11001. Definitions**

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

28 **1. Alcohol-related or drug-related motor vehicle incident.**
29 "Alcohol-related or drug-related motor vehicle incident" means a
30 conviction or administrative action resulting in the suspension
31 of a motor vehicle operator's license for a violation under Title
32 29, section 1311-A; 1312-B; former section 1312, subsection 10-A;
33 former section 1312-B; former section 1312-C; or section 2241-G,
34 subsection 2, paragraph B, subparagraph (2).

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

39 **3. Community-based service provider.** "Community-based
40 service provider" means a provider of either the treatment
41 component or the evaluation component, or both, of the alcohol
42 and drug treatment program.

2 and other drug education, evaluation and treatment program
3 certified under section 11005 or a program approved by the
4 Division of Driver Education Evaluation.

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

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

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

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

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

26 **§11002. Division of Driver Education Evaluation**

28 The Division of Driver Education Evaluation is established
29 and shall administer the alcohol and other drug education,
30 evaluation and treatment program, referred to in this chapter as
31 the Driver Education Evaluation Program, as provided in this
32 chapter. The division shall certify to the Secretary of State:

34 1. Completion of Driver Education Evaluation Program.
35 Those individuals who have satisfactorily completed the program
36 prescribed by section 11003; and

38 2. Completion of non-Driver Education Evaluation Program.
39 Those individuals who have satisfied the requirement for
40 completion of treatment as defined in section 11001 by means
41 other than the program prescribed by section 11003.

44 **§11003. Program components**

46 1. First offenders; adult. The alcohol and other drug
47 education, evaluation and treatment program required for clients
48 without a previous alcohol-related or drug-related motor vehicle
49 offense consists of education, assessment, evaluation and
50 treatment components. All first offender clients are required to
51 complete the education and assessment components unless otherwise
52 provided by this chapter. The evaluation and treatment

components may be required if necessary. The components are as follows:

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

B. The assessment component, using an assessment instrument, the client's driving record for the 6-year period prior to and ending with the most recent alcohol-related or drug-related motor vehicle incident and an interview designed to make a preliminary assessment regarding the extent of a client's alcohol or other drug use or abuse or potential for abuse. A client may be referred for further evaluation based on the results of the preliminary assessment;

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

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

2. Multiple offender program offered to first offenders.

If the department determines that a first offender must have an evaluation as described in subsection 1, paragraph C, the first offender may choose a private evaluation or participation in the multiple offender residential intervention program described in subsection 4, paragraph A.

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

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

B. The assessment component is designed to make a preliminary assessment regarding the extent of a client's alcohol or other drug use or abuse or potential for abuse.

2 A client may be referred for further evaluation based on the
3 results of the client's preliminary assessment.

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

10 D. The treatment component is designed to address the
11 client's specific problem with or abuse of alcohol or other
12 drugs.

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

18 A. A rigorous, highly structured, residential intervention
19 program, consisting of at least 22 hours, using films,
20 lectures, group discussion and individual sessions, designed
21 to educate the client on the effects of substance use, abuse
22 and addiction and an evaluation using assessment
23 instruments, data collection and self-assessment, designed
24 to create an acceptance and commitment by the client for
25 treatment; and

26 B. A treatment program provided by a community-based
27 service provider, if indicated, designed to address the
28 client's specific alcohol or other drug problem and abuse,
29 using a treatment plan based on the completion of treatment
30 guidelines adopted by the department.

32 The division may require completion of the first offender program
33 to satisfy the requirements of the multiple offender program if
34 an approved multiple offender program is unavailable for the
35 client. In such cases, the fee schedule for the first offender
36 program applies.

38 5. Multiple offenders under 21 years of age. Multiple
39 offenders under 21 years of age shall attend the alcohol and
40 other drug education, evaluation and treatment program for adult
41 multiple offenders under subsection 4.

44 **§11004. Separation of evaluation and treatment functions**

46 A Driver Education Evaluation Program private practitioner
47 or a counselor employed by a substance abuse facility approved or
48 licensed by the department providing services under this chapter
49 may not provide both treatment services and evaluation services
50 for the same individual participating in programs under this
51 chapter. The practitioner or counselor providing evaluation
52 services shall give a client the name of 3 practitioners or

2 counselors who can provide treatment services, at least one of
3 whom may not be employed by the same agency as the practitioner
4 or counselor conducting the evaluation.

6 **§11005. Certification; recertification**

7 All providers of the evaluation, intervention and treatment
8 components of the program must be certified by the department.
9 The certification period for individual providers is 3 years and
10 2 years for agencies. The department shall adopt rules requiring
11 continuing education for recertification.

12 **§11006. Fees**

13
14 1. First offender program. The department may charge a
15 registration fee, not to exceed \$105, to clients for the
16 education and assessment components of the program. This fee
17 must be transferred to the General Fund. The client is
18 responsible for the costs of the evaluation and treatment
19 components. The department may waive all or part of the fee for
20 clients who provide sufficient evidence of inability to pay.

21
22 2. Multiple offender program. The fees and costs for the
23 multiple offender program are as follows.

24
25 A. The department may charge a registration fee, not to
26 exceed \$350, to clients for the expenses of the intervention
27 program, including the initial evaluation. This fee must be
28 transferred to the General Fund.

29
30 B. The client is responsible for any costs associated with
31 2nd and subsequent evaluations or treatments that are not a
32 part of the cost in paragraph A.

33
34 C. The department may waive all or part of the fee for
35 clients who provide sufficient evidence of inability to pay.

36
37 D. This subsection applies to multiple offenders and first
38 offenders who choose to participate in the multiple offender
39 residential intervention program in accordance with section
40 11003.

41
42 **§11007. Report**

43
44 Beginning in 1992, the commissioner shall report annually by
45 February 1st to the joint standing committee of the Legislature
46 having jurisdiction over human resources matters regarding the
47 department's activities under this chapter. A copy of the report
48 must be sent to the Executive Director of the Legislative Council.

49
50 **Sec. N-6. Transition provisions.**

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

2. All positions not eliminated by this Part in the Department of Human Services, Division of Driver Education Evaluation are transferred to the Department of Corrections, Division of Driver Education Evaluation.

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

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

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

6. All unexpended balances in all accounts of the Department of Human Services, Division of Driver Education Evaluation are transferred to the Department of Corrections, Division of Driver Education Evaluation.

7. By January 1, 1992, the Commissioner of Corrections shall identify any conflicts or problems arising from the transition of the Division of Driver Education Evaluation to the Department of Corrections and shall submit any necessary corrective legislation to the Second Regular Session of the 115th Legislature.

Sec. N-7. Effective date. This Part takes effect April 1, 1991.

PART O

Sec. O-1. 5 MRS §1743-C is enacted to read:

§1743-C. Legislative approval of leases

No state department or agency may enter into a lease or rental contract for real property without the prior approval of the Legislature. All proposals for new leases or rental contracts or renewal of leases or rental contracts for real property that are in effect on the effective date of this section must be submitted to the Office of Fiscal and Program Review for

2 review by the joint standing committee of the Legislature having
4 jurisdiction over appropriations and financial affairs prior to
6 closure. The joint standing committee of the Legislature having
8 jurisdiction over appropriations and financial affairs shall
10 submit its recommendations to the Legislature for approval.

12 **Sec. O-2. Lease or rental contract.** Notwithstanding the Maine
14 Revised Statutes, Title 5, section 1743-C, the Maine Committee on
16 Aging, the Maine Commission on Mental Health, the Maine Health
18 Policy Advisory Council and the Maine Human Development
20 Commission may enter jointly into a single lease or rental
22 contract for the purpose of consolidating the office space of
24 these agencies and reducing the total cost of their leases.

26 Because insufficient funds are appropriated to continue the
28 4 separate leases so that these agencies must restrict their
administrative programs, the lease contracts of these agencies
must be terminated according to the provision of the respective
contracts. The Maine Committee on Aging, the Maine Commission on
Mental Health, the Maine Health Policy Advisory Council and the
Maine Human Development Commission shall report to the Joint
Standing Committee on Appropriations and Financial Affairs prior
to April 1, 1991 on a plan for reducing costs by consolidating
and sharing administrative tasks.

PART P

30 **Sec. P-1. 22 MRSA §3781, sub-§1,** as amended by PL 1989, c.
32 839, §3, is further amended to read:

34 **1. Administration.** The Additional Support for People in
36 Retraining and Education program is administered by the
Department of Human Services. ~~The Department of Human Services~~
38 ~~shall, consistent with the goals of the Additional Support for~~
40 ~~People in Retraining and Education program, contract with the~~
42 ~~Department of Labor to implement this program. The department~~
44 ~~may also contract with other public agencies, as well as private~~
agencies and individuals, to implement this program in selected
areas of the State. ~~The department may not contract for the~~
delivery of the program in its entirety in any area of the State
that was not under contract on March 1, 1990. ~~Contracts entered~~
into under this subsection may not exceed one year in duration.

46 ~~If the department contracts for the provision of program services~~
48 ~~under this subsection, it shall monitor each contract agency at~~
least annually to ensure compliance with sections 3786 and 3788
and to ensure compliance with the contracts entered into by the
parties. ~~The department shall adopt rules in accordance with the~~
Maine ~~Administrative Procedure Act by which satisfactory~~
50 ~~performance is measured. The rules must identify the~~

2 ~~circumstances---under---which---sanctions,---including---contract~~
3 ~~suspension,-reduction-or-termination-are-applied.~~

4 Sec. P-2. 22 MRSA §3781, sub-§3, as amended by PL 1989, c.
5 501, Pt. Y, §2, is further amended to read:

6
7 3. Employability plan. The To the extent that sufficient
8 funds are reasonably available, the department and the elient
9 participant shall enter into an employability plan to embody the
10 goals of the elient participant and the services and support of
11 agencies' services offered by the program.

12
13 Sec. P-3. 22 MRSA §3782, as amended by PL 1989, c. 501, Pt.
14 Y, §3, is repealed.

15 Sec. P-4. 22 MRSA §3782-A is enacted to read:

16
17 §3782-A. Program

18
19 1. Case management services. The department may provide
20 case management services, including the determination of
21 eligibility for and the provision of support services directly to
22 Additional Support for People in Retraining and Education program
23 participants. For the purposes of this subsection, "support
24 services" includes all support services for which Additional
25 Support for People in Retraining and Education program
26 participants are eligible, including those services directly
27 related to education or training, such as tuition, fees, books,
28 uniforms, tools and other related services.

29
30 2. Purchase of services. The department may contract with
31 the Department of Labor's Maine Job Training System to provide to
32 participants referred by the department, job counseling, job
33 placement, job development, structured group job-seeking services
34 and other employment and training services necessary to meet the
35 participant's employment goals.

36
37 The department may also contract with other public and private
38 agencies and individuals to deliver these employment and training
39 services and other specified services for program participants
40 consistent with the purposes of the Additional Support for People
41 in Retraining and Education program.

42
43 Additional Support for People in Retraining and Education program
44 funds may not be used to purchase services from an agency under
45 this subsection that are available on a nonreimbursable basis, if
46 those nonreimbursable services meet the needs of the participant.

47
48 3. Monitoring of contract agencies. If the department
49 contracts for the provision of program services under this
50 section, it shall monitor each contract agency at least annually
51 to ensure compliance with sections 3786 and 3788, to ensure
52

2 compliance with the contracts entered into by the parties and to
3 ensure that quality services are provided to or for Additional
4 Support for People in Retraining and Education program
5 participants. The department shall adopt rules in accordance
6 with the Maine Administrative Procedure Act by which satisfactory
7 performance is measured. The rules must identify the
8 circumstances under which sanctions, including contract
9 suspension, reduction or termination, are applied.

10 4. Rural access. The department shall adopt rules in
11 accordance with the Maine Administrative Procedure Act to provide
12 access to Additional Support for People in Retraining and
13 Education program services for recipients of Aid to Families with
14 Dependent Children living in rural areas. Services must be
15 provided on an equitable basis throughout the State. Access to
16 these services may be reasonably limited by the department due to
17 factors such as availability of staff and funding. The rules
18 adopted by the department must include, in addition to other
19 methods necessary to achieve this goal, adequate provisions for
20 itinerant service stationing.

22 **Sec. P-5. 22 MRSA §3786, last ¶,** as enacted by PL 1987, c. 856,
23 **§7,** is amended to read:

24
25 Rules governing services provided under this chapter shall
26 apply equally to all participating Aid to Families with Dependent
27 Children recipients, whether those services are provided by the
28 Department of Human Services or, the Department of Labor or any
29 other agency, organization or individual providing services to
30 Additional Support for People in Retraining and Education program
31 participants.

32
33 **Sec. P-6. Legislative intent.** It is the intent of the
34 Legislature that Additional Support for People in Retraining and
35 Education program services continue to all current program
36 participants in order to minimize disruption of participants'
37 ongoing education and training plans. The department shall adopt
38 rules to reduce services equitably, consistent with the intent of
39 this provision, in the event that there are insufficient funds to
40 continue all current participants in their education and training
41 programs through September 30, 1991.

42
43 Any reduction in program services may only be made pursuant
44 to reasonable projections of estimated necessary expenditures for
45 all persons currently enrolled in the program.

46
47 This section is repealed September 30, 1991, and any rules
48 or action implementing this section must terminate on September
49 30, 1991.

50

2
PART Q

4 Sec. Q-1. 22 MRSA §14, sub-§1, as repealed and replaced by PL
1989, c. 778, §1, is amended to read:

6
8 1. **Recovery procedures.** When benefits are provided or will
be provided to a beneficiary under the Medicaid program
administered by the department pursuant to the United States
10 Social Security Act, Title XIX, or under the Maine Health
12 Program, section 3189, for the medical costs of injury, disease,
disability or similar occurrence for which a 3rd party is, or may
be, liable, the commissioner ~~shall have the right to~~ may recover
14 from that party the reasonable value of the benefits provided.
The Medicaid program ~~is~~ and Maine Health Program are the payee
16 payors of last resort and should provide medical coverage only
when there are no other available resources. The Attorney
18 General, or counsel for any fiscal intermediary with the
permission of the Attorney General, may, to enforce this right,
20 institute and prosecute legal proceedings against the 3rd party
or, pursuant to this subsection, against the recipient, in the
22 appropriate court, either in the name of the commissioner or in
the name of the injured person, beneficiary, guardian, personal
24 representative, estate or survivor.

26 If a recipient of medical assistance receives a settlement or
award from a 3rd party, the settlement or award is subject to
28 disbursement as provided in subsection 2-F.

30 The commissioner may compromise, or settle and execute a release
of, any claim or waive any claim, in whole or in part, if the
32 commissioner determines the collection will not be cost-effective.

34 In any case in which 3rd-party liability is found under this
section, the commissioner shall be subrogated to the rights of
36 the individual for whom medical assistance was made available.

38 Sec. Q-2. 22 MRSA §14, sub-§2-A, as enacted by PL 1981, c. 24,
§2, is amended to read:

40
42 2-A. **Assignment of rights of recovery.** The receipt of
benefits under the Medicaid program administered by the
department pursuant to the ~~Federal~~ United States Social Security
44 Act, Title XIX, ~~shall constitute~~ or under the Maine Health
46 Program, section 3189, constitutes an assignment by the recipient
or any legally liable relative to the department of the right to
48 recover from ~~third~~ 3rd parties for the medical cost of injury,
disease, disability or similar occurrence for which the recipient
receives medical benefits. The department's assigned right to
50 recover ~~shall be~~ is limited to the amount of medical benefits
received by the recipient and ~~shall~~ does not operate as a waiver
52 by the recipient of any other right of recovery against a ~~third~~
3rd party ~~which~~ that a recipient may have.

2 The recipient shall is also be deemed to have appointed the
3 commissioner as his the recipient's attorney in fact to perform
4 the specific act of submitting claims to insurance carriers or
5 endorsing over to the department any and all drafts, checks,
6 money orders or any other negotiable instruments connected with
7 the payment of ~~third-party~~ 3rd-party medical claims.

8 **Sec. Q-3. 22 MRSA §14, sub-§§2-B and 2-C,** as enacted by PL
9 1987, c. 203, are amended to read:

10 **2-B. Direct reimbursement to health care provider.** When an
11 insured is eligible under the Medicaid program administered by
12 the Department of Human Services, pursuant to the United States
13 Social Security Act, Title XIX, or under the Maine Health
14 Program, section 3189, for the medical costs or injury, disease,
15 disability or similar occurrence for which an insurer is liable,
16 and the insured's claim is payable to a health care provider as
17 provided or permitted by the terms of a health insurance policy
18 or pursuant to an assignment of rights by an insured, the insurer
19 shall directly reimburse the health care provider to the extent
20 that the claim is honored.

21 **2-C. Direct reimbursement to the Department of Human**
22 **Services.** When an insured is eligible under the Medicaid program
23 administered by the Department of Human Services, pursuant to the
24 United States Social Security Act, Title XIX, or under the Maine
25 Health Program, section 3189, for the medical costs of injury,
26 disease, disability or similar occurrence for which an insurer is
27 liable, and the claim is not payable to a health care provider
28 under the terms of the health insurance policy, the insurer shall
29 directly reimburse the Department of Human Services, upon
30 request, for any medical services paid by the department on
31 behalf of a Medicaid or Maine Health Program recipient to the
32 extent that those medical services are ~~payable~~ under the terms of
33 the health insurance policy.

34 **Sec. Q-4. 22 MRSA §14, sub-§§2-D and 2-E,** as enacted by PL
35 1987, c. 621, are amended to read:

36 **2-D. Notification of claim.** A Medicaid or Maine Health
37 Program recipient, or any attorney representing a Medicaid or
38 Maine Health Program recipient, who makes a claim to recover the
39 medical cost of injury, disease, disability or similar occurrence
40 for which the party received medical benefits under the Medicaid
41 program, pursuant to the United States Social Security Act, Title
42 XIX, or the Maine Health Program, section 3189, shall advise the
43 department in writing with information as required by the
44 department of the existence of the claim.

45 **2-E. Notification of pleading.** In any action to recover
46 the medical cost of injury, disease, disability or similar
47 occurrence for which the party received medical benefits under
48

2 the Medicaid program or Maine Health Program, the party bringing
the action shall notify the department of that action at least 10
4 days prior to filing the pleadings. Department records
indicating medical benefits paid by the department on behalf of
6 the recipient shall-be are prima facie evidence of the medical
expenses incurred by the recipient for the related medical
services.

8
10 **Sec. Q-5. 22 MRSA §14, sub-§2-G**, as enacted by PL 1989, c.
397, §2, is amended to read:

12 **2-G. Claims against estates of certain Medicaid**
14 **recipients.** The Department of Human Services shall have a claim
against the estate of a Medicaid or Maine Health Program
16 recipient where when, subsequent to the death of the recipient:

18 A. Property or other assets are discovered which that
existed and were owned by the recipient during the period
20 when Medicaid or Maine Health Program benefits were paid to
the recipient; and

22 B. Disclosure of that property or assets at the time
24 benefits were being paid would have rendered the recipient
ineligible to receive the benefits.

26 The amount of Medicaid or Maine Health Program benefits paid and
28 recoverable under this section shall must be a claim against the
estate of the deceased recipient pursuant to the Probate Code,
Title 18-A, Article III, Part 8.

30
32 **Sec. Q-6. 22 MRSA §14, sub-§3**, as amended by PL 1989, c. 778,
§3, is further amended to read:

34 **3. Definitions.** For purposes of this section, "3rd party"
36 means any entity including, but not limited to, an insurance
carrier which that may be liable under a contract to provide
38 health, automobile, workers' compensation or other insurance
coverage that is or may be liable to pay all or part of the
40 medical cost of injury, disease, disability or similar occurrence
of an applicant or recipient of Medicaid or Maine Health Program
benefits.

42
44 **Sec. Q-7. 22 MRSA §396-G, sub-§5** is enacted to read:

46 **5. Differentials; Maine Health Program.** The commission
shall provide that any differential determined pursuant to this
48 section for the Maine Health Program applies to charges incurred
by the Maine Health Program from October 1, 1990.

50 **Sec. Q-8. 22 MRSA §3189, sub-§5, ¶G**, as enacted by PL 1989, c.
52 588, Pt. A, §43, is amended to read:

2 G. Notwithstanding subsection 3, if at any time during the
4 fiscal year the department determines that the funds
6 available for the program are inadequate to continue the
8 program pursuant to the requirements of subsection 3, the
10 department, in accordance with this subsection and
12 subsection 9, may take action to limit the program for the
14 full or partial fiscal year for which the department
16 determines funding is inadequate. The priority of making
18 reductions shall-be is as follows:

20 (1) With regard to new applicants only, the income
22 limit for persons aged 18 or older may be reduced to
24 such lower percentage of federal poverty level as the
26 department determines appropriate;

28 (2) With regard to new applicants only, the income
30 limits for all otherwise eligible persons may be
32 reduced to such lower percentages of the federal
34 poverty level as the department determines appropriate;

36 (3) With regard to all otherwise eligible persons, the
38 department may restrict the scope and amount of medical
40 assistance to be provided;

42 (4) With regard to new applicants only, no persons
44 aged 18 or older may be found eligible for the program;
46 and

48 (5) No new applicants may be found eligible for the
50 program. For the purposes of this paragraph, an
52 individual who has been enrolled in the Maine Health
Program and who is required to recertify eligibility or
an individual who has been enrolled in the Maine Health
Program and is for a period of time eligible for
Medicaid is not a new applicant to the Maine Health
Program.

Sixty days prior to the effective date of any proposed
reduction of benefits or eligibility recommended pursuant to
this paragraph, the department shall provide copies of the
proposed rule together with a concise statement of the
principal reason for the rule, including the balance
remaining in the account for the program, an analysis of the
proposed rule and the savings anticipated by the adoption of
the proposed rule to the Governor and to each member of the
joint standing committee of the Legislature having
jurisdiction over insurance matters and appropriations
matters.

Sec. Q-9. 22 MRSA §3189, sub-§5, ¶H, as enacted by PL 1989, c.
588, Pt. A, §43, is repealed and the following enacted in its
place:

2 H. The department shall maximize the use of federal funds
4 in order to minimize expenditures under the Maine Health
6 Program. Any person eligible for benefits under Medicaid or
8 the United States Family Support Act of 1988, Public Law
10 100-482 is ineligible to receive those benefits under the
12 program. To maximize the use of federal funds, the
14 department shall take all reasonable and necessary steps to
16 apply for and seek federal Medicaid and other demonstration
18 grants for children and adults, including, but not limited
20 to, the grant programs pursuant to United States Public Law
22 101-508, Sections 4745 and 4747, adopt Medicaid options and
24 adopt less restrictive income and resource methodologies for
26 medically needy applicants in the Medicaid program.
28 Reasonable and necessary steps include the pursuit of
30 administrative and judicial appeals that have a reasonable
32 basis in law and fact.

24 **Sec. Q-10. Retroactivity.** That section of this Part that
26 enacts the Maine Revised Statutes, Title 22, section 396-G,
28 subsection 5, is retroactive to October 1, 1990.
30

PART R

24 **Sec. R-1. P&SL 1979, c. 53, §5** is amended to read:

26 **Sec. 5. Appropriation balances at year-end.** At the end of each
28 fiscal year, all unencumbered appropriation balances representing
30 state moneys shall money carry forward from year to year, except
32 that the unexpended balance of \$115,000 to acquire railroad
34 right-of-way for the Eastport and Bingham branches must be
36 deposited in the debt service account established for the
38 retirement of these bonds by April 1, 1991 if the Department of
40 Transportation has not concluded negotiations for the acquisition
42 of the railroad right-of-way by that date.

38 **Sec. R-2. P&SL 1979, c. 106, §3, last sentence** is amended to read:

40 Any unencumbered balances remaining at the completion of the
42 projects in section 6 shall must lapse to the debt service
44 account established for the retirement of these bonds by April 1,
46 1991.

44 **Sec. R-3. Aid to families with dependent children payrolls.** The
46 Department of Finance, Bureau of Accounts and Control, the
48 Department of Human Services and the Treasurer of State shall
50 take corrective actions to prohibit charging payrolls of aid to
families with dependent children to General Fund prepaid expense
and subsequently journaling those expenditures to the Federal
Expenditures fund. This practice has decreased the

2 average daily cash balance in the General Fund and, therefore,
3 decreased interest earnings to the General Fund. The Treasurer
4 of State shall prepare appropriate journal entries before June
5 30, 1991 so that \$58,614 is credited to the General Fund to
6 correct cumulative incorrect earning distributions to date.

7 **Sec. R-4. Appropriation.** The following funds are appropriated
8 from the General Fund for the fiscal year ending June 30, 1991 to
9 carry out the purposes of this Part.

10 **1990-91**

11 **TREASURER, OFFICE OF**

12 **Debt Service - Treasury**

13 All Other (\$181,627)

14 Provides for the deappropriation of funds in
15 conjunction with the authority to transfer
16 an additional \$181,627 in fiscal year
17 1990-91 from the General Fund Debt Service
18 Account set up for the retirement of bonds
19 and notes authorized under the Maine Revised
20 Statutes, Title 5, section 151-A which will
21 provide sufficient funds to cover the
22 projected debt service requirement.

23 **PART S**

24 **Sec. S-1. 20-A MRSA §1311, sub-§1, ¶A,** as amended by PL 1983,
25 c. 422, §5, is further amended to read:

26 A. Current operating expenses of the district if the loans
27 are repaid within ~~one--year~~ 13 months of the date of
28 borrowing and are limited to an amount reasonably required
29 for current operating expenses;

30 **Sec. S-2. 20-A MRSA §1702, sub-§1, ¶A,** as enacted by PL 1981,
31 c. 693, §§5 and 8, is amended to read:

32 A. Current operational expenditures of the community school
33 district in an amount not to exceed the gross budget
34 approved by the voters at the annual meeting. These
35 borrowed funds shall must be repaid within ~~the same~~ a month
36 of the end of the fiscal year; and

37 **Sec. S-3. 20-A MRSA §15005, sub-§1,** as enacted by PL 1981, c.
38 693, §§5 and 8, is amended to read:

1. **Apportionments.** Apportionments to school administrative units and private schools, unless specifically directed by statute, shall must be made annually commencing in July in the following manner. An amount not to exceed 1/12 of the subsidy shall must be paid each month no later than the last day of the month. Any balance shall must be paid ~~in the last month of the annual period~~ within 7 days after the end of the fiscal year, providing that if the balance of state subsidy for a fiscal year is to be paid after the end of that fiscal year, the final payment may be recorded as an account receivable due from the State in that fiscal year.

Sec. S-4. 30-A MRS §5771, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. **When paid.** The tax anticipation notes shall must be paid ~~in~~ within one month after the end of the municipal year in which they were made, except during a transition to a new municipal year the notes shall must be paid within 18 months of the first day of the municipal year in which they were made. The notes issued in anticipation of taxes shall must be paid out of money raised by taxation. The notes issued in anticipation of revenue-sharing money shall must be paid out of money received as a result of revenue sharing.

Sec. S-5. 30-A MRS §5773, sub-§3, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

3. **Funds for educational purposes.** The municipal officers of any municipality may borrow in anticipation of any funds or reimbursements that the Legislature has authorized to be paid to municipalities for educational purposes during the municipal year within one month thereafter. The notes shall must be paid from those funds received for educational purposes from state agencies during the municipal year within one month thereafter.

Sec. S-6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1990-91

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools

All Other (\$44,254,647)

Deappropriates funds no longer required as a result of the shifting of the payment for

2 the June 1991 monthly subsidies until after
July 1, 1991 but no later than July 7, 1991.

4 **Teachers' Retirement**

6 All Other (\$49,100,000)

8 Deappropriates funds no longer required as a
10 result of the transfer of surpluses in the
Disability Retirement Benefit Fund,
12 Survivors' Benefit Fund and Accidental Death
Fund to the Retirement Allowance Fund as
14 authorized by the Board of Trustees of the
Maine State Retirement System.

16 **General Purpose Aid for Local Schools**

18 All Other \$877,000

20 Provides funds to local school units to
22 offset the interest income lost due to the
delay in paying school subsidies. The
Department of Education shall distribute
24 these funds to local school units based on
the ratio of the annual amount of each
26 school unit's subsidy for fiscal year
1990-91 to the total annual amount of school
28 subsidies to be paid in the State for fiscal
year 1990-91.

30
32 **DEPARTMENT OF EDUCATION**
TOTAL

(\$92,477,647)

34 **FINANCE, DEPARTMENT OF**

36 **Low-income Tax Relief**

38 All Other (\$150,000)

40 Provides for the deappropriation of funds
42 from allotment reserve balances to December
31, 1990 due to an anticipated surplus.

44 **DEPARTMENT OF FINANCE**
TOTAL

(\$150,000)

46
48 **HUMAN SERVICES, DEPARTMENT OF**

Cystic Fibrosis - Treatment of

50 All Other (\$5,000)

52

2	Provides for the deappropriation of funds	
4	from allotment reserve balances to December	
	31, 1990 due to funds exceeding program	
	requirements for fiscal year 1990-91.	
6	Health Care Benefits for Uninsured	
	Individuals	
8		
	All Other	(\$36,230)
10		
	Provides for the deappropriation of funds	
12	from allotment reserve balances to December	
	31, 1990 due to funds exceeding program	
14	requirements for fiscal year 1990-91.	
16	Social Services - Regional	
18		
	Capital Expenditures	(\$55,083)
20		
	Provides for the deappropriation of funds	
22	from allotment reserve balances to December	
	31, 1990 due to funds exceeding program	
24	requirements for fiscal year 1990-91.	
	Income Maintenance - Regional	
26		
	All Other	(\$110,000)
28		
	Provides for the deappropriation of funds	
30	from allotment reserve balances to December	
	31, 1990 due to funds exceeding program	
32	requirements for fiscal year 1990-91.	
34	DEPARTMENT OF HUMAN SERVICES	
	TOTAL	<u>(\$206,313)</u>
36	JUDICIAL DEPARTMENT	
38		
	Courts - Supreme, Superior, District and	
40	Administrative	
42		
	Personal Services	(\$14,331)
44		
	Provides for the deappropriation of funds	
46	from allotment reserve balances to December	
	31, 1990 due to funds exceeding program	
48	requirements for fiscal year 1990-91.	
	JUDICIAL DEPARTMENT	
50	TOTAL	<u>(\$14,331)</u>
52	SECTION S-6	<u></u>

2	TOTAL APPROPRIATIONS	(\$92,848,291)
4	Sec. S-7. Allocation; Federal Expenditures. The following funds	
6	are allocated from Federal Expenditures to carry out the purposes	
	of this Part.	
8		1990-91
10	SECRETARY OF STATE, DEPARTMENT OF THE	
12	Administration - Archives	
14	Personal Services	\$9,796
	All Other	1,500
16		
18	Provides funds for a one-year Planning and	
	Research Associate II project position to	
20	develop a statewide records and cultural	
	preservation plan for the State.	
22	DEPARTMENT OF THE SECRETARY OF STATE	
	TOTAL	<u>\$11,296</u>
24		
26	SECTION S-7	
	TOTAL ALLOCATIONS	<u>\$11,296</u>
28	Sec. S-8. Allocation; Other Special Revenue. The following funds	
30	are allocated from Other Special Revenue to carry out the	
	purposes of this Part.	
32		1990-91
34	CONSERVATION, DEPARTMENT OF	
36	Maine Land Use Regulation Commission	
38	Positions - Other Count	(0.5)
	Personal Services	\$8,775
40	All Other	2,783
42		
44	Provides funds for one half-time	
	Environmental Specialist II position to	
46	monitor best management practices to reduce	
	nonpoint source pollution in the State's	
	forest.	
48	DEPARTMENT OF CONSERVATION	
	TOTAL	<u>\$11,558</u>
50		
52	JUDICIAL DEPARTMENT	

2	Judicial - Augusta Mental Health Institute Decree	
4	Positions - Other Count	(1.0)
6	Personal Services	\$22,767
8	Provides funds for the Master of Augusta Mental Health Institute position to June 30, 1991.	
10		
12	JUDICIAL DEPARTMENT TOTAL	<hr/> \$22,767
14	LABOR, DEPARTMENT OF	
16	Curriculum Workshops and Training	
18	Capital Expenditures	\$10,022
20	Provides funds for audio and visual equipment for presentations.	
22		
24	Safety Education and Training Programs	
26	Capital Expenditures	\$10,550
28	Provides funds for audio and visual equipment to assist training personnel.	
30	DEPARTMENT OF LABOR TOTAL	<hr/> \$20,572
32		
34	SECTION S-8 TOTAL ALLOCATIONS	<hr/> \$54,897
36	Sec. S-9. Allocation; Federal Block Grant funds. The following funds are allocated from Federal Block Grant funds to carry out the purposes of this Part.	
38		
40		1990-91
42	ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF	
44	Community Services	
46	All Other	\$475,681
48	Provides funds for overall community action agency operations and to enhance and assist other programs as needed.	
50		
52		

2 DEPARTMENT OF ECONOMIC AND COMMUNITY
3 DEVELOPMENT
4 TOTAL

\$475,681

6 SECTION S-9
7 TOTAL ALLOCATIONS

\$475,681

8
9
10 PART T

11 Sec. T-1. 2 MRSA §6, sub-§1, as amended by PL 1989, c. 700,
12 Pt. A, §8, is further amended to read:

13 1. Range 91. The salaries of the following state officials
14 and employees shall-be are within salary range 91:

15 Commissioner of Transportation;

16 Commissioner of Conservation;

17 Commissioner of Finance;

18 Commissioner of Administration;

19 Commissioner of Education;

20 Commissioner of Environmental Protection;

21 Commissioner of Human Services;

22 Commissioner of Mental Health and Mental Retardation;

23 Commissioner of Public Safety;

24 Commissioner of Professional and Financial Regulation;

25 Commissioner of Labor;

26 Commissioner of Agriculture, Food and Rural Resources;

27 Commissioner of Inland Fisheries and Wildlife;

28 Commissioner of Marine Resources; and

29 Commissioner of Corrections; and

30 ~~Commissioner of Economic and Community Development.~~

31 Sec. T-2. Effective date. Section T-1 of this Act takes effect
32 March 31, 1991.

33 Sec. T-3. 2 MRSA §6, sub-§1, as amended, is repealed.

2 **Sec. T-4. 2 MRSA §6, sub-§1-A** is enacted to read:

4 1-A. Range 91. The salaries of the following state
6 officials and employees are within salary range 91:

8 Commissioner of Transportation;

10 Commissioner of Conservation;

12 Commissioner of Finance;

14 Commissioner of Administration;

16 Commissioner of Education;

18 Commissioner of Environmental Protection;

20 Commissioner of Human Services;

22 Commissioner of Mental Health and Mental Retardation;

24 Commissioner of Public Safety;

26 Commissioner of Professional and Financial Regulation;

28 Commissioner of Labor;

30 Commissioner of Agriculture, Food and Rural Resources;

32 Commissioner of Inland Fisheries and Wildlife;

34 Commissioner of Marine Resources;

36 Commissioner of Corrections; and

38 Commissioner of Economic and Community Development.

40 **Sec. T-5. Effective date.** Sections T-3 and T-4 take effect
42 April 1, 1991.

44 **Sec. T-6. 2 MRSA §6, sub-§3,** as repealed and replaced by PL
46 1989, c. 878, Pt. A, §4, is amended to read:

48 **3. Range 89.** The salaries of the following state
50 officials and employees shall-be are within salary range 89:

52 Director of Public Improvements;

 State Budget Officer;

 State Controller;

2 Director of the Bureau of Forestry;
4 Chief of the State Police;
6 ~~Director, State Planning Office;~~
8 Director, Energy Resources Office;
10 Public Advocate;
12 Commissioner of Defense and Veterans' Services;
14 Director of Human Resources;
16 Director, Bureau of Mental Retardation;
18 Director, Bureau of Children with Special Needs; and
20 Director, Bureau of Mental Health.

22 **Sec. T-7. 3 MRSA §927, sub-§2, ¶B,** as amended by PL 1989, c.
24 857, §10, is further amended to read:

26 B. Independent agencies:

- 28 (1) Maine Blueberry Commission;
30 (2) Blueberry Advisory Committee;
32 (3) Seed Potato Board;
34 (4) Maine Milk Commission;
36 (5) State Harness Racing Commission;
38 (6) Maine Agricultural Bargaining Board;
40 (7) State Board of Veterinary Medicine;
42 (8) Maine Dairy and Nutrition Council;
44 (9) Board of Pesticides Control;
46 ~~(10) State Planning Office;~~
48 ~~(11)~~ (10) State Lottery Commission;
50 ~~(12)~~ (11) Maine Dairy Promotions Board;
52 ~~(13)~~ (12) Maine High-Risk Insurance Organization;

- 2 ~~(14)~~ (13) State Board of Property Tax Review;
- 4 ~~(15)~~ (14) Maine Technical College System;
- 6 ~~(16)~~--Maine-Commissioner-for-Women;
- 8 ~~(17)~~ (15) Maine Human Rights Commission;
- 10 ~~(18)~~ (16) State Liquor Commission;
- 12 ~~(19)~~ (17) Capitol Planning Commission; and
- 14 ~~(20)~~ (18) Educational Leave Advisory Board.

16 **Sec. T-8. 5 MRSA cc. 311 and 312**, as amended, are repealed.

18 **Sec. T-9. 5 MRSA §6302**, as enacted by PL 1989, c. 571, Pt. B, §2, is amended to read:

20 **§6302. Board membership; chair**

22 The board shall--have consists of the following 16 15
24 members: the ~~Director--of--the--State--Planning--Office--or--the~~
26 ~~director's designee;~~ the Chair of the Public Utilities Commission
28 or the chair's designee; the Commissioner of Environmental
30 Protection or the commissioner's designee; the Commissioner of
32 Human Services or the commissioner's designee; the Commissioner
34 of Conservation or the commissioner's designee; the Commissioner
36 of Economic and Community Development or the commissioner's
38 designee; the Commissioner of Agriculture, Food and Rural
40 Resources or the commissioner's designee; the Commissioner of
42 Inland Fisheries and Wildlife or the commissioner's designee; a
44 representative, appointed by the Governor, of a water utility
46 regulated by the Public Utilities Commission; a representative,
48 appointed by the Governor, of a municipal government; a
representative, appointed by the Governor, of a commercial user
of water; a representative, appointed by the Governor, of an
industrial user of water; a representative, appointed by the
Governor, of recreational users; a representative, appointed by
the Governor, of a hydropower producer; a representative,
appointed by the Governor, of a natural resources advocacy
organization; and a member of the public appointed by the
Governor. The chair of the board shall-be is the State-Planning
Office Department of Economic and Community Development
representative, the ~~Director--of--the--State--Planning--Office~~
Commissioner of Economic and Community Development or the
~~director's~~ commissioner's designee. ~~Appointments--shall--be--made~~
~~within-30-days-of-the-effective-date-of-this-Part.~~

50 **Sec. T-10. 5 MRSA §6304, sub-§2**, as enacted by PL 1989, c.
52 571, Pt. B, §2, is amended to read:

2 2. **Staff.** A person knowledgeable about the technical,
3 economic and environmental aspects of water resource management,
4 under a 2-year contract with the State-Planning-Office Land Use
5 Planning Division in the Department of Economic and Community
6 Development, shall provide full-time staff assistance to the
7 board. All state agencies shall provide information and support
8 requested by the board to the extent practicable.

9
10 **Sec. T-11. 5 MRSA Pt. 18-A, first 2 lines** are repealed and the
11 following enacted in their place:

12 **PART 18-A**

13 **BUSINESS, ECONOMIC, COMMUNITY, ENERGY,**
14 **NATURAL RESOURCE AND LAND USE DEVELOPMENT**

15
16 **Sec. T-12. 5 MRSA §13034, sub-§4, ¶¶A and B,** as enacted by PL
17 1989, c. 875, Pt. L, §2 and affected by §4, are amended to read:

18
19
20 A. Funding of professional staff must be provided by the
21 department from resources made available to the Office-of-
22 Business Development Division for personal services.

23
24 B. The department Business Development Division shall
25 provide clerical support as required by the commission.
26

27 **Sec. T-13. 5 MRSA §13053,** as amended by PL 1987, c. 816, Pt.
28 P, §6, is further amended by adding at the end a new paragraph to
29 read:

30
31 The department shall be concerned with research, analysis
32 and the formulation, coordination and management of policy. The
33 department shall serve as an advisory, consultative,
34 coordinating, administrative and research agency as specified in
35 section 13056. The department shall assist the Governor and
36 other state agencies in the development of economic, energy,
37 fiscal and regulatory policy; the management of the State's
38 natural and physical resources; the identification of issues and
39 problems of long-term significance to the State; and the
40 coordination of state policy and its implementation on issues of
41 interagency concern.

42
43 **Sec. T-14. 5 MRSA §13054, sub-§1-A** is enacted to read:

44
45 **1-A. Comprehensive planning.** "Comprehensive planning"
46 includes, but is not limited to:

47 A. Preparation of strategic and long-range plans and goals
48 for human and physical resources development and utilization;
49

50

- 2 B. Standards and procedures for programming and financing
3 plans for capital improvements;
- 4 C. Coordination of related departmental plans;
- 6 D. Intergovernmental coordination of related planning
7 activities;
- 8 E. Preparation of regulatory and administrative measures in
10 support of paragraphs A to D;
- 12 F. Continuing analysis of the economy of the State; and
- 14 G. Preparation of state energy resources plans.

16 Sec. T-15. 5 MRSA §13055, as amended by PL 1989, c. 875, Pt.
17 M, §§2 and 3 and affected by §13, is repealed and the following
18 enacted in its place:

20 §13055. Organization of department

22 The department consists of the organizations established in
23 this section to carry out the responsibilities assigned in this
24 chapter in a manner consistent with the State's business,
25 economic, community, energy, natural resource and land use
26 development strategy.

28 1. Bureaus. The department contains the Bureau of
29 Development under the direction of the Deputy Commissioner for
30 Development and the Bureau of Land Use and Natural Resources
31 under the direction of the Deputy Commissioner for Land Use and
32 Natural Resources.

34 2. Divisions. The bureaus are organized as follows.

36 A. The Bureau of Development consists of:

- 38 (1) The Energy Division under the direction of the
39 Director of the Energy Division;
- 40 (2) The Business Development Division under the
41 direction of the Deputy Commissioner for Development;
42 and
- 43 (3) The Economic Policy Division under the direction
44 of the State Economist.

48 B. The Bureau of Land Use and Natural Resources consists of:

- 50 (1) The Land Use Planning Division under the direction
51 of the Deputy Commissioner for Land Use and Natural
52 Resources;

2 (2) The Natural Resources Division under the direction
4 of the Director of Natural Resources; and

6 (3) The Community Development Division under the
8 direction of the Director of Community Development.

8 **Sec. T-16. 5 MRSA §13056, sub-§1-A is enacted to read:**

10 **1-A. Recommend and coordinate policies.** Coordinate the
12 preparation of policies to guide and carry forward the wise and
14 coordinated development of the State's economy and its energy
16 resources and the conservation of the State's natural resources.
18 These policies and recommendations for implementation must be
 submitted to the Governor and the Legislature for approval. They
 must be developed in such areas as: land use, natural resource
 development and conservation, public investment and taxation,
 energy resources and state regulatory policy;

20 **Sec. T-17. 5 MRSA §13056, sub-§§2 and 3, as enacted by PL 1987,**
22 **c. 534, Pt. A, §§17 and 19, are amended to read:**

24 **2. Coordination; work with other organizations.** Work with
26 other state agencies, municipalities and regional planning,
28 community and economic development organizations for the purpose
 of assisting and encouraging the orderly and coordinated
 development of the State. As coordinating agency the department
 shall:

30 A. Act as the coordinating agency between the officers,
32 authorities, boards, commissions, departments and divisions
34 of the State in matters relative to the physical and
36 economic development of the State and review the proposals
38 of those agencies in the light of their relationship to the
 adopted policies and incorporate such reviews in the reports
 of the department. Nothing in this section may be construed
 as limiting the powers and duties of any officer, authority,
 board, commission, department or political subdivision of
 the State;

40 B. Provide general coordination and review of plans in
42 functional areas of State Government as may be necessary for
44 receipt of federal funds; and

46 C. Give the public full opportunity to participate in the
48 formulation of these policies and recommend policies that
 are not in direct conflict with adopted local and regional
 plans;

50 **3. Conduct planning and research.** Conduct planning,
52 research and analysis for State and department needs, ~~but--not-~~
 including macroeconomic forecasting ~~which---shall---be---the~~

responsibility--of--the--State--Planning--Office. The department shall gather, maintain and have access to all economic and other information necessary to the performance of its duties. Planning and research duties of the department include the responsibility to:

A. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an ongoing basis;

B. Study problems peculiar to the industry and economy of this State with a view toward the broader utilization of our natural resources, which studies must be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research; and

C. Upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress;

Sec. T-18. 5 MRSA §13056, sub-§4-A is enacted to read:

4-A. Participation with municipalities and other states. Coordinate planning efforts by:

A. Participating with other states or subdivisions of other states in interstate planning and assisting cities, towns, municipal corporations, counties and regional councils to participate with other states or their subdivisions in planning; and

B. Assisting in planning and executing any public or private project involving grants or loans; advising, conferring and otherwise cooperating with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning and planning relating to schools, housing, health, land use controls and other objectives;

Sec. T-19. 5 MRSA §13056, sub-§§6 and 7, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, are amended to read:

6. Oversee programs. Implement Oversee the implementation of economic and community development programs which that are assigned to the department by the Governor or the Legislature,

2 including those formerly administered by the following other
state agencies:

4 A. The programs of the State Development Office; and

6 B. ~~Other community planning and development assistance~~ The
programs of the State Planning Office; and

8
10 7. Contract for services. When contracting for services,
the department, to the maximum extent feasible, shall seek to use
12 the State's private sector resources in conducting studies,
providing services and preparing publications.

14 Sec. T-20. 5 MRSA §13056, sub-§§8 and 9 are enacted to read:

16 8. Review and comment on applications. Coordinate the
review and comment on all applications for participation in any
18 federal grant or loan program and on any proposed federal
activity subject to Presidential Executive Order 12372; and

20
22 9. Ability to subpoena. In connection with the performance
of duties, apply to the Superior Court for a subpoena to compel
24 the attendance of witnesses, the production of books, papers,
records and documents of individuals, firms, associations and
26 corporations and all officers, boards, commissions and
departments of State Government. The court, before issuing the
subpoena, shall provide adequate opportunity for the commissioner
28 and the party against whom the subpoena is requested to be
heard. No such subpoena may be issued unless the court or judge
30 certifies that the attendance of the witness or the production of
the books, papers, records or documents is reasonably necessary
32 to carry out the purposes of this section and that the
commissioner has made reasonable efforts to secure the attendance
34 or the books, papers, records or documents without recourse to
compulsory process. The commissioner shall afford confidential
36 treatment to any materials or information turned over to the
commissioner that is of a confidential or proprietary nature.

38
40 Sec. T-21. 5 MRSA §13057, sub-§1, as enacted by PL 1987, c.
534, Pt. A, §§17 and 19, is amended to read:

42 1. Qualifications. The commissioner shall ~~shall~~ must be a person
with background, experience and interest in the areas of
44 community and economic development and be qualified by education,
training and experience in planning or public administration.

46
48 Sec. T-22. 5 MRSA §13058, sub-§2, as enacted by PL 1987, c.
534, Pt. A, §§17 and 19, is repealed and the following enacted in
its place:

50

2 2. Accept funds. The commissioner may accept funds to be
3 used to carry out the duties of the department or any of its
4 bureaus or divisions. The commissioner may accept:

5 A. For the department any funds from any other agency of
6 government, individual, group, foundation or corporation to
7 carry out this chapter, including fees designated by the
8 commissioner for books, brochures, pamphlets, films, photos,
9 maps and similar materials. The commissioner shall fix the
10 prices at which publications of the department are sold or
11 delivered. Income from the sale of publications must be
12 credited to the General Fund. The department shall decide
13 which publications are included and shall retain, without
14 charge, an appropriate number of each publication for
15 complimentary distribution;

16 B. For the State any federal funds appropriated under any
17 federal law relating to the authorized programs of the
18 department, including community and economic development in
19 those nonentitlement areas and for those projects duly
20 authorized under the United States Housing and Community
21 Development Act of 1974, Title 1, and its subsequent
22 amendments. The commissioner may undertake the necessary
23 duties and tasks to implement federal law with respect to
24 the authorized programs of the department; and

25 C. For carrying out the duties of the department, grant
26 funds from other public or private sources.

27 **Sec. T-23. 5 MRSA §13058, sub-§2-A, as enacted by PL 1989, c.**
28 **875, Pt. E, §7, is repealed.**

29 **Sec. T-24. 5 MRSA §13058, sub-§4, as enacted by PL 1987, c.**
30 **534, Pt. A, §§17 and 19, is amended to read:**

31 **4. Coordinate programs and services.** The commissioner
32 shall coordinate the programs and services of the department.
33 The commissioner shall coordinate the department's programs and
34 services with these related programs and services of other state,
35 regional and local agencies and ~~regional planning and economic~~
36 ~~development organizations.~~

37 **Sec. T-25. 5 MRSA §13058, sub-§5, as amended by PL 1989, c.**
38 **857, §44 and c. 875, Pt. L, §3 and affected by §4, is repealed**
39 **and the following enacted in its place:**

40 5. Review and evaluate programs. The commissioner shall
41 review and evaluate the programs and functions of the department
42 and the operation of the economic delivery system. The Maine
43 Small Business Commission, as established in section 13032, shall
44 conduct the evaluation and review required by this section with
45 respect to small business programs. The commissioner shall
46 review and evaluate the programs and functions of the department
47 and the operation of the economic delivery system. The Maine
48 Small Business Commission, as established in section 13032, shall
49 conduct the evaluation and review required by this section with
50 respect to small business programs. The commissioner shall
51 review and evaluate the programs and functions of the department
52 and the operation of the economic delivery system. The Maine

2 report the commissioner's findings and recommendations with
3 respect to the issues described in this subsection to the
4 Governor and to the Legislature no later than February 1st of
5 each first regular session of the Legislature. The commissioner
6 shall conduct the review and evaluation with respect to the
7 following:

8 A. The purpose of these programs and the degree to which
9 the purpose is being met;

10 B. The degree of significance of the purpose of the
11 programs and functions of the department;

12 C. The extent of the coordination of programs and services
13 as required in subsection 4;

14 D. The needs, problems and opportunities that are not being
15 met by the programs and services of the department;

16 E. The types of programs and services necessary to meet the
17 needs, problems and opportunities set out in paragraph D;

18 F. The problems and successes in the economic delivery
19 system;

20 G. The state of small business in this State, including
21 economic data, the effectiveness of state programs to aid
22 small business, problems of small business that may be
23 affected by state policies and such other information on
24 small business as desired by the commissioner;

25 H. Within available resources, the extent of business
26 growth and change, including business expansions, new
27 businesses and business closings; and

28 I. Within available resources, the status of investments in
29 business in the State.

30 The commissioner shall make reports at least annually to the
31 Governor and the Legislature on the activities of the department
32 and, after consultation with and approval by the Governor, submit
33 recommendations for legislative action as determined necessary to
34 further the purposes of this chapter.

35 **Sec. T-26. 5 MRSA §13058, sub-§6, ¶¶F and G, as enacted by PL**
36 **1987, c. 534, Pt. A, §§17 and 19, are amended to read:**

37 **F. The Business Assistance Referral and Facilitation**
38 **Program, pursuant to section 13063; and**

39 **G. The Community Industrial Buildings Program, pursuant to**
40 **subchapter III, article I-1;**

2 Sec. T-27. 5 MRSA §13058, sub-§6, ¶¶H to K are enacted to read:

4 H. Formulation of a biennial state energy resources plan;

6 I. Macroeconomic forecasting and related policy development;

8 J. The job opportunity zone program; and

10 K. Community services block grant programs.

12 Sec. T-28. 5 MRSA §13058, sub-§§18 to 20 are enacted to read:

14 18. Advisory role. The commissioner shall advise the
16 Governor and other officials of State Government on all matters
18 of policy, statewide planning and public investment and consult
18 with them in respect to planning matters and projects that affect
18 the future plans of the State.

20 19. Assistance. Assisted by departments, agencies,
22 authorities, boards, commissions, other instrumentalities of the
24 State or other governmental units, the commissioner shall gather
24 information, reports and data that relate to state planning and
24 planning and development in the area of energy resources.

26 A. The department shall designate staff members of the
28 department to work with the several departments.

30 B. At the commissioner's discretion, the department shall
32 act for the State in the initiation of or participation in
32 any multigovernmental agency program relative to the
32 purposes of this chapter.

34 20. Budget. The commissioner shall prepare and submit for
36 executive and legislative action the budget for the department.

38 Sec. T-29. 5 MRSA §13061, as enacted by PL 1987, c. 534, Pt.
38 A, §§17 and 19, is amended to read:

40 **§13061. Division established**

42 The commissioner shall establish the ~~Office~~ of Business
44 Development Division. This ~~office~~ division shall encourage the
46 initiation, expansion and location of businesses in Maine which
46 would expand quality employment opportunities for Maine citizens.

48 The ~~Office~~ of Business Development Division shall encourage
48 business by removing barriers to growth, facilitating exploration
48 of opportunities and providing assistance necessary to enhance

business consistent with the State's economic development strategy.

Sec. T-30. 5 MRSA §13062, as amended by PL 1989, c. 781, is further amended to read:

§13062. Business Development Division

The Deputy Commissioner for Business Development shall be is the Director of the Office of Business Development Division and shall administer the office division in accordance with the policies of the commissioner and the provisions of this chapter, emphasizing a program of targeted business development designed to attract particular types of businesses which that have potential for Maine and businesses which that are deemed to be compatible with Maine's environment and interests. The office division shall actively seek and encourage firms to expand or locate in Maine. The office shall be division is responsible for the implementation of programs designed to promote Maine products in national and international markets and, to develop markets for industry located in Maine and to promote tourism.

The Office of Business Development shall be Division is responsible for the implementation of a program consisting of 3 4 primary elements.

1. Business investment. Business investment shall must be encouraged consistent with this subsection.

A. The office division shall conduct an analysis of the various industrial sectors of the economy. The types of businesses to be targeted for attraction shall must be ones which that have potential for development in Maine and which that will contribute to a healthy business and environmental climate.

B. The office division shall report its findings and recommendations to the commissioner. The commissioner, with the advice of the director shall determine the type and extent of the business investment program to be implemented.

C. The director, with the approval of the commissioner, may make grants for market development from appropriations for that purpose to any municipality or group of municipalities which that have received a grant of authority from the Federal Government to establish a foreign trade zone.

D. Application for foreign trade zones shall must be according to this paragraph.

(1) The director, with the approval of the commissioner, on behalf of the State, may make

2 applications to the Foreign Trade Zone Board and
3 establish foreign trade zones that are to be located on
4 state-owned, leased or otherwise controlled property.
5 A municipality, group of municipalities or a public or
6 private corporation may, with the approval of the
7 department, make applications to the Foreign Trade Zone
8 Board and establish foreign trade zones at other
9 locations. Foreign trade zones shall must be
10 established in or adjacent to any ports of entry in the
11 State, where personal property in transit shall ~~be~~ is
12 exempt from the stock-in-trade tax and such other taxes
13 and customs as are normally levied in a port of entry.

14 (2) Any development or activity with a foreign trade
15 zone established in the State is subject to the laws
16 which that the Department of Environmental Protection,
17 Department of Conservation, Department of Marine
18 Resources and Department of Inland Fisheries and
19 Wildlife are responsible for administering, as well as
20 any other law which that protects the environment.

22 (3) For the purpose of this subsection, "personal
23 property in transit" through the areas established
24 under this paragraph means goods, wares and merchandise
25 either moving in interstate or international commerce
26 through these zones or consigned to a warehouse, public
27 or private, within these zones, whether specified when
28 transportation begins or afterward. This property
29 shall may not be deprived of exemption because, while
30 in the warehouse, the property is assembled, bound,
31 joined, processed, disassembled, divided, cut, broken
32 in bulk, relabeled or repackaged. The exemption
33 granted shall must be liberally construed to effect the
34 purposes of this subsection. The warehouse in which
35 these goods, wares or merchandise are stored shall may
36 not be owned, in whole or in part, by either the
37 consignee or consignor. This paragraph does not apply
38 to agricultural products.

40 **2. Business assistance.** Business assistance services shall
41 must be provided consistent with this subsection.

42 A. The ~~office~~ division shall provide business assistance
43 services that are convenient to businesses throughout the
44 State. The ~~office~~ division shall use certified local and
45 regional economic development organizations, educational
46 institutions or certified private sector firms to implement
47 this subsection.

50 (1) Business assistance services shall must include
51 managerial and technical assistance and assistance with
52 applications for loans and the completion of

2 applications for licenses and permits from regulatory
agencies.

4 (2) The ~~office~~ division, in conjunction with local and
6 regional organizations and other institutions and firms
8 in the private sector with marketing expertise, may
conduct seminars on marketing and marketing-related
topics for Maine businesses.

10 B. In accordance with section 13063, the ~~office~~ division
12 shall implement a program to assist businesses by referring
14 businesses and persons to the proper agencies designed to
16 provide the business services or assistance requested, and
to serve as a central ~~clearing--house~~ clearinghouse of
information with respect to business assistance programs and
services available in the State.

18 3. Industry-wide assistance and market development. The
20 director ~~shall-be~~ is responsible for a program of industry-wide
assistance and market development.

22 A. The director shall work with other state agencies which
24 that implement marketing programs and strive to coordinate
the marketing activities of the department with those of
other agencies whenever possible.

26 B. The director ~~shall-be~~ is responsible, to the maximum
28 extent possible, for providing assistance to industry
30 sectors and business to identify market opportunities,
develop market strategies and to promote industry-wide
development.

32 4. Tourism and film making. The division shall carry out
34 the purposes of this subsection and shall:

36 A. Implement advertising and promotion programs to market
38 the State's travel industry and to attract on-location
filming of movies, advertisements and videos in the State;

40 B. Print, or cause to have printed, alone or in cooperation
42 with other travel promotion agencies and groups, booklets,
brochures, pamphlets and other materials as required to
44 fulfill requests for information on the State's travel
products and the State's facilities, sites and services for
46 the filming of movies and videos;

48 C. Encourage the development of travel product facilities
and activities by locating potential developers, providing
50 market and feasibility analyses, assisting developers in
complying with applicable laws and rules and providing
52 technical assistance to local decision making, including
decisions regarding site selection, financing and utilities;

2 D. Review and comment upon the policies and programs of
4 state agencies that directly affect the achievement of the
duties and responsibilities of the division;

6 E. Provide basic support and discretionary matching grants
8 to local, regional and statewide nonprofit agencies that
directly affect the achievement of the duties and
responsibilities of the division;

10 F. Staff or cause to be staffed any information center
12 constructed, owned, leased, acquired or operated by the
State;

14 G. Employ or engage outside technical or professional
16 consultants or organizations as necessary or appropriate to
assist the division in carrying out its functions;

18 H. Accept fees as the director may designate for the
20 preparation and distribution of books, booklets, brochures,
22 pamphlets, films, photos, maps, exhibits, mailing lists and
24 all similar materials and media advertising. There is
26 established within the division a revolving fund for the use
28 of the division to help offset the preparation and
distribution costs of these materials. The division shall
retain, without charge, an appropriate number of each
publication for complimentary distribution. Income from the
sale of publications and other materials charged to the
revolving fund is credited to the revolving fund to be used
as a continuing carrying account to carry out the purposes
of the revolving fund;

30 I. Subject to the approval of the director and the
32 commissioner, adopt, amend and repeal rules to carry out the
34 purposes of this section;

36 J. Undertake other activities that the director considers
38 appropriate and necessary to ensure the successful
implementation of this section; and

40 K. Implement the historical marker program.

42 (1) The division may erect historical markers or signs
44 on any highway. No more than 10 historical markers may
46 be erected in one year. A marker that would interfere
with reasonable use of the highway may not be erected.

48 (2) The division shall consult with the Maine Historic
50 Preservation Commission and the Department of
Transportation on the marker program. Before erecting
any marker, the division shall secure the Maine
52 Historic Preservation Commission's approval of the

2 marker, the marker's location and wording. The Maine
4 Historic Preservation Commission shall investigate as
6 needed to obtain information on the event to be
commemorated and on the appropriate location for the
marker, including consulting historians and holding
public hearings.

8 (3) Municipal councilors may permit the erection of
10 monuments, tablets and markers by individuals or
12 societies on public highways or other public grounds in
14 places and of a character approved by the councilors to
16 indicate the occurrence of historic events and matters
of public interest, if the marker does not interfere
with the reasonable use of the highway or other public
places.

18 (4) The Maine Historic Preservation Commission may
20 enter into cooperative agreements with any municipality
22 or historical society to erect a historical marker on
any highway. The agreement must provide for reasonable
sharing of the initial expense and for the municipality
or society to maintain and care for the marker.

24 (5) If a person's property is damaged by the erection
26 of a monument, tablet or marker, that person may apply
28 to the municipal councilors within 6 months after the
erection to assess and recover damages.

30 (6) A person whose rights or interests are affected by
32 the location may, within 60 days after the approval of
34 the municipal councilors, petition the municipal
councilors for changes in the location and, after
notice to parties and hearing, the councilors may alter
or revoke the location as justice requires.

36 (7) If the municipal councilors neglect or refuse
38 after 30 days to decide upon any petition addressed to
40 them, or if a party whose interests are affected by the
42 decision is dissatisfied with the decision, the
dissatisfied petitioner or party may apply to the
Superior Court for relief within 60 days of the
decision.

44 (8) The municipal councilors shall, within 30 days,
46 decide upon every petition presented to them and upon
48 every location approved under this subsection, and
shall cause this information to be recorded by the town
clerk. The fees of the councilors and town clerk are
paid by the petitioner.

50 **Sec. T-31. 5 MRSA c. 383, sub-c. II, art. 3, first 2 lines are repealed**
52 **and the following enacted in their place:**

2 Article 3
4 TOURISM

6 Sec. T-32. 5 MRSA §13064, as enacted by PL 1989, c. 875, Pt.
M, §6 and affected by §13 and as enacted by c. 914, §2, is
8 repealed and the following enacted in its place:

10 §13064. Findings

12 Economic and community development in the State is dependent
14 upon the diversity of job opportunities within various sectors of
16 the overall economy. One of the key elements in the health of
18 the State's economy is the tourism and travel industry, which is
20 responsible for thousands of jobs and millions of dollars of
annual revenues. The maintenance and expansion of tourism as a
major component in the State's economic development depends upon
the active program of local development coupled with promotion by
the State.

22 Sec. T-33. 5 MRSA §§13065 and 13066, as enacted by PL 1989,
c. 875, Pt. M, §6 and affected by §13 and as enacted by c. 914,
24 §2, are repealed.

26 Sec. T-34. 5 MRSA §13067, as enacted by PL 1989, c. 875, Pt.
M, §6 and affected by §13 and as enacted by c. 914, §2, is
28 repealed and the following enacted in its place:

30 §13067. Maine Tourism Commission

32 1. Maine Tourism Commission. The Maine Tourism Commission,
34 established by section 12004-I, subsection 87, shall assist,
36 advise and make recommendations regarding tourism activities to
38 the Business Development Division. The commission consists of 9
40 members of major tourism trade associations and 8 public members
42 who must represent their respective regions and have experience
44 in the field or have demonstrated concern for the travel
46 industry. The terms of the members are for 4 years each, except
48 that, for the members first appointed, 4 members are appointed
50 for terms of 4 years, 4 members for terms of 3 years, 4 members
52 for terms of 2 years and 5 members for terms of one year. The
members are appointed by the Governor, who shall fill any vacancy
in the membership for the unexpired term. The commissioner,
director or a designee of the following state departments or
offices shall serve as ex officio, nonvoting members of the
commission: Department of Economic and Community Development;
Department of Conservation; Department of Transportation;
Department of Inland Fisheries and Wildlife; Department of
Agriculture, Food and Rural Resources; Department of Education;
Bureau of Public Improvements; and Canadian Affairs Coordinator.
A chair and vice-chair must be elected annually from the
appointed membership.

2 2. Powers and duties. The commission shall:

4 A. Recommend rules for the implementation of section 13068
6 and make recommendations on the award of matching funds to
8 the commissioner and the Director of the Business
10 Development Division;

12 B. Recommend policy guidelines on marketing, promotion and
14 advertising strategies to the Business Development Division;

16 C. Conduct public hearings necessary to obtain input
18 concerning tourism policy development from a broad cross
20 section of travel interests;

22 D. Assist the Business Development Division in providing
24 technical assistance to the travel industry and in planning
26 and conducting periodic tourism conferences;

28 E. Prepare a report for annual submission to the Governor
30 and the Legislature relative to the programs, policies and
32 accomplishments of the Maine Tourism Commission; and

34 F. Assist the Business Development Division in other areas
36 the commissioner considers appropriate and necessary to
38 ensure the successful implementation of this section.

40 3. Compensation. Commission members are entitled to
42 compensation as provided by chapter 379.

44 Sec. T-35. 5 MRSA §13068, sub-§4, as enacted by PL 1989, c.
46 875, Pt. M, §6 and affected by §13, is amended to read:

48 4. Administration. The Office--of--Tourism Business
50 Development Division shall administer the Travel Promotion
 Matching Fund Program with such flexibility as to bring about the
 most effective and economical travel promotion program possible.
 Applications from all regions of the State must be equally
 considered. The Maine Vacation-travel Commission shall recommend
 rules and procedures necessary and appropriate to the proper
 operation of the Travel Promotion Matching Fund Program. These
 rules must establish eligibility requirements, allocation
 formulas, application procedures and criteria subject to the
 final approval of the commissioner. The commission shall
 establish a schedule for review of grant applications and make
 timely recommendations of grant awards to the Office-of-Tourism
 Business Development Division. Grants recommended by the
 commission to-the-office must be approved by the Director of the
 Office-of-Tourism Business Development Division prior to any
 disbursement of funds.

2 **Sec. T-36. 5 MRSA §13069, sub-§1**, as enacted by PL 1989, c.
875, Pt. M, §6 and affected by §13, is amended to read:

4 **1. Maine State Film Commission established.** The Maine
6 State Film Commission, as established by section 12004-I,
subsection 88, is within the ~~Office--of--Tourism~~ Business
8 Development Division and shall advise and assist the ~~office~~
10 division as necessary. The commission shall advise the
12 commissioner and the Director of the ~~Office-of-Tourism~~ Business
Development Division with respect to the operation of the Maine
State Film Commission program.

14 A. The commission consists of 11 members appointed by the
Governor.

16 (1) The members appointed must be involved in a
18 related business field or possess experience or
familiarity with media marketing or public relations.
20 The Governor shall ensure an equitable regional
representation from the State.

22 (2) The Executive Director of the Maine Arts
24 Commission and the commissioner shall serve as ex
officio nonvoting members of the commission.

26 B. The terms of office are as follows.

28 (1) All members are appointed for 3-year terms. Of
30 those first appointed, 3 are appointed for 3-year
terms, 4 are appointed for 2-year terms and 4 are
32 appointed for one-year terms. The Governor shall
designate the terms of office of those first appointed
at the time of appointment.

34 (2) Members shall serve until their successors are
36 appointed and take office. The Governor may terminate
the membership of any appointee for just cause and the
38 reason for the termination must be communicated in
writing to each member whose term is so terminated.

40 (3) Vacancies must be filled in the same manner as
42 original appointments, except that any person appointed
to fill a vacancy shall serve only for the unexpired
44 term of the vacancy.

46 C. The chair and vice-chair are appointed by the Governor
48 annually at the first meeting of the commission and serve
for one-year terms.

50 (1) The chair shall call meetings of the board.

2 D. Members are compensated for expenses only in accordance
with chapter 379.

4 E. Financing of promotional and development materials and
6 expenses pursuant to this section and section 13069-A, must
be made with funds within the limit of the budget of the
department-~~for-the-Office-of-Tourism~~ division.

8 **Sec. T-37. 5 MRSA §13069-A, sub-§2**, as enacted by PL 1989, c.
10 875, Pt. M, §6 and affected by §13, is amended to read:

12 2. **Advise and assist the directors.** To advise and assist
the Director of the Maine State Film Office and the Director of
14 the ~~Office-of-Tourism~~ Business Development Division with respect
to this section and section 13070;

16 **Sec. T-38. 5 MRSA §§13070-A and 13070-B**, as enacted by PL
18 1989, c. 875, Pt. M, §6 and affected by §13, are amended to read:

20 **§13070-A. International Commerce Office; established**

22 1. **Created.** The commissioner shall create the
International Commerce Division Office within the ~~Office--of~~
24 Business Development Division.

26 2. **International commerce.** The division office shall
ensure that international commerce development is grounded in
28 thorough, accurate and timely economic information coupled with
careful analysis in order to make the maximum use of the limited
30 resources available for international commerce development
activities.

32 3. **Required knowledge.** Members of the division office must
34 have knowledge of international commerce, economic trends,
international business activities of Maine businesses, patterns
36 within the labor market, natural resource availability,
infrastructure, buildings and sites for development and
38 activities in major international financial markets. Such
knowledge is required to make intelligent assessments to target
40 resources and assist international commerce.

42 4. **Informed program and policy choices.** The division
office shall use all available information to make informed
44 program and policy choices, as well as to provide the best
possible information to businesses considering international
46 investment options. In addition, by the constant evaluation of
program initiatives, the division office shall enhance the
48 delivery of services and the use of limited resources.

50 5. **Ability to develop demonstration program initiatives.**
The division office shall maintain the ability to develop
52 demonstration international commerce program initiatives that

2 complement evaluation and research activities of the division
3 office.

4 **§13070-B. International Commerce Office; duties**

6 The International Commerce Division Office shall provide the
7 necessary support to the department in the areas of information
8 collection, data compilation and analysis on international
9 commerce matters. The Deputy Director of the International
10 Commerce Business Development Division shall administer the
11 division office in accordance with the policies of the
12 commissioner and provisions of this subchapter. The Division-of
13 International Commerce Office shall:

14
15 1. **Maintain an international commerce data base.** Collect,
16 from sources in both the public and private sectors, information
17 regarding the economy, businesses, labor force, building and
18 business sites, infrastructure, natural resources and other
19 elements necessary to international commerce market and program
20 decisions;

21 2. **Provide information.** Provide information, as requested,
22 to businesses engaged in international commerce, local and
23 regional community and economic development organizations and
24 other state agencies regarding international commerce market and
25 business conditions;

26
27 3. **Conduct evaluations.** Conduct periodic evaluations of
28 the effectiveness of the department's international commerce
29 development programs in meeting the goals of those programs; and

30
31 4. **Develop programs.** Develop demonstration programs and
32 program concepts in response to international commerce economic
33 conditions and the evaluation of existing program activities; and

34
35 ~~5. **Cooperate with State Planning Office.** Provide~~
36 ~~information to and cooperate with the State Planning Office in~~
37 ~~its macroeconomic forecasting activities which remain the~~
38 ~~responsibility of the State Planning Office.~~

39
40 **Sec. T-39. 5 MRSA c. 383, sub-c. II, art. 5 is enacted to read:**

41
42 **Article 5**

43 **COMMISSION ON INVESTMENT CAPITAL**

44
45 **§13070-C. Commission on Investment Capital**

46
47 The Commission on Investment Capital is established and is
48 composed of 17 members. The membership includes the Commissioner
49 of Economic and Community Development, the Director of the Maine
50 State Housing Authority, the Chief Executive Officer of the

2 Finance Authority of Maine, the Executive Director of the Maine
4 State Retirement System, the Director of the Maine Municipal Bond
6 Bank, 2 Senators, 3 members of the House of Representatives, 6
8 members of the public appointed by the Governor and one member of
10 the public appointed jointly by the President of the Senate and
12 the Speaker of the House of Representatives.

14 1. Appointment. The President of the Senate and the
16 Speaker of the House of Representatives shall appoint the 2
18 Senators, the 3 members of the House of Representatives and one
20 member of the public. The Governor shall appoint 6 members of
22 the public who are able to provide expertise in the area of
24 capital investment.

26 2. Terms of office. Members appointed by the President of
28 the Senate and the Speaker of the House of Representatives serve
30 at the pleasure of these appointing authorities. The appointees
32 of the Governor serve at the pleasure of the Governor.

34 3. Cochairs. There are 2 cochairs of the commission. The
36 public member appointed by the President of the Senate and the
38 Speaker of the House of Representatives is a cochair. The
40 Commissioner of Economic and Community Development is a cochair
42 of the commission.

44 4. Compensation. Members of the commission are entitled to
46 compensation in accordance with chapter 379.

48 5. Meetings. The commission shall meet at least 4 times
50 each year at the call of the cochairs.

52 6. Quorum. A quorum consists of 7 members. A quorum is
54 necessary for the commission to conduct its business at any
56 commission meeting.

58 **§13070-D. Duties and responsibilities of the commission**

60 The commission shall undertake a comprehensive evaluation of
62 the capital investment needs of the State, including an analysis
64 of the sources and magnitude of current capital investments in
66 all sectors of the State's economy, an analysis of the obstacles
68 to capital investments in the State, the identification of
70 sources of funds in the State that may be used to leverage new
72 capital investments and a review of the impact and opportunities
74 resulting from foreign investment in the State.

76 The commission shall report its activities and findings to
78 the Governor and the joint standing committee of the Legislature
80 having jurisdiction over housing and economic development matters
82 no later than July 1st following each first regular session of
84 the Legislature. The commission may initiate reports to the
86 joint standing committee of the Legislature having jurisdiction

2 over housing and economic development matters at any time during
3 its deliberations.

4 **§13070-E. Agency cooperation**

6 All agencies of State Government shall cooperate with the
7 commission during its deliberations by responding to requests for
8 information and technical support in a timely manner.

10 **§13070-F. Sunset**

12 Authorization for the commission expires on July 1, 1993.
13 In its final report, the commission shall provide its
14 recommendations to the Governor and the Legislature concerning
15 the need for extending authorization for the commission.

16 **Sec. T-40. 5 MRSA §13072**, as amended by PL 1987, c. 816, Pt.
18 P, §§8 to 12, is further amended to read:

20 **§13072. Community Development Division**

22 The ~~Office of~~ Community Development Division in the Bureau
23 of Land Use and Natural Resources shall assist municipalities in
24 planning for and achieving economic growth and development while,
25 at the same time, preserving and protecting their resources and
26 assets. To achieve this purpose, the ~~department, through the~~
27 ~~office,~~ division shall strive to remove barriers to balanced
28 economic growth and provide planning, technical and financial
29 resources to the municipalities to enhance economic development.

30 The ~~Deputy Commissioner for Community Development shall be~~
31 the Director of the ~~Office of~~ Community Development and Division,
32 in this article known as the director, shall administer the
33 ~~office~~ division in accordance with the policies of the
34 commissioner and the provisions of this chapter. The director
35 shall have has the following powers and duties.

38 **1. Establish communication network.** The director shall
39 establish a communication network by which information, resources
40 and assistance are transferred between State Government and the
41 municipalities.

42 A. The director shall work with municipalities and regional
43 community and economic development organizations. The
44 director shall work closely with persons or organizations
45 representing municipalities and with regional community and
46 economic development organizations to address the
47 development needs, problems and opportunities of
48 municipalities and regions.

50 **2. Designate local and regional community and economic**
51 **development organizations.** The director shall monitor the

2 activities of designated public and private, local and regional
community and economic development organizations. In order to
4 receive financial assistance and resources from the department,
an agency must demonstrate the effective administration of
6 programs and services and the effectiveness of these programs.

8 **3. Development grants.** The director, with the approval of
the Deputy Commissioner for Land Use and Natural Resources and
10 the commissioner, may provide grants to municipalities and
regional development organizations for the purpose of creating
12 economic and community development strategies and policies.

14 **4. Provide information.** The director shall provide
municipalities with information about the department's programs
and services and shall refer municipalities to the offices and
16 programs within the State that can best assist them.

18 **5. Work with state agencies.** The director shall work with
other state agencies that administer community and economic
20 development programs and services used by municipalities. The
director shall strive to coordinate department programs and
22 services with the programs and services of these agencies.

24 **6. Administer Community Industrial Buildings Program.** The
director shall administer the Community Industrial Buildings Fund
26 as set out in article ~~II~~ 2.

28 **7. Oversee community development resources and programs.**
The director shall oversee the implementation of community
30 development programs to include at a minimum:

32 A. The Community Development Block Grant Program.

34 **8. Provide technical assistance.** The director shall
oversee delivery of technical assistance and resources to
36 municipalities and regional community and economic development
organizations for the purpose of encouraging economic growth
38 while maintaining the quality of life.

40 **Sec. T-41. 5 MRSA §13082**, as enacted by PL 1987, c. 534, Pt.
A, §§17 and 19, is amended to read:

42 **§13082. Community Industrial Buildings Fund**

44 **1. Creation.** The Community Industrial Buildings Fund is
46 created as a nonlapsing revolving fund to be used by the
department Community Development Division only for the purposes
48 of this article. There is created within the fund separate
accounts for rural and urban areas, called the "rural account" or
50 "urban ~~account~~", account, which shall ~~must~~ must be separately charged
and credited, as provided under this section, according to the

2 location of each community industrial building in a rural or
urban area.

4 A. Money in the fund which that is not obligated on the
6 ~~effective date of this Act shall~~ October 1, 1987 must be
distributed between the 2 accounts, with 2/3 allocated to
the rural account and 1/3 allocated to the urban account.

8
10 2. **Items charged or credited.** Operating expenses of the
department division incurred under this article shall must be
12 charged to the fund and all payments required by this article
shall must be credited to it. All department division expenses
14 that arise out of assistance to local development corporations
under this article shall must be charged solely against the
16 proceeds of the sale or rental of community industrial buildings
or all or part of an industrial park assisted under this article.

18 3. **Deposited funds.** Money in the fund not currently needed
to meet the obligations of the department division under this
20 article shall must be deposited with the Treasurer of State to
the credit of the fund with all interest earned by the deposit
22 credited to the fund.

24 4. **Successor to fund.** The ~~department shall be~~ division is
the successor to the State Development Office for the purposes of
26 this article. All properties, rights in land, buildings and
equipment and any funds, money, revenues and receipts or assets
28 of the State Development Office as they apply to the Community
Industrial Buildings Fund, including funds previously
30 appropriated by the State for the Community Industrial Buildings
Fund, shall belong to the department division as successor to the
32 State Development Office. All liabilities of the State
Development Office with respect to the Community Industrial
34 Buildings Fund shall become liabilities of the department
division. Any action taken by the State Development Office with
36 respect to assisting a local development corporation to create
community industrial buildings shall is deemed to be an action
38 taken by the Department of Economic and Community Development.

40 **Sec. T-42. 5 MRSA §13083, first ¶,** as enacted by PL 1987, c.
534, Pt. A, §§17 and 19, is amended to read:

42
44 The department Community Development Division may assist a
local development corporation to construct a community industrial
46 building by loaning it money, for construction or carrying costs,
or both, for the project, subject to subsection 1.

48 **Sec. T-43. 5 MRSA §13083, sub-§1, ¶E,** as enacted by PL 1989,
c. 182, §2, is amended to read:

50
52 E. The ~~Department of Economic and~~ Community Development
Division shall charge interest on loans or funds provided

2 under this article to the local development corporation for
3 a community industrial building that remains unoccupied for
4 3 or more years following completion of the building. The
5 department division shall adopt rules under the Maine
6 Administrative Procedure Act, Title 5, chapter 375, with
7 respect to rates of interest, the duration of interest
8 payments and any other terms to which local development
corporations shall-be are subject under this paragraph.

10 **Sec. T-44. 5 MRSA §13083, sub-§2, ¶¶B, D and E**, as enacted by
11 PL 1987, c. 534, Pt. A, §§17 and 19, are amended to read:

12
13 B. The local development corporation, in the opinion of the
14 department division, shall-be is responsible for and shall
15 present evidence of its ability to carry out the project as
16 planned.

17
18 D. The local development corporation shall provide and
19 maintain, with funds other than those provided by the
20 department division, an adequate access road from a public
21 highway to the proposed site and provide and maintain water,
22 sewer and power facilities. The local development
23 corporation shall-be is responsible for plowing out the
24 plant site at all times and for landscaping the building in
25 an attractive fashion until the building is occupied by an
26 industrial tenant.

27
28 E. The local development corporation's project plans shall
29 must comply with applicable zoning, planning and sanitary
30 regulations in the municipality where it is to be located.
31 No loan may be approved and no certificate of approval for
32 the project or for any subsequent enlargement or addition to
33 the project may be issued until the Department of
34 Environmental Protection has certified to the department
35 division that all licenses required from the department
36 division have been issued or that none are required.

37
38 **Sec. T-45. 5 MRSA §13083, sub-§3, ¶¶A and C**, as enacted by PL
39 1987, c. 534, Pt. A, §§17 and 19, are amended to read:

40
41 A. The department division may prescribe the terms and
42 conditions of the loan.

43
44 C. The building financed by a department division loan may
45 not be sold or leased without the express approval of the
46 purchaser or lessee by the department division. If the
47 local development corporation and the department division
48 agree that a community industrial building is unlikely to be
49 sold in the near future despite a marketing effort, the
50 department division may permit an interim lease upon terms
51 it deems appropriate for the protection of the fund.
52 Occupation of the premises under an interim lease shall may

not require payment in full of the entire loan within 90 days, as provided in paragraph B.

Sec. T-46. 5 MRSA §13083, sub-§§4 and 5, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, are amended to read:

4. **Promotion and development.** The department division shall undertake promotional and publicity activities on behalf of community industrial buildings to properly market them to prospective purchasers or tenants. The department division shall maintain a constant and continual effort to secure suitable tenants or purchasers for these buildings and shall prepare necessary advertising and promotional materials.

5. **Taxes.** While the community industrial building remains unoccupied and a first mortgage is held by the department division, it is declared to be property held for a legitimate public use and benefit and shall ~~be~~ is exempt from all taxes and special assessments of the State or any of its political subdivisions. This section does not apply to any community industrial building which construction is not financed under this article.

Sec. T-47. 5 MRSA c. 383, sub-c. III, art. 2-A is enacted to read:

Article 2-A
ECONOMIC POLICY

§13083-A. Economic Policy Division

The Economic Policy Division is established within the Department of Economic and Community Development under the Bureau of Development. The division is under the direction of the State Economist. The division's responsibilities include, but are not limited to, the following:

1. Technical assistance. Providing technical assistance to the Governor and the Legislature by undertaking special studies and plans, preparing or analyzing policy alternatives and identifying the immediate and long-range needs and resources to meet these needs in the areas of economic planning and policy development. The division shall prepare the plans and studies at the request of the Governor, the Legislature or interdepartmental committees, councils and task forces; and

2. Analysis. Conducting continuing economic analysis of the economy and resources of the State, including economic forecasting and collecting and collating all pertinent data and statistics and assisting the Governor, the Legislature and the various state departments in formulating economic goals, programs and policies to achieve those goals. The data and statistics,

2 including census information, must be made available to the
3 Legislature upon request.

4 A. All state agencies shall cooperate with the division
5 with respect to the provisions of this subsection.

6 B. In implementing this subsection, the division may use
7 secondary data made available to the department by other
8 state agencies or other organizations.

10 **Sec. T-48. 5 MRSA §13084, first ¶,** as enacted by PL 1989, c.
12 875, Pt. M, §7 and affected by §13, is amended to read:

14 The division is under the direction of the Director of the
15 Energy Conservation Division who shall administer the following
16 energy conservation programs.

18 **Sec. T-49. 5 MRSA §13084, sub-§1,** as enacted by PL 1989, c.
20 875, Pt. M, §7 and affected by §13, is amended to read:

22 **1. Energy programs.** The director shall administer the
23 following federally and state mandated programs, ~~---formerly~~
24 ~~administered-by-the-Office-of-Energy-Resources:~~

26 A. State Energy Conservation Program;

28 B. Energy Extension Service; and

30 C. Institutional Conservation Program;

32 D. The Maine Energy Resources Development Program;

34 E. The State Petroleum Set-aside Program;

36 F. A program to collect inventory and product delivery data
37 from the State's primary storage facilities of petroleum
38 products, as described in section 13085-C, which data must
39 be afforded confidential treatment; and

40 G. Any other energy program assigned to the division under
41 this chapter.

42 **Sec. T-50. 5 MRSA §13084, sub-§8** is enacted to read:

44 **8. Coordinate energy policy.** The director shall coordinate
46 the development of energy policy, including:

48 A. Collecting and analyzing energy data from all available
49 energy sources in the State. The director shall afford
50 confidential treatment to information, documents and data
51 dealing with sales of individual companies that are engaged

2 in the wholesale and retail trade of petroleum products in
3 the State upon request of the individual companies;

4 B. Preparation of an energy resources plan to be submitted
5 to the Governor and the Legislature every 2 years. That
6 plan includes a description of historical energy demand by
7 end-use sector and energy resources used to meet that demand
8 and a forecast of energy demand by end-use sector for the
9 next 5 years, 10 years and 20 years, that must include an
10 electric and gas forecast;

11 C. Encouragement and direction or sponsorship of research,
12 experiments and demonstration projects within the State to
13 develop alternate energy sources, particularly, but not
14 limited to, those sources that rely on renewable natural
15 resources of the State, such as solar energy, water of tides
16 and rivers, forests, winds and other sources that to date
17 have not been fully explored or utilized; and

18 D. Provision of conservation alternatives to proposed new
19 electric power generating plants and assessment of the
20 long-term and short-term energy savings realized by the
21 conservation alternatives.

22 Sec. T-51. 5 MRSA §§13084-B, 13085-A, 13085-B and 13085-C are
23 enacted to read:

24 **§13084-B. Energy Division established**

25 The Energy Division is established under the Bureau of
26 Development within the Department of Economic and Community
27 Development. The division shall assume all of the duties and
28 responsibilities of the former Energy Conservation Division and
29 shall assume responsibility for energy resource programs formerly
30 within the State Planning Office.

31 **§13085-A. Maine Energy Resources Development Program**

32 The Energy Division, as funding allows, shall administer a
33 program of energy research and demonstration activities related
34 to both the use of indigenous, renewable resources and more
35 efficient use of energy. The division may accept private money
36 for the purpose of pursuing this program.

37 **1. Report to Legislature.** The division shall include, in
38 the biennial comprehensive energy plan, a report that specifies,
39 in regard to the Maine Energy Resources Development Program, the
40 expenditure of the funds, the purposes for which the funds were
41 used and the amount of as well as the sources from which the
42 funds were derived.

2 2. Expenditures requiring approval. For all programs
3 involving expenditures of \$10,000 or more, the director, with
4 approval of the Deputy Commissioner for Development, shall
5 recommend those expenditures to the commissioner. If the
6 commissioner approves, the director shall recommend those
7 expenditures to the Legislature under the procedures authorizing
8 the transfer of funds set forth in section 1585.

9
10 §13085-B. State Petroleum Set-aside Program

11 1. Definitions. As used in this section, unless the
12 context otherwise indicates, the following terms have the
13 following meanings.

14 A. "Assignment" means an action taken by the Energy
15 Division designating that a prime supplier of petroleum
16 products supply products to an authorized consumer,
17 wholesale purchaser-consumer or wholesale purchaser-reseller
18 to facilitate relief of emergency and hardship needs,
19 pursuant to subsection 2.

20 B. "Consumer" means any individual, trustee, agency,
21 partnership, association, corporation, company,
22 municipality, political subdivision or other legal entity
23 that purchases petroleum products for ultimate consumption
24 in this State.

25 C. "Director" means the Director of the Energy Division.

26 D. "Firm" means any association, company, corporation,
27 estate, individual, joint venture, partnership or sole
28 proprietorship or any entity however organized, including
29 charitable and educational institutions, the Federal
30 Government, including federal corporations, departments and
31 agencies, State Government and local governments.

32 E. "Petroleum products" means propane, gasoline, unleaded
33 gasoline, gasohol, kerosene, #2 heating oil, diesel fuel,
34 kerosene-based jet fuel, aviation gasoline, #4, #5 and #6
35 residual oil for utility and nonutility uses, and Bunker C
36 oil.

37 F. "Primary storage facilities" means any facility that
38 receives petroleum products into the State either by
39 pipeline or ship.

40 G. "Prime supplier" means any refiner, marketer,
41 distributor, firm or person that makes the first sale of any
42 petroleum products subject to the state set aside into the
43 state distribution system for consumption within the State.
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2 H. "Purchaser" means a wholesale purchaser or end user, or both.

4 I. "Set aside" means, with respect to a particular prime supplier, the amount of a petroleum product, subject to the provisions of this section, that is made available from the total supply of a prime supplier pursuant to subsection 2 for utilization by the Energy Division to resolve emergencies and hardships due to fuel shortages or dislocations in distribution systems.

12 J. "Supplier" means any firm or any part or subsidiary of any firm, other than the Department of Defense and Veterans' Services, that presently supplies, sells, transfers or otherwise furnishes, as by consignment, any product subject to the state set aside to wholesale purchasers or end users, including refiners, natural gas processing plants or fractionating plants, importers, resellers, jobbers and retailers.

20 K. "Wholesale purchaser" means a wholesale purchaser-reseller or wholesale purchaser-consumer, or both.

24 L. "Wholesale purchaser-consumer" means any firm that is an ultimate consumer that, as part of its normal business practices, purchases or obtains a product subject to the state set aside from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location.

30 M. "Wholesale purchaser-reseller" means any firm that purchases, receives through transfers or otherwise obtains, as by consignment, a product subject to the state set aside and resells or otherwise transfers that product to other purchasers without substantially changing its form.

36 **2. General program provisions.** The general program provisions of this section are as follows.

40 A. The division shall adopt rules in accordance with the Maine Administrative Procedure Act establishing a set-aside system for petroleum products. These rules must direct prime suppliers to set aside a percentage of the amount of petroleum products they expect to deliver to consumers in the State for distribution by the Energy Division to meet emergency and hardship needs. These rules must meet the requirements of this section.

48 B. The set-aside system established pursuant to this section may not be implemented unless:

2 (1) The Federal Government terminates, suspends or
fails to implement a national set-aside program; and

4 (2) The Governor finds that a set-aside system is
necessary to manage an energy shortage within the State
6 that threatens the continuation of essential services
and the needs of priority users. The Governor shall
8 direct the Energy Division to implement only that
portion of the state set-aside program necessary to
10 prevent and alleviate any energy hardship shortages.

12 C. The division shall notify each prime supplier of the
monthly set-aside percentage, not to exceed 5%, applicable
14 to each product subject to the set-aside program.

16 D. The set-aside volume available to the Energy Division
for a particular month is the sum of the amounts calculated
18 by multiplying the state set-aside percentage level by each
prime supplier's estimated portion of its total supply for
20 that month that will be sold into the State's distribution
system for consumption within the State. The set aside for
22 a particular month may not be accumulated or deferred, but
must be made available from stocks of prime supplies whether
24 directly or through their wholesale purchaser-resellers.

26 E. The division shall calculate the set-aside volume for a
particular month from the supplier's monthly report or in
28 accordance with section 13085-A.

30 F. The division shall establish, as part of the rules
adopted under paragraph A, procedures governing applications
32 for assignment and assignments by the Energy Division under
the state set-aside system. Those procedures must include
34 criteria for approving and disapproving applications and an
appeal process.

36 G. The release of set aside is as follows.

38 (1) At any time during the month, the division may
40 order the release of part or all of the other prime
supplier's set-aside volume through the prime
42 supplier's normal distribution system in the State.

44 (2) The Energy Division shall release set aside to
meet the emergency and hardship requirements of all
46 purchaser-consumers and consumers within the State. In
order to facilitate relief of the hardship and
48 emergency requirements of wholesale purchaser-consumers
and consumers, the Energy Division may direct that a
50 wholesale purchaser-reseller supply the wholesale
purchaser-consumer and consumers experiencing the
52 hardship or emergency.

2 (3) From time to time, the division may designate
4 certain geographical areas within the State as
6 suffering from an intrastate supply imbalance. At any
8 time during the month, the director may order some or
10 all of the prime suppliers with purchasers within such
 geographical areas to release part or all of their
 set-aside volume through their normal distribution
 systems to increase allocations of all the supplier's
 purchasers located within the areas.

12 (4) Orders issued pursuant to this section must be in
14 writing and effective immediately upon presentation to
16 the prime supplier's designated state representative.
18 Those orders represent a call on the prime supplier's
 set-aside volumes for the month of issuance,
 notwithstanding that delivery can not be made until the
 following month.

20 H. Each prime supplier shall designate a representative
22 within the State to act for and on behalf of the prime
24 supplier with respect to the state set-aside program. Each
 prime supplier for a state shall notify in writing the
 Energy Division of that designation.

26 I. Any assignments or order made under this section must
28 specify that the product be made available to the consumer,
30 wholesale purchaser-consumer or wholesale purchaser-reseller
32 at prices prevailing for similar classes of purchasers in
 the locality of the consumer, wholesale purchaser-consumer
 or wholesale purchaser-reseller at the time of the sale of
 the product.

34 J. The set-aside program remains in effect no longer than
36 180 days without approval of the Legislature. If the
38 Governor finds that the set-aside system is no longer
40 necessary to manage an energy shortage, the Governor shall
 terminate the program and shall notify the Legislature of
 that termination.

42 **3. Violations; penalties.** Violations and penalties of this
 section are as follows.

44 A. Any person who violates any provision of this section or
46 any rule or order issued pursuant to this section is subject
48 to a civil penalty of not more than \$10,000 for each
 violation.

50 B. The penalty provided in paragraph A must be recovered in
52 an action or special proceeding brought by the Attorney
 General.

2 C. Alternately, or in addition to the action or proceeding
4 to recover the civil penalty provided by paragraph A, the
6 Attorney General may institute an action or proceeding to
8 enjoin any violation of or to enforce any provision of this
10 section or any rule or order issued under this section.

12 **§13085-C. Petroleum inventory and delivery reporting requirements**

14 **1. Definitions.** As used in this section, unless the
16 context otherwise indicates, the following terms have the
18 following meanings.

20 **A. "Petroleum products" means propane, gasoline, unleaded**
22 **gasoline, gasohol, kerosene, #2 heating oil, diesel fuel,**
24 **kerosene-based jet fuel, aviation gasoline, #4, #5 and #6**
26 **residual oil for utility and nonutility uses, and Bunker C**
28 **oil.**

30 **B. "Primary storage facilities" means any facility that**
32 **receives petroleum products into the State either by**
34 **pipeline or ship.**

36 **C. "Primary supplier" means any refiner, marketer,**
38 **distributor, firm or person that makes the first sale of any**
40 **petroleum products subject to the state set aside into the**
42 **state distribution system for consumption within the State.**

44 **2. Reporting inventories.** Each owner or lessee of primary
46 **storage facilities or petroleum products in the State shall make**
48 **an accurate report on the first and 3rd Mondays of each month to**
50 **the Energy Division on a form provided by the director. This**
52 **form must contain a conspicuous statement of the penalties**
provided in subsection 4 and requires the following information:

2 **A. The total inventory of each petroleum product stored in**
4 **the State, as measured within not more than 3 working days**
6 **prior to the reporting date; and**

8 **B. The quantities of each petroleum product delivery**
10 **expected into the State within 15 days of the reporting date.**

12 **3. Reporting deliveries.** Each primary supplier of
14 **petroleum products shall make an accurate report on the 3rd**
16 **Monday of each month to the Energy Division on a form provided by**
18 **the division, unless the report is already being submitted in**
20 **accordance with federal regulations.**

22 **This form must contain a conspicuous statement of the penalties**
24 **provided in subsection 4 and requires the following information:**

26 **A. Actual deliveries of all petroleum products in this**
28 **State during the preceding calendar month;**

2 B. Anticipated deliveries of all petroleum products in this
4 State during the following calendar month; and

6 C. Allocation fractions for all petroleum products for the
 following calendar month.

8 4. Penalty provisions. Any owner or lessee of a primary
10 storage facility or any primary supplier covered by this section
12 who fails to provide the information required by this section or
14 that knowingly or recklessly supplies false or misleading
16 information is guilty of a violation of Title 17-A, section 453.
 Any owner or lessee of a primary storage facility who supplies
 false or misleading information is subject to a civil penalty of
 \$2,500, payable to the State, to be recovered in a civil action.

18 **Sec. T-52. 5 MRSA c. 383, sub-c. III, art. 4 is repealed.**

20 **Sec. T-53. 5 MRSA §13111, as amended by PL 1989, c. 878, Pt.**
 B, §5, is further amended to read:

22 **§13111. Land Use Planning Division**

24 There is established within the Department of Economic and
26 Community Development, Bureau of Land Use and Natural Resources,
 ~~the Office of Comprehensive~~ Land Use Planning Division. The
28 ~~office~~ division shall assist communities in local and regional
 land use planning activities.

30 The Deputy Commissioner for ~~Comprehensive~~ Land Use Planning
32 ~~shall be~~ and Natural Resources is the director of the ~~office~~
34 division and shall administer it in accordance with the policies
 of the commissioner and the provisions of this chapter. The
 director has the following powers and duties.

36 **1. Provide information.** The ~~office~~ director shall organize
38 and make available to municipalities and regional planning
40 agencies existing information from state agencies to be used in
 the development of comprehensive plans and land use ordinances as
 required under Title 30 30-A, chapter 239, ~~subchapter VI~~ 187.

42 **2. Assist community land use planning and implementation.**
44 The director shall provide technical assistance to municipalities
46 and regional planning organizations in the development and
 implementation of local comprehensive land use plans as required
 under Title 30 30-A, chapter 239, ~~subchapter VI~~ 187.

48 **3. Financial assistance.** The director shall administer a
50 program to provide financial assistance to local communities and
52 regional planning agencies in the development, implementation and
 enforcement of comprehensive land use plans and ordinances as
 required under Title 30 30-A, chapter 239, ~~subchapter VI~~ 187.

2 4. Coastal zone management. The director shall administer
a coastal zone management local grants program.

4
6 5. Regional planning grants program. The director shall
administer a regional planning grants program for regional
planning commissions and councils of government established under
8 Title 30-A, chapter 119, subchapter I.

10 6. Staff assistance. The director shall provide staff
assistance for the planning advisory council as established under
12 Title 30 30-A, chapter ~~239~~, ~~subchapter VI~~ 187.

14 7. Provide technical assistance and resources for local
parks and recreation development. The director shall oversee
16 delivery of technical assistance and resources to municipalities
for the purpose of enhancing and expanding parks, open spaces and
18 recreational opportunities as a part of comprehensive community
development.

20 8. Encumbered balances at year-end. At the end of each
22 fiscal year, all encumbered balances accounts for financial
assistance and regional planning grants may be carried twice.

24 Sec. T-54. 5 MRSA c. 383, sub-cc. VI-A and VIII are enacted to
26 read:

28 SUBCHAPTER VI-A

30 NATURAL RESOURCE DEVELOPMENT

32 §13115. Natural Resources Division

34 The Natural Resources Division is created within the
36 Department of Economic and Community Development under the Bureau
of Land Use and Natural Resources. The division is under the
38 direction of the Director of Natural Resources.

40 1. Duties. The division has the following responsibilities:

42 A. Providing technical assistance to the commissioner and
the Legislature by undertaking special studies and plans,
44 preparing or analyzing policy alternatives and identifying
the immediate and long-range needs and resources to meet
46 these needs in the areas of natural resources and
socioeconomics. The division shall prepare the plans and
48 studies at the request of the Governor, the Legislature or
interdepartmental committees, councils and task forces;

50 B. Administering the Register of Critical Areas established
52 in subchapter VIII; and

2 C. Providing staff assistance to the Water Resources
3 Management Board as provided in chapter 355.

4 **SUBCHAPTER VIII**

6 **STATE REGISTER OF CRITICAL AREAS**

8 **§13119. Short title**

10 This subchapter is known and may be cited as the "Act for a
11 State Register of Critical Areas."

12 **§13119-A. Findings; declaration of purpose**

14 The Legislature finds that the State has an overriding
15 interest in the optimum development and preservation of sites or
16 areas of unusual natural, scenic or scientific significance. In
17 order to facilitate their preservation for present and future
18 generations, the Legislature finds that these areas should be
19 inventoried. The Legislature directs that a statewide inventory
20 and an official, authoritative listing of the natural, scenic and
21 scientific areas of overriding state interest be made by the
22 Natural Resources Division as part of its overall responsibility
23 for the preparation of statewide goals and policies and
24 coordination of the planning and conservation efforts of state
25 and local agencies. The official listing is known as the
26 "Register of Critical Areas" and may be referred to as the
27 "register."

30 The Legislature also finds that the best ways to accomplish
31 the objectives cited in this section are through continued
32 implementation of the State's land use laws that guide and
33 control development in all areas of the State, including those
34 areas listed in the statewide inventory and through voluntary
35 conservation efforts by landowners. The Legislature authorizes
36 the Natural Resources Division to work with interested landowners
37 on voluntary conservation of these areas.

38 The Legislature further finds that species of native plants
39 are important for human enjoyment, for scientific purposes and as
40 components of their ecosystems for the benefit of the people of
41 this State. Native species of plants within this State and the
42 nation that are reduced in number must be identified as
43 endangered or threatened to encourage their protection and to
44 maintain and enhance their numbers.

46 **§13119-B. Definitions**

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

1. Critical areas. "Critical areas" means areas containing plant and animal life or geological features worthy of preservation in their natural condition or other natural features of significant scenic, scientific or historical value.

2. Endangered plant species. "Endangered plant species" means any species of native plant that is in danger of extinction throughout all or a significant portion of its range within the State or any species determined to be an "endangered species" pursuant to the United States Endangered Species Act.

3. Endangered Species Act. "Endangered Species Act" means the United States Endangered Species Act of 1973, Public Law 93-205, as amended.

4. Threatened plant species. "Threatened plant species" means any species of native plant likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range within the State or any species of plant determined to be a "threatened species" pursuant to the United States Endangered Species Act.

§13119-C. Maine Critical Areas Advisory Board

The Maine Critical Areas Advisory Board established by section 12004-I, subsection 78, shall advise and assist the Natural Resources Division under the Bureau of Land Use and Natural Resources within the Department of Economic and Community Development in the establishment and maintenance of the Register of Critical Areas. The Maine Critical Areas Advisory Board, in this subchapter referred to as the "board," is appointed by the Governor, convened by the division and consists of 11 members, one of whom is a permanent member.

1. Permanent member. The one permanent member of the board is the appointed designee or the Director of Natural Resources.

2. Additional members. There are 10 additional members of the board who serve for terms of 3 years respectively, except that initially, 3 members are appointed whose terms expire at the end of one year, 3 members whose terms expire in 2 years and 4 members whose initial terms expire at the end of 3 years.

3. Officers. The board shall select annually from its membership a chair and a secretary, and shall meet not less than twice a year at the call of the chair or a majority of the members. The division shall furnish clerical, technical and other services required by the board in the performance of its official duties.

4. Quorum; records. A quorum of the board for the transaction of business is 7 members. The secretary of the board

2 shall keep a record of all proceedings of the board and that
3 record is a public record.

4 5. Rules. The board may adopt rules governing the conduct
5 of its business.

6 6. Expenses. Members of the board are entitled to
7 compensation as provided in chapter 379.

10 §13119-D. Register of Critical Areas

12 1. Register of Critical Areas. The Natural Resources
13 Division, with the advice and approval of the board, shall
14 establish a Register of Critical Areas, that must contain an
15 inventory of sites and areas of significant natural, scenic or
16 scientific value duly classified as "critical areas" as defined
17 in section 13119-B, subsection 1. In determining the
18 classification of an area or site as a critical area, the
19 division shall consider:

20 A. The unique or exemplary natural qualities of the area or
21 site;

24 B. The intrinsic fragility of the area or site to
25 alteration or destruction;

26 C. The present or future threat of alteration or
27 destruction; and

30 D. The economic implications of inclusion of a critical
31 area in the register.

32 2. Landowner consultation. An area or site classified as a
33 critical area may not be included in the register without
34 notification of the landowner at least 60 days prior to that
35 classification. Each critical area listed in the register must
36 include:

37 A. A general description of the area or site;

40 B. A list of its unique or exemplary qualities and reasons
41 for inclusion in the register;

44 C. Its size and location; and

46 D. The name or names of the property owner, contingent upon
47 the consent of the owner.

48 3. Recommendations. The division shall recommend to
49 appropriate state agencies that possess the authority to acquire
50 property rights, through devise, gift, purchase or otherwise, and
51 that also possess the authority to contract with private property
52 owners.

owners, the acquisition of property rights or the establishment
of management agreements that ensure the protection of critical
areas on the register whose natural qualities are threatened with
adverse alteration or destruction. The division may also
recommend the acquisition of property rights or consummation of
contractual management agreements regarding any critical area
listed in the register to any state agency, political subdivision
of the State or private citizens who have demonstrated interest
in the protection of critical areas.

4. Removal of listed areas. The division, with the advice
and approval of the Maine Critical Areas Advisory Board, may
remove any critical area listed in the register if the division
determines that the protection afforded under inclusion in the
register is no longer necessary or appropriate.

§13119-E. Endangered plants

1. Official list of endangered plants. The Director of
Natural Resources, with the advice of the Maine Critical Areas
Advisory Board, shall establish and maintain the official list of
native endangered and threatened plants of the State. The
purpose and intent of the list is informational only.

2. Criteria for listing. The director may establish
procedures to substantiate the identification of endangered and
threatened native plant species. In determining the list, the
director may utilize the rare plant data base of the critical
areas program, as well as the knowledge of botanists in the
State. In addition, the director shall consult with federal
agencies, interested state agencies, other states or provinces
having a common interest and other interested persons and
organizations. When establishing the list, the director shall
determine guidelines for each category by considering such
aspects of plant biology as:

A. Endemics: plant species or subspecies that may be
geographically restricted to the State;

B. Scarcity: a plant species or subspecies may be
numerically scarce throughout their distribution in North
America and occur in only a few locations in the State;

C. Special habitat: a plant species or subspecies may
require special habitat that is scarce in the State or under
heavy development pressure, such as, but not limited to,
limestone outcrops, alpine areas, calcareous fens and sand
plains;

D. Limit of their range: a plant species or subspecies may
be at the edge of its distribution or beyond its normal
range in the State;

2 E. Declining population: a plant species may be threatened
4 or seriously declining due to habitat modification,
collection or overutilization for recreational, scientific
6 or educational purposes; and

8 F. Vulnerability: a plant species may be vulnerable to
extinction in the State because of destruction to its
10 habitat.

12 3. Public hearing. The division shall conduct at least one
public hearing to allow for public comment prior to establishing
14 the list. The division may hold other public hearings with
regard to modifications.

16 4. Biennial review. The division shall review the list
18 biennially and update it based upon new botanical inventory data,
scientific studies or other documentation.

20 §13119-F. List of Heritage Coastal Areas

22 The Natural Resources Division shall develop and maintain
24 the official list of Heritage Coastal Areas.

26 1. Definitions. As used in this section, unless the
context indicates otherwise, the following terms have the
28 following meanings.

30 A. "Heritage Coastal Areas" means areas containing an
assemblage of geological, botanical, zoological, historical
32 or scenic features of exceptional state or national
significance.

34 2. Guidelines for identifying Heritage Coastal Areas. The
division, in consultation with the Maine Historic Preservation
36 Commission, shall review existing reports and documents on
coastal natural, historical and scenic areas in order to document
38 Heritage Coastal Areas. The division shall also undertake the
necessary studies and inventories to document the scenic and
40 natural values of candidate areas. Nomination forms for each
heritage coastal area must contain a description of the area and
42 its significance, its size and location and the names of the
landowners of the features within the area.

44 When evaluating candidate Heritage Coastal Areas, the following
46 guidelines must be considered:

48 A. Areas eligible for or listed on the Register of Critical
Areas; and

50 B. Areas eligible for or listed on the National Register of
52 Historic Places.

2 3. Municipal and landowner consultation. An area may not
4 be included on the list of Heritage Coastal Areas until the
6 division notifies the landowner of the features and officials of
 the municipality where the area is located at least 60 days prior
 to designation.

8 4. Designation of Heritage Coastal Areas. The director,
10 with the advice and approval of the Maine Critical Areas Advisory
12 Board, shall designate Heritage Coastal Areas subject to review
 by the joint standing committee of the Legislature having
 jurisdiction over energy and natural resource matters.

14 The designation of Heritage Coastal Areas officially identifies
16 and documents assemblages of exceptional natural, historical or
18 scenic areas on the coast that merit special attention for
 conservation.

20 5. Protection of features within Heritage Coastal Areas.
22 The features identified within Heritage Coastal Areas must be
24 protected on a voluntary basis. Government agencies at all
 levels shall consider the importance of protecting the character
 of Heritage Coastal Areas in land use control and other actions
 that they take.

26 Sec. T-55. 5 MRSA §13127, sub-§2, as amended by PL 1989, c.
28 903, §2, is further amended to read:

30 2. Composition. The board is composed of 15 members. The
32 membership includes one representative of the University of Maine
34 System, one representative of the Association for Research in the
36 Gulf of Maine, 2 representatives of nonprofit environmental
38 organizations, one representative of independent higher education
40 institutions, 2 representatives of the scientific community, 2
42 representatives of marine resource industries and one public
 member. The Commissioner of Environmental Protection, the
 Director of the Maine Geological Survey, the Commissioner of
 Marine Resources, the ~~Director of the State Planning Office~~
 Commissioner of Economic and Community Development or the
 commissioner's designee and the director of the sea grant college
 program serve as ex officio members. The ex officio members may
 appoint designees to fulfill their duties under this chapter.

44 Sec. T-56. 5 MRSA §15138, first ¶, as amended by PL 1989, c.
46 700, Pt. A, §23 and c. 915, §§2 and 3 and affected by §10, is
 repealed and the following enacted in its place:

48 Agencies of State Government shall cooperate to assess the
50 needs of zones and provide appropriate assistance to these
52 zones. There shall be a committee composed of, at a minimum, the
 Commissioner of Economic and Community Development, Commissioner
 of Transportation, Commissioner of Labor, Commissioner of

2 Education, President of the Maine Technical College System, Chief
3 Executive Officer of the Finance Authority of Maine and the
4 Director of the Maine State Housing Authority. The committee
5 shall meet quarterly with representatives from each zone to
6 review projects, assess the coordination of existing resources
7 and identify any other potential resources to ensure that the
8 needs of the zones are being addressed to the fullest extent
9 possible.

10 **Sec. T-57. 5 MRSA §15138, sub-§5,** as amended by PL 1987, c.
11 769, Pt. A, §25, is further amended to read:

12
13 **5. Opportunity Zone Service Delivery System Program.** The
14 Opportunity Zone Service Delivery System Program shall must be
15 developed by the commissioner to coordinate development resources
16 and services, including the programs and services of the State
17 Planning-Office department, the Finance Authority of Maine and
18 the Maine State Housing Authority which shall must be targeted to
19 assist zones.

20
21 **Sec. T-58. 5 MRSA §15139,** as amended by PL 1987, c. 769, Pt.
22 A, §26, is repealed.

23
24 **Sec. T-59. 5 MRSA §15140,** as amended by PL 1989, c. 915, §6,
25 is further amended to read:

26 **§15140. Evaluation**

27
28 The commission, in cooperation with the State Department of
29 Economic and Community Development Office, shall seek independent
30 professional assistance to undertake an objective evaluation of
31 the program. This evaluation must be made available to the
32 Governor, the Executive Director of the Legislative Council and
33 the joint standing committee of the Legislature having
34 jurisdiction over housing and economic development matters, no
35 later than October 1, 1991. The department shall fund the
36 evaluation using existing program funds and shall provide all
37 staffing assistance required by the commission.

38
39 **Sec. T-60. 30-A MRSA c. 201, sub-c. III-B** is enacted to read:

40
41 **SUBCHAPTER III-B**

42
43 **MAINE AFFORDABLE HOUSING ALLIANCE**

44
45 **§4761. Maine Affordable Housing Alliance established**

46
47 There is established within the Maine State Housing
48 Authority the Maine Affordable Housing Alliance, known in this
49 subchapter as the "housing alliance." The housing alliance shall
50

2 assist municipalities in developing affordable housing under this
3 chapter.

4 The Director of the Maine State Housing Authority shall
5 appoint a director of the housing alliance and provide staff for
6 the housing alliance.

8 **§4762. Coordination**

10 The housing alliance, in implementing chapter 202, shall
11 consult with the Interagency Task Force on Homelessness and
12 Housing Opportunities, as established in chapter 202, in order to
13 make the best use of resources and to create the greatest impact
14 on the affordable housing crisis.

16 **§4763. Advisory committee established**

18 The Affordable Housing Alliance Advisory Committee shall
19 serve as an advisory group to the Maine State Housing Authority
20 with respect to the implementation of chapter 202.

22 **1. Membership.** The Affordable Housing Alliance Advisory
23 Committee must have broad geographic representation and consist
24 of 15 members representing both the public and private sectors,
25 including housing developers, bankers, real estate professionals
26 and elected or appointed municipal officials appointed as follows.

28 A. Nine members are appointed by the Governor to serve
29 3-year terms, except that 3 of the initial appointees are
30 appointed for terms of 2 years, and 3 are appointed for
31 terms of one year. All members serve until their successors
32 are appointed and qualified. Vacancies occurring in
33 positions appointed by the Governor must be filled by
34 appointment by the Governor for the remainder of the term.

36 B. Five members are appointed jointly by the President of
37 the Senate and the Speaker of the House of Representatives
38 to serve 3-year terms, except that 2 of the initial
39 appointees are appointed for terms of 2 years or less as
40 determined by the appointing authorities. Members appointed
41 by the presiding officers of the Legislature may be
42 reappointed. All members shall serve until their successors
43 are appointed by the presiding officers. Vacancies must be
44 filled by the appointing authorities for the remainder of
45 the terms.

46 C. The Director of the Maine State Housing Authority, or
47 the director's designee, shall serve on the committee.

50 **2. Compensation.** Public members are compensated in
51 accordance with the provisions of Title 5, chapter 379.

52

2 3. Chair. The advisory committee shall elect a chair from
3 among its members to serve a term of 2 years.

4 4. Duties. The advisory committee shall advise the
5 director of the housing alliance with respect to the
6 implementation of chapter 202 and the overall development of
7 affordable housing in the State. The advisory committee shall:

8 A. Assist the housing alliance with respect to the
9 development of the affordable housing plan under chapter
10 202, subchapter I;

11 B. Make recommendations to the director of the housing
12 alliance with respect to policies, programs and funding
13 under chapter 202; and

14 C. Review and examine the plan, program, policies, funding
15 and implementation of the housing alliance program to
16 determine its effectiveness.

17 **Sec. T-61. 30-A MRSA §5002, sub-§1**, as enacted by PL 1989, c.
18 601, Pt. B, §4, is amended to read:

19 **1. Advisory committee.** "Advisory committee" means the
20 Affordable Housing Alliance Advisory Committee as defined in
21 Title 5 30-A, section 13118 4763.

22 **Sec. T-62. 30-A MRSA §5002, sub-§2**, as amended by PL 1989, c.
23 875, Pt. M, §11 and affected by §13, is further amended to read:

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

30 A. Government-assisted housing;

31 B. Housing for low-income and moderate-income families;

32 C. Manufactured housing;

33 D. Multifamily housing; and

34 E. Group and foster care facilities.

35 **Sec. T-63. 30-A MRSA §5002, sub-§§4 and 5**, as enacted by PL
36 1989, c. 601, Pt. B, §4, are repealed.

37 **Sec. T-64. 30-A MRSA §5002, sub-§5-A** is enacted to read:

2 **5-A. Director.** "Director" means the Director of the Maine
3 State Housing Authority.

4 **Sec. T-65. 30-A MRSA §5002, sub-§8,** as amended by PL 1989, c.
5 875, Pt. M, §11 and affected by §13, is further amended to read:

6 **8. Housing alliance or alliance.** "Housing alliance" or
7 "alliance" means the Maine Affordable Housing Alliance within the
8 ~~Office of Community Development, as established in Title 5,~~
9 ~~section 13086~~ Maine State Housing Authority.

10 **Sec. T-66. 30-A MRSA §5003, last ¶,** as enacted by PL 1989, c.
11 601, Pt. B, §4, is amended to read:

12 The Maine State Housing Authority is best able to provide
13 resources, technical assistance and support to both profit and
14 nonprofit housing producers. ~~The department is best able to~~
15 ~~provide resources, technical assistance and support~~ and to
16 Maine's municipalities, especially in areas such as planning,
17 zoning, infrastructure development and similar activities
18 necessary for the development of affordable housing.

19 **Sec. T-67. 30-A MRSA §5004, sub-§1,** as enacted by PL 1989, c.
20 601, Pt. B, §4, is amended to read:

21 **1. Plan.** ~~The department and the housing authority, jointly~~
22 and in consultation with the interagency task force and the
23 advisory committee, shall develop a plan for the development of
24 affordable housing for lower and moderate-income households in
25 Maine. This plan shall must include, but is not limited to:

26 A. Long-term and short-term goals and objectives for
27 developing affordable housing in Maine;

28 B. Provisions defining the process by which the efforts and
29 resources of state agencies will be coordinated with the
30 efforts and resources of municipalities and the private
31 sector to address the affordable housing crisis;

32 C. The criteria essential for the awarding of grants,
33 making loans and providing technical and other forms of
34 assistance and support to municipalities, nonprofit housing
35 corporations and for-profit housing developers under this
36 chapter; and

37 D. Proposed rules to be adopted by each agency to implement
38 this chapter.

39 **Sec. T-68. 30-A MRSA §5006,** as enacted by PL 1989, c. 601,
40 Pt. B, §4, is amended to read:

2 **§5006. Coordination and cooperation**

4 All state agencies and independent state agencies shall
6 cooperate with the authority ~~and the department~~ with respect to
8 the implementation of this chapter. Whenever possible, all state
10 agencies and independent state agencies shall coordinate their
12 resources and activities with those of the ~~department and the~~
14 state authority to address the affordable housing crisis.

16 **Sec. T-69. 30-A MRSA §5013, sub-§7**, as enacted by PL 1989, c.
18 601, Pt. B, §4, is amended to read:

20 **7. Provide technical assistance.** Within the its existing
22 resources ~~of the department~~, provide technical assistance and
24 information to municipalities with respect to the development of
26 affordable housing;

28 **Sec. T-70. 30-A MRSA §5021, first ¶**, as enacted by PL 1989, c.
30 601, Pt. B, §4, is amended to read:

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

44 **Sec. T-71. 30-A MRSA §5033, sub-§2**, as enacted by PL 1989, c.
46 601, Pt. B, §4, is amended to read:

48 **2. Selection process.** In selecting municipalities to
50 receive funds from the Municipal Land Acquisition Revolving Fund,
the alliance shall include in the selection process, one or more
representatives from the staff of the authority. The director of
the alliance, ~~in consultation with the commissioner~~, shall select
the municipalities to receive grants or loans from the fund. In
selecting nonprofit housing corporations to receive funds from
the Maine Affordable Housing Land Trust Fund, the executive
director of the authority shall include one or more
representatives from the housing alliance in the selection
process.

52 **Sec. T-72. 30-A MRSA §5041**, as enacted by PL 1989, c. 601,
54 Pt. B, §4, is amended to read:

56 **§5041. Task force created**

58 The Interagency Task Force on Homelessness and Housing
60 Opportunities, established in accordance with Title 5, chapter
379, shall serve as an advisory committee with respect to the

2 administration and implementation of this chapter to the state
3 authority, ~~the department,~~ the Governor and the Legislature.

4 **Sec. T-73. 30-A MRSA §5042, sub-§4,** as enacted by PL 1989, c.
5 601, Pt. B, §4, is amended to read:

6 **4. Staff.** The authority ~~and the department~~ shall provide
7 staff support to the interagency task force. State agencies
8 represented on the task force shall also provide assistance when
9 requested.
10

11 **Sec. T-74. 30-A MRSA §§5051 and 5052,** as enacted by PL 1989,
12 c. 601, Pt. B, §4, is amended to read:

13 **§5051. Administration and implementation**

14
15 The ~~commissioner,--in--consultation--with--the--executive~~
16 ~~director of the state authority and,~~ in consultation with the
17 interagency task force, shall administer this subchapter. The
18 ~~department and the state authority~~ shall coordinate the resources
19 available to each agency to address residential deteriorating
20 areas and to restore these areas to decent, sanitary and safe
21 residential neighborhoods.
22

23 **§5052. Designation of urban housing zones**

24
25 The ~~commissioner,--in--consultation--with--the~~ state authority
26 ~~and,~~ in cooperation with the interagency task force, may
27 establish 4 demonstration housing opportunity zones, each
28 comprised of a different municipality or portion of a
29 municipality. These demonstration zones shall serve as a means
30 of determining the effectiveness of zones as a tool stimulating
31 residential revitalization in deteriorating neighborhoods.
32

33 **1. Standards for zones.** The ~~commissioner,--in--consultation~~
34 ~~with the state authority,~~ by rules adopted in accordance with the
35 Maine Administrative Procedure Act, Title 5, chapter 375, shall
36 establish standards for the selection of areas to be designated
37 as zones and the provision of assistance to those zones. At a
38 minimum, the ~~commissioner~~ director shall apply the following
39 standards.
40

41 **A.** The zones must be located in urban areas experiencing
42 significant deterioration in residential neighborhoods.

43 **B.** All areas wishing to be designated as zones must
44 demonstrate actual or potential local capacity for
45 residential revitalization and the willingness to cooperate
46 with the ~~department~~ authority.
47
48
49
50

2 C. The level of general assistance by the State and the
municipality, as well as the level of federal assistance to
4 persons in these areas, shall must be considered.

6 D. All municipalities requesting zone designation for areas
within the municipality must have a local housing alliance
8 which shall help develop a plan of action to revitalize
deteriorating residential dwellings and neighborhoods. The
10 plan shall address the major problems of these deteriorating
areas, including a law enforcement component to
12 significantly reduce crime in these areas.

14 In applying these standards, the ~~commissioner~~ director shall also
consider the problem of crime in these areas.

16 **Sec. T-75. 30-A MRSA §5053, first ¶,** as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

18 ~~The commissioner, in consultation with the state authority~~
20 and director, in consultation with the interagency task force,
may:

22 **Sec. T-76. 30-A MRSA §5053, sub-§3,** as enacted by PL 1989, c.
24 601, Pt. B, §4, is amended to read:

26 **3. Withhold or refuse payment of money.** Withhold or refuse
payment of money for any activity not authorized by the plan, the
28 ~~commissioner~~ director or the municipality.

30 **Sec. T-77. 30-A MRSA §5054,** as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

32 **§5054. Duties of director**

34 In implementing this subchapter, the ~~commissioner~~ director
36 shall:

38 **1. Work with interagency task force.** Work with the
interagency task force and the Commissioner of Public Safety to
40 coordinate the resources of state agencies to be applied to the
zones including, but not limited to:

- 42 A. Job training programs;
- 44 B. Educational and vocational training;
- 46 C. Child care assistance; and
- 48 D. Crime prevention programs;

50 **2. Coordinate with municipality.** Coordinate the resources
52 of the ~~department~~ state authority with the resources of ~~the state~~

2 authority--and the municipality to address residential housing
deterioration;

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

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

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

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

26 A. Financial assistance to owner-occupied rental and
single-family homes for the restoration of dwelling units;

28 B. Financial assistance to shelters for the homeless;

30 C. Financial assistance for the removal of structures
32 beyond rehabilitation; and

34 D. Financial assistance for the creation of recreational
and park areas.

36 **Sec. T-78. 30-A MRSA §5055, first ¶,** as enacted by PL 1989, c.
38 601, Pt. B, §4, is amended to read:

40 The ~~commissioner,--the--state--authority~~ director and the
interagency task force shall develop models for the
42 revitalization of deteriorating residential areas in urban areas
based on the results of the study and monitoring of the
44 demonstration zones as provided in section 5052. The
~~commissioner,--the--state--authority~~ director and the interagency
46 task force shall review and evaluate the plans and programs
applied to the demonstration zones and report their findings and
48 recommendations to the Governor and the joint standing committee
of the Legislature having jurisdiction over housing matters by
50 December 30, 1992. This report shall must include:

52 **Sec. T-79. Transition provisions.**

2 1. The Department of Economic and Community Development and
3 its various bureaus, divisions and offices is the successor in
4 every way to the powers, duties and functions of the former State
5 Planning Office. The Maine State Housing Authority is the
6 successor in every way to the powers, duties and functions of the
7 Maine Affordable Housing Alliance, formerly of the Department of
8 Economic and Community Development.

10 2. All existing rules and procedures in effect, in
11 operation or promulgated in or by the State Planning Office or by
12 the Maine Affordable Housing Alliance, or any of their
13 administrative units or officers, are declared in effect and
14 continue in effect until rescinded, revised or amended by the
15 proper authority.

16 3. All existing contracts, agreements and compacts
17 currently in effect in the State Planning Office and the Maine
18 Affordable Housing Alliance continue in effect.

19 4. Any authorized and allocated positions that are subject
20 to the personnel laws in the former State Planning Office may
21 continue to be authorized with the exception of the following
22 positions that are currently authorized as General Fund
23 positions: Director of State Planning; Administrative Secretary;
24 Clerk Typist III; Deputy Director; Policy Development Specialist,
25 Management Division; Personnel Assistant; and Director of Energy
26 Policy and Planning.

27 5. Notwithstanding the provisions of the Maine Revised
28 Statutes, Title 5, all accrued expenditures, assets, liabilities,
29 balances or appropriations, allocations, transfers, revenues or
30 other available funds in an account or subdivision of an account
31 of the former State Planning Office and of the Maine Affordable
32 Housing Alliance, formerly of the Department of Economic and
33 Community Development, must be transferred to the proper accounts
34 by the State Controller upon the request of the State Budget
35 Officer and with the approval of the Governor.

36 6. Authorized positions and incumbent personnel in the
37 former State Planning Office are transferred to the Department of
38 Economic and Community Development. The following provisions
39 apply to any state personnel transferred to the Department of
40 Economic and Community Development by the provisions of this Part.

41 A. The employees retain their accrued fringe benefits,
42 including vacation and sick leave, health and life insurance
43 and retirement benefits.

44 B. Employees who are members of collective bargaining units
45 on the effective date of this Part remain members in their
46 respective bargaining units and retain all rights,

2 privileges and benefits provided by their collective bargaining agreements with respect to state service.

4 C. Employees who are members of the Maine State Retirement System remain members of the Maine State Retirement System.

6
* The Department of Administration, Bureau of Human Resources shall
8 assist with the orderly implementation of these provisions.

10 7. Authorized positions and incumbent personnel in the
12 Maine Affordable Housing Alliance, formerly of the Department of
14 Economic and Community Development, are transferred to the Maine
State Housing Authority and are subject to the provisions of this
subsection.

16 A. Transferred employees may, at their option, remain state
18 employees as long as they remain continuously in their
current positions or in other positions which were
20 transferred from the Maine Affordable Housing Alliance to
the Maine State Housing Authority on the effective date of
22 this Part. Employees who do not remain state employees
become employees of the Maine State Housing Authority with
the rights and obligations of other authority employees.

24 B. Transferred employees who remain state employees retain
26 their accrued fringe benefits associated with state
employment, including vacation and sick leave and health and
28 life insurance, as long as they continue as state employees.

30 C. Transferred employees who remain state employees and who
are members of collective bargaining units on the effective
32 date of this Part remain members in their respective
bargaining units and retain all rights, privileges and
34 benefits provided by their collective bargaining agreements
with respect to state service, as long as they remain state
36 employees.

38 D. Transferred employees who elect to remain state
employees remain members of the Maine State Retirement
40 System as long as they remain state employees.

42 E. The Maine State Housing Authority shall reimburse the
State for all costs related to the transferred employees who
44 elect to remain state employees. The reimbursement includes
the employer's share of contributions to the Maine State
46 Retirement System for those employees.

48 F. Positions of transferred employees who remain state
employees are terminated when vacated by those employees,
50 unless filled by other transferred employees who elected to
remain state employees. Positions similar to those

2 terminated may be established within the Maine State Housing
Authority.

4 The Department of Administration, Bureau of Human Resources shall
assist with the orderly implementation of these provisions.

6
8 8. All records, property and equipment previously belonging
to or allocated for the use of the former State Planning Office
become, on the effective date of this Part, part of the property
10 of the Department of Economic and Community Development. All
records, property and equipment previously belonging to or
12 allocated for the use of the Maine Affordable Housing Alliance,
formerly of the Department of Economic and Community Development,
14 become, on the effective date of this Part, part of the property
of the Maine State Housing Authority.

16
18 9. All existing forms, licenses, letterheads and similar
items bearing the name of or referring to the State Planning
Office may be used by the Department of Economic and Community
20 Development until existing supplies of those items are
exhausted. All existing forms, licenses, letterheads and similar
22 items bearing the name of or referring to the Maine Affordable
Housing Alliance, formerly of the Department of Economic and
24 Community Development, may be used by the Maine State Housing
Authority until existing supplies of those items are exhausted.

26
28 **Sec. T-80. Revision clause.** Wherever in the Maine Revised
Statutes the words "State Planning Office" or "Director of the
State Planning Office" appear or reference is made to those
30 words, they are amended to read and mean the "Department of
Economic and Community Development" and the "Commissioner of
32 Economic and Community Development" respectively, and the Revisor
of Statutes shall implement this revision when updating,
34 publishing or republishing the statutes.

36
38 **Sec. T-81. Commissioner appointed.** The Governor shall
appoint, subject to confirmation by the Legislature, a
commissioner for the newly reorganized Department of Economic and
Community Development.

40
42 **Sec. T-82. Appropriation.** The following funds are
appropriated from the General Fund to carry out the purposes of
this Part.

44
46
48
50
52
1990-91

**ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF**

**Administration - Economic and Community
Development**

2	Positions - Legislative Count	(-5.0)
	Personal Services	(\$8,612)
	All Other	(6,000)
4		
	TOTAL	<u>(\$14,612)</u>
6		
8	Provides for the deappropriation of funds	
	through the elimination of 3 Development	
10	Project Officer positions and 2 Clerk Typist	
	III positions through layoffs and related	
12	operating expenditures from the	
	reorganization of the department.	
14	Business Development	
16	Positions - Legislative Count	(-2.0)
	Personal Services	(\$6,714)
18	All Other	(4,000)
20		
	TOTAL	<u>(\$10,714)</u>
22		
	Provides for the deappropriation of funds	
24	through the elimination of one Development	
	Director position and one Development	
26	Project Officer position through layoffs and	
	related operating expenses from the	
28	reorganization of the department.	
	Office of Tourism	
30		
	Positions - Legislative Count	(-4.0)
32	Personal Services	(\$12,284)
	All Other	(8,000)
34		
	TOTAL	<u>(\$20,284)</u>
36		
	Provides for the deappropriation of funds	
38	through the elimination of 2 Development	
	Project Officer positions, one Development	
40	Director position and one Publicity	
	Information Officer position through layoffs	
42	and related operating expenses from the	
	reorganization of the department.	
44		
	International Commerce	
46		
	Positions - Legislative Count	(-1.0)
48	Personal Services	(\$2,871)
	All Other	(2,000)
50		
	TOTAL	<u>(\$4,871)</u>
52		

2 Provides for the deappropriation of funds
3 through the elimination of one Development
4 Project Officer position through layoff and
5 related operating expenses from the
6 reorganization of the department.

8 **DEPARTMENT OF ECONOMIC AND COMMUNITY
DEVELOPMENT**
10 **TOTAL** (\$50,481)

12 **EXECUTIVE DEPARTMENT**

14 **State Planning Office**

16 Positions - Legislative Count (-7.0)
17 Personal Services (\$26,633)
18 All Other (15,000)

20 Provides for the deappropriation of funds
21 through the elimination of the Director of
22 State Planning position; one Deputy Director
23 position; one Policy Development Specialist,
24 Management Division position; one Clerk
25 Typist III position; one Personnel Assistant
26 position; one Administrative Secretary
27 position; and the Director of Energy Policy
28 and Planning position by layoffs from the
abolishment of the State Planning Office.

30 **EXECUTIVE DEPARTMENT**
31 **TOTAL** (\$41,633)

32 **TOTAL APPROPRIATIONS - PART T** (\$92,114)

34 **Sec. T-83. Effective date.** Except as otherwise indicated, this
36 Part takes effect April 1, 1991.

38 **PART U**

40 **Sec. U-1. Department of Inland Fisheries and Wildlife; General Fund**
42 **positions eliminated.** Effective July 1, 1991 the following
43 positions are eliminated in the Department of Inland Fisheries
44 and Wildlife, Enforcement Operations: five Game Warden
45 Investigator positions and one Game Warden Sergeant position.

46 **Sec. U-2. Department of Inland Fisheries and Wildlife; General Fund**
48 **positions established.** Effective July 1, 1991 the following
49 positions are established in the Department of Inland Fisheries
50 and Wildlife, Enforcement Operations: six Game Warden positions.

2 **AUDIT, DEPARTMENT OF**

4 **Audit - Departmental Bureau**

6 Positions - Legislative Count (-2.0)

8 Provides for the elimination of 2
 Auditor I positions.

10 **CONSERVATION, DEPARTMENT OF**

12 **Division of Engineering and Realty**

14 Positions - Legislative Count (-1.0)

16 Provides for the elimination of a vacant
 18 Engineering Technician III position.

20 **Division of Forest Fire Control**

22 Positions - Legislative Count (-3.0)

24 Provides for the elimination of one vacant
 Forest Ranger II position and 2 vacant
 26 Forest Ranger IV positions.

28 **Maine Geological Survey**

30 Positions - Legislative Count (-3.0)

32 Provides for the elimination of the
 following vacant positions: one Geologist
 34 position, one Cartographer position and one
 Clerk Typist III position.

36 **Maine Land Use Regulation Commission**

38 Positions - Legislative Count (-0.5)

40 Provides for the elimination of a vacant
 42 part-time Senior Information System
 Support Specialist position.

44 **Parks General Operations**

46 Positions - Legislative Count (-1.5)

48 Positions - Other Count (-1.0)

50 Provides for the elimination of the
 following vacant positions: thirteen
 52 Lifeguard positions, one Park Ranger position,

2 2 Park Receptionist positions, one Maintenance
Mechanic Foreman position, one Clerk I position
and one Laborer I position.

4

6 **DEFENSE AND VETERANS' SERVICES,
DEPARTMENT OF**

8 **Military Training and Operations**

10 Positions - Legislative Count (-7.0)

12 Eliminates 3 vacant Building Custodian
14 positions, one vacant Heavy Equipment
Operator position, one vacant Laborer II
16 position, one vacant Plumber II position
and one vacant Military Training Officer
18 position. Also eliminated are 2 vacant
intermittent Building Custodian positions,
20 3 vacant seasonal Building Custodian
positions, one vacant project Clerk Typist II
22 position and one vacant project Data Entry
Operator position.

24 **Dam Safety Program**

26 Positions - Legislative Count (-1.5)

28 Eliminates one vacant Civil Engineer II
30 position and one vacant part-time Word
Processing Operator position.

32 **Veterans' Services**

34 Positions - Legislative Count (-1.0)

36 Eliminates one vacant Director of Veterans'
38 Services position.

40 **Veterans' Memorial Cemetery**

42 Positions - Other Count (-1.0)

44 Eliminates 2 vacant seasonal Laborer I
positions.

46 **ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF**

48

Office of Business Development

50

Positions - Legislative Count (-1.0)

52

2 Eliminates a vacant Development Program
3 Manager position.

4 **EDUCATION, DEPARTMENT OF**

6 **Governor Baxter School for the Deaf**

8 Positions - Legislative Count (-3.0)
9 Positions - Other Count (-7.0)

10

11 Eliminates one vacant Carpenter position,
12 one vacant Cook III position, one vacant
13 Custodial Worker I position, one vacant
14 Food Service Worker position, one vacant
15 Nursing Assistant II position, one vacant
16 Physical Therapist I position, one Program
17 Specialist-Deaf position, one Program
18 Supervisor-Deaf position, one Residential
19 Advisor-Deaf position and one
20 Psychologist II position.

22 **Administrative Services - Education**

24 Positions - Legislative Count (-1.0)

26 Eliminates one vacant Clerk Typist II
27 position.

28

29 **Curriculum - Education**

30

31 Positions - Legislative Count (-1.5)

32

33 Eliminates one 1/2-time Clerk Typist II
34 position and one Education Specialist III
35 position.

36

37 **Alcohol and Drug Education Services**

38

39 Positions - Legislative Count (-1.0)

40

41 Eliminates one Education Specialist III
42 position and one Education Specialist II
43 position, no head count.

44

45 **Adult Education**

46

47 Positions - Legislative Count (-1.0)

48

49 Eliminates one vacant Education
50 Specialist II position.

52 **Special Education - Exceptional Children**

2	Positions - Legislative Count	(-1.0)
4	Eliminates one vacant Supervisor of Visually Impaired position.	
6		
8	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
	Water Quality Control	
10	Positions - Legislative Count	(-1.0)
12	Eliminates one vacant Assistant Engineer position.	
14		
16	Solid Waste Management	
18	Positions - Legislative Count	(-1.0)
20	Eliminates one vacant Geologist position.	
22	EXECUTIVE DEPARTMENT	
24	Administration - Executive Governor's Office	
26	Positions - Legislative Count	(-1.5)
28	Eliminates one full-time and one part-time vacant Governor's Special Assistant positions.	
30		
32	Planning Office	
34	Positions - Legislative Count	(-2.0)
36	Eliminates one vacant Deputy State Economist position and one vacant Planner II position.	
38		
40	FINANCE, DEPARTMENT OF	
42	Bureau of Taxation	
44	Positions - Legislative Count	(-2.0)
46	Provides for the elimination of one vacant Senior Revenue Agent position, one vacant Revenue Agent position and one seasonal Clerk II position.	
48		
50	Bureau of Accounts and Control	
52		

2 Provides for the elimination of one vacant
part-time Laborer I position and one vacant
intermittent Data Entry Specialist position.

4
6 **HUMAN SERVICES, DEPARTMENT OF**

8 **Administration - Human Services**

10 Positions - Legislative Count (-1.0)

12 Provides for the elimination of one
vacant Laborer I position.

14 **Administration - Income Maintenance**

16 Positions - Legislative Count (-2.0)

18 Provides for the elimination of the
following vacant positions: one Clerk
20 Typist II position and one Social Services
Program Specialist I position.

22 **Income Maintenance - Regional**

24 Positions - Legislative Count (-11.0)

26 Provides for the elimination of the
28 following vacant positions: four Clerk
Typist II positions, 6 Income Maintenance
30 Specialist positions and one Income
Maintenance Unit Supervisor position.

32 **Elder and Adult Services - Bureau of**

34 Positions - Legislative Count (-3.0)

36 Provides for the elimination of the
38 following vacant positions: one full-time
and one part-time Clerk Typist II positions,
40 one Human Services Aide III position and one
part-time Planning and Research Associate II
42 position.

44 **Social Services - Regional**

46 Positions - Legislative Count (-5.5)

48 Provides for the elimination of the
following vacant positions: three full-
50 time and one part-time Clerk Typist II
positions and 2 Human Services Aide III
52 positions.

2 **Legal Services - Human Services**

4 Positions - Legislative Count (-1.0)

6 Provides for the elimination of a vacant
 Legal Secretary position.

8

10 **Bureau of Health**

12 Positions - Legislative Count (-1.0)

14 Provides for the elimination of a
 Sanitarian II position.

16 **Welfare Employment, Education and Training**

18 Positions - Legislative Count (-3.0)

20 Provides for the elimination of the
 following vacant positions: one Social
 Services Supervisor position and 2 Social
 Services Program Specialist II positions.

24

26 **Blind and Visually Impaired - Division of**

28 Positions - Legislative Count (-1.5)

30 Provides for the elimination of one
 full-time and one part-time vacant
 Visually Handicapped Children Counselor
 positions.

32

34 **Administration - Regional - Human Services**

36 Positions - Legislative Count (-2.5)

38 Provides for the elimination of the
 following vacant positions: two full-
 time and one part-time Clerk Typist II
 positions.

42

44 **Health Planning and Development**

46 Positions - Legislative Count (-1.0)

48 Provides for the elimination of a vacant
 Comprehensive Health Planner II position.

50 **Administration - Social Services**

52 Positions - Legislative Count (-1.0)

2 Provides for the elimination of a vacant
Community Care Worker position.

4

6 **INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

8 **Administration Services -
Inland Fisheries and Wildlife**

10

Positions - Legislative Count (-2.0)

12

14 Provides for the elimination of a Right-
of-way Appraiser II position and one Account
Clerk II position.

16

18 **Licensing Services - Inland
Fisheries and Wildlife**

20

Positions - Other Count (-1.5)

22

24 Provides for the elimination of 2
part-time Clerk I positions and one
part-time Clerk Typist I position.

26

**Office of the Commissioner -
Inland Fisheries and Wildlife**

28

Positions - Legislative Count (-3.0)

30

32 Provides for the elimination of the
following vacant positions: a Clerk
Typist II position, a Division Director
34 of Inland Fisheries and Wildlife position,
a Clerk Stenographer I position and an
36 intermittent Clerk Stenographer III
position.

38

40 **Resource Management Services -
Inland Fisheries and Wildlife**

42

Positions - Legislative Count (-2.0)

44

46 Provides for the elimination of the
following vacant positions: a Biologist
Specialist position, a Clerk II position,
48 2 intermittent Biology Aide positions
and an intermittent Data Entry
Operator position.

50

Fisheries and Hatcheries Operations

52

2 Positions - Legislative Count (-4.0)
 Positions - Other Count (-1.0)

4 Provides for the elimination of the
 following vacant positions: a
 6 Biologist II position, 2 Fish and Game
 Technician positions, a Fish Hatchery
 8 Worker position and a Conservation Aide
 position.

10

12 **Enforcement Operations - Inland
 Fisheries and Wildlife**

14 Positions - Legislative Count (-3.0)
 Positions - Other Count (-0.5)

16

18 Provides for the elimination of the
 following vacant positions: two
 Game Warden positions, one Game Warden
 20 Specialist position, a part-time Clerk I
 position, one Recreation Safety Coordinator
 22 position and 25 Game Warden Assistant positions
 that are not assigned position counts.

24

26 **Atlantic Sea Run Salmon Commission**

 Positions - Legislative Count (-1.0)

28 Provides for the elimination of a
 30 Biologist II position.

32 **LABOR, DEPARTMENT OF**

34 **Maine Occupational Information
 Coordinating Committee**

36 Positions - Legislative Count (-1.0)

38 Eliminates one vacant Education
 40 Specialist II position.

42 **Maine Labor Relations Board**

44 Positions - Legislative Count (-1.0)

46 Eliminates a vacant Labor Attorney-
 Mediator position.

48

50 **MAINE STATE LIBRARY**

Library Development Services

52

2 Positions - Legislative Count (-3.0)
Eliminates a vacant Community Services
4 Librarian position, a vacant Laborer II
6 position and a vacant Librarian II
position.

8 Reader and Information Services - Library

10 Positions - Legislative Count (-1.0)
Eliminates a vacant Library Assistant
12 position.
14

16 MAINE STATE MUSEUM

Exhibit Design and Preparation - Museum

18 Positions - Legislative Count (-1.0)
Eliminates a vacant Museum Specialist I
20 position.
22

24 MARINE RESOURCES, DEPARTMENT OF

26 Marine Development - Bureau of

28 Positions - Legislative Count (-2.0)
Positions - Other Count (-0.5)
30
32 Provides for the elimination of the
following vacant positions: one 1/2-time
34 Conservation Aide position, a Marketing
Specialist position and a Seafood
36 Technologist position.

Marine Sciences - Bureau of

38 Positions - Legislative Count (-1.0)
40
42 Provides for the elimination of a vacant
Carpenter position.

44 Marine Patrol - Bureau of

46 Positions - Legislative Count (-9.0)
48 Provides for the elimination of 9
50 vacant Marine Patrol Officer positions.

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

2	Administration - Mental Health and Mental Retardation	
4		
6	Positions - Legislative Count	(-5.5)
8	Provides for the elimination of the	
10	following vacant positions: one Associate	
12	Commissioner position, one Assistant to the	
14	Commissioner position, one full-time and one	
16	part-time Clerk Typist II positions, one	
18	Secretary position and one Planning	
20	and Research Associate II position.	
22	Mental Retardation Services - Community	
24	Positions - Legislative Count	(-1.0)
26	Provides for the elimination of a vacant	
28	Carpenter position.	
30	Bath Children's Home	
32	Positions - Legislative Count	(-1.0)
34	Provides for the elimination of a vacant	
36	Food Service Worker position.	
38	Augusta Mental Health Institute	
40	Positions - Legislative Count	(-8.0)
42	Provides for the elimination of the	
44	following vacant positions: two Food	
46	Service Worker positions, one Painter	
48	position, one Mason position, one Tailor	
50	position, one Heavy Equipment Operator	
52	position, one Boiler Operator position	
	and a Clerk Stenographer III position.	
	Bangor Mental Health Institute	
	Positions - Legislative Count	(-6.5)
	Provides for the elimination of the	
	following vacant positions: one Custodial	
	Worker II position, one Maintenance Mechanic	
	position, one part-time Medical Secretary	
	position, one Painter position, one Plumber	
	Foreman position, one Staff Development	
	Coordinator position and one Tailor position.	

Pineland Center

2

Positions - Legislative Count (-1.5)

4

6

8

10

12

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

14

Bureau of Banking

16

Positions - Legislative Count (-1.0)

18

Eliminates a vacant Securities Examiner position.

20

22

PUBLIC SAFETY, DEPARTMENT OF

Public Safety Liquor Enforcement

24

Positions - Legislative Count (-2.0)

26

28

Provides for the elimination of 2 vacant Liquor Enforcement Officer I positions.

30

Bureau of Capitol Security

32

Positions - Legislative Count (-2.0)

34

36

Provides for the elimination of 2 vacant Capitol Security Police Officer positions.

38

Drug Enforcement Bureau

40

Positions - Legislative Count (-2.0)

42

44

Provides for the elimination of 2 vacant Regional Commander BIDE positions.

46

State Police

48

Positions - Legislative Count (-11.0)

50

52

Provides for the elimination of the following vacant positions: an Auto Mechanic position, a Clerk Stenographer II position, a Clerk Typist II position,

2 a Communications Technician position,
a Data Entry Specialist position, a Department
4 Computer Operator position, a State Police
Corporal position, 3 State Police Detective
6 positions and a State Police Forensic Specialist
position.

8 **SECRETARY OF STATE, DEPARTMENT OF THE**

10 **Administration - Secretary of State**

12 Positions - Legislative Count (-1.5)

14 Provides for the elimination of one
vacant full-time and one part-time Clerk
16 Typist II positions. Also eliminates a
seasonal Clerk Typist I position, a seasonal
18 Clerk I position and 2 seasonal Laborer I
positions.

20 **Administration - Archives**

22 Positions - Legislative Count (-1.0)

24 Provides for the elimination of a vacant
26 Archivist III position.

28 **WORKERS' COMPENSATION COMMISSION**

30 Positions - Legislative Count (-15.0)
Positions - Other Count (-1.0)

32 Eliminates a vacant Accountant I
34 position, 6 vacant Clerk Typist II
positions, 2 vacant Clerk Typist III
36 positions, 2 vacant Data Entry
Operator positions, one vacant Legal
38 Secretary position, one vacant Rehabili-
tation Assistant Administrator position,
40 one vacant Workers' Compensation Assistant
position, one Workers' Compensation Regional
42 Administrator position and 2 vacant
seasonal Paralegal Assistant positions.

44 **SECTION V-1**
46 **TOTAL POSITIONS: GENERAL FUND**

48 Legislative Count (-169.5)
Other Count (-13.5)

50 **TOTAL** (-183.0)

52

2	Positions - Other Count	(-1.5)
4	Eliminates a vacant Program Assistant position and a vacant part-time Resource Planner position.	
6		
8	EDUCATION, DEPARTMENT OF	
10	Governor Baxter School for the Deaf	
12	Positions - Other Count	(-5.0)
14	Eliminates a vacant Teacher Aide position, a vacant Teacher-Baxter School position, and 3 vacant Teacher of the Deaf positions.	
16		
18	Administration - Vocational Education	
20	Positions - Other Count	(-0.5)
22	Eliminates a vacant part-time Clerk Typist II position.	
24		
26	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
28	Land Quality Control	
30	Positions - Other Count	(-1.0)
32	Provides for the elimination of a vacant Environmental Specialist III position.	
34	Bureau of Water Quality Control	
36	Positions - Other Count	(-3.0)
38	Provides for the elimination of a vacant Environmental Specialist II position, an Assistant Engineer position and a Civil Engineer I position.	
40		
42		
44	Waste Treatment Planning	
46	Positions - Other Count	(-1.0)
48	Provides for the elimination of a vacant Environmental Specialist II position.	
50	Construction Grants	
52	Positions - Other Count	(-6.0)

2 Provides for the elimination of 2 vacant
 4 Assistant Engineer positions, a Biologist
 6 III position, 2 vacant Environmental
 Specialist II positions and a vacant Clerk
 Typist II position.

8 **Bureau of Oil and Hazardous Material Control**

10 Positions - Other Count (-2.0)

12 Provides for the elimination of a vacant
 14 Clerk Typist II position and a vacant Planning
 and Research Associate II position.

16 **Hazardous Waste - Super Fund**

18 Positions - Other Count (-1.0)

20 Provides for the elimination of a vacant
 22 Clerk Typist II position.

24 **Core Program Cooperative Agreement**

26 Positions - Other Count (-1.0)

28 Eliminates a vacant Environmental
 Specialist II position.

30 **HUMAN SERVICES, DEPARTMENT OF**

32 **Administration - Human Services**

34 Positions - Other Count (-6.5)

36 Provides for the elimination of the
 38 following positions: one part-time Clerk
 Typist II position, one Account Clerk II
 40 position, one Accountant I position, one
 Data Control Clerk position, one Microfilm
 42 Clerk position, one Senior Programmer
 Analyst position and one Systems Analyst
 44 position.

46 **Administration - Income Maintenance**

48 Positions - Other Count (-5.0)

50 Provides for the elimination of the
 52 following vacant positions: two Clerk
 Typist II positions, 2 Hearing
 Examiner positions and one Public Relations

Specialist position.

2

Administration - Regional - Human Services

4

Positions - Other Count (-2.0)

6

8

Provides for the elimination of the following vacant positions: one Clerk II position and one Switchboard Operator position.

10

Bureau of Health

12

Positions - Other Count (-3.5)

14

16

18

Provides for the elimination of the following vacant positions: one Computer Programmer position and 2 full-time and one part-time Public Health Educator II positions.

20

Income Maintenance - Regional

22

Positions - Other Count (-13.0)

24

26

28

30

32

Provides for the elimination of the following vacant positions: five Clerk Typist II positions, 6 Income Maintenance Specialist positions, one Income Maintenance Unit Supervisor position and one Planning and Research Assistant position.

Medical Care Administration

34

Positions - Other Count (-8.0)

36

38

40

42

44

46

Provides for the elimination of the following vacant positions: one Clerk II position, one Clerk Typist II position, one Drug Program Coordinator position, one Health Services Consultant position, one Medical Secretary position, one Medical Social Worker Consultant position, one Nutrition Consultant position and one Provider Relations Specialist position.

48

Rehabilitation - Vocational Rehabilitation - Bureau of

50

Positions - Other Count (-2.0)

52

Provides for the elimination of the

2 following vacant positions: one Clerk
3 Typist II position and one Rehabilitation
4 Consultant position.

6 **Rehabilitation - Bureau of**

8 Positions - Other Count (-5.0)

10 Provides for the elimination of the
11 following vacant positions: one Business
12 Manager II position, one Clerk Typist II
13 position, one Rehabilitation Consultant
14 position and 2 Rehabilitation Counselor II
15 positions.

16 **Disability Determination - Division of**

18 Positions - Other Count (-16.0)

20 Provides for the elimination of the
21 following vacant positions: two Account
22 Clerk I positions, one Clerk I position, 4
23 Clerk Typist II positions, 2 part-time
24 Disability Claims Adjudicator VR positions,
25 2 Disability Claims Examiner positions,
26 one Disability Claims Hearing Officer position,
27 3 Human Services Aide III positions,
28 and 2 Word Processing Operator positions.

30 **Welfare Employment, Education and Training**

32 Positions - Other Count (-11.0)

34 Provides for the elimination of the
35 following vacant positions: one Clerk
36 Typist I position, one Clerk Typist II
37 position, one Clerk Typist III position,
38 4 Human Services Aide III positions and
39 4 WEET Specialist positions.

40 **Blind and Visually Impaired - Division of**

42 Positions - Other Count (-2.0)

44 Provides for the elimination of the
45 following vacant positions: one Mobility
46 and Orientation Instructor for the Blind position
47 and one Rehabilitation Counselor II position.

50 **LABOR, DEPARTMENT OF**

52 **Employment Security**

2 Positions - Other Count (-43.5)

4 Provides for the elimination of the
6 following vacant positions: one Clerk
8 Stenographer II position, one Clerk
10 Stenographer III position, 18 Clerk
12 Typist II positions, 3 Economic Research
14 Analyst positions, 8 full-time and one
16 part-time Employment and Training Specialist
18 I positions, 4 Employment and Training Specialist
II positions, one Employment Counselor I position,
one Job Services Manager I position, one
Labor Statistics Technician position, one
Laborer I position, one Legal Secretary
position, one Principal Economic Research
Analyst position, one Unemployment Compensation
Manager I position and one Word Processing
Operator position.

20

Job Partnership Training

22

Positions - Other Count (-7.0)

24

26 Provides for the elimination of the
28 following vacant positions: one
30 Accountant II position, one Clerk IV
32 position, one Clerk Stenographer III
position, one Clerk Typist II position,
one Management Analyst I position, one
Planning and Research Associate II position
and one Property Officer position.

34 **MARINE RESOURCES, DEPARTMENT OF**

36 **Marine Resources Sciences**

38 Positions - Other Count (-7.0)

40 Provides for the elimination of a Word
42 Processing Operator position, 2 Marine Resource
44 Specialist I positions, 2 Marine Resource
46 Scientist II positions, a Marine Resource Port
Engineer position and a Fish Extension Agent II
position.

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

50 **Mental Retardation Services - Community**

52 Positions - Other Count (-1.0)

2 Provides for the elimination of a vacant
3 Comprehensive Health Planner II position.

4

6

SECRETARY OF STATE, DEPARTMENT OF THE

8

Motor Vehicle - Administration

10

Positions - Other Count (-2.0)

12

Provides for the elimination of a vacant
Clerk IV position and a vacant Clerk
Typist II position.

14

SECTION V-2

16

TOTAL POSITIONS: FEDERAL EXPENDITURES

18

Positions - Other Count (-173.0)

20

TOTAL (-173.0)

22

24

Sec. V-3. Vacant positions in the Other Special Revenue Fund. The
following vacant positions are deauthorized from the Other
Special Revenue Fund for the fiscal year ending June 30, 1991 to
carry out the purposes of this Part.

26

1990-91

28

ADMINISTRATION, DEPARTMENT OF

30

**Bureau of Public Improvements - Capital
Construction and Repairs**

32

34

Eliminates a vacant Civil Engineer I
position, a vacant Clerk Typist III
position and a vacant Engineering
Technician II position. Positions
established by financial order
carry no head count.

36

38

40

State Employee Health - Bureau of

42

Positions - Legislative Count
Positions - Other Count (-2.0)

44

46

Eliminates a vacant Psychiatric and Substance
Abuse Specialist position and one vacant
Public Health Educator III position.

48

50

**AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF**

52

Agricultural Marketing Services

2 Provides for the elimination of a
4 vacant seasonal Clerk Typist I position
and a vacant Intermittent Clerk Typist II
6 position.

8 **Bureau of Agricultural Production**

10 Provides for the elimination of a vacant
Intermittent Laboratory Technician II
12 position.

14 **Agriculture - Bureau of Public Services**

16 Positions - Other Count (-8.0)

18 Provides for the elimination of the
following vacant positions: a Food
20 Inspection Supervisor I position, a
seasonal Food Inspection Supervisor I
22 position, 20 Food Inspector I positions,
4 seasonal Food Inspector II positions,
24 a Laboratory Assistant position, a Laboratory
Technician I position, a Sardine
26 Inspection Supervisor
position and 2 seasonal Sardine
Quality Grader II positions.

28 **Bureau of Agriculture Production Plant Industry**

30 Positions - Other Count (-2.0)

32 Provides for the elimination of 2
34 vacant seasonal Clerk I positions and
an Account Clerk I position.

36 **Agriculture - Maine Dairy Council**

38 Positions - Other Count (-1.5)

40 Provides for the elimination of a vacant
42 part-time Clerk Typist II position and a
vacant Laborer I position.

44 **Maine Milk Commission**

46 Positions - Other Count (-1.0)

48 Provides for the elimination of a vacant
50 Auditor II position.

52 **AUDIT, DEPARTMENT OF**

2 **Laboratory Special Revenue Account**

4 Positions - Other Count (-3.0)

6 Provides for the elimination of a
8 vacant Chemist I position, a vacant
 Chemist II position and a vacant
 Accountant II position.

10 **Maine Environmental Protection Fund**

12 Positions - Other Count (-10.0)

14 Provides for the elimination of the
16 following vacant positions: four
18 Environmental Specialist II positions,
 3 Environmental Specialist III positions,
 an Environmental Specialist IV position,
20 an Oil and Hazardous Materials Specialist I
 position and a Clerk Typist II position.

22 **Maine State Waste Management Fund -**
24 **Department of Environmental Protection**

26 Positions - Other Count (-2.0)

28 Provides for the elimination of a
30 vacant Environmental Specialist II
 position and a vacant Environmental
 Specialist III position.

32 **HUMAN SERVICES, DEPARTMENT OF**
34 **Medical Care Administration**

36 Positions - Other Count (-0.5)

38 Provides for the elimination of a vacant
40 part-time Clerk Typist II position.

42 **Bureau of Health**

44 Positions - Other Count (-3.0)

46 Provides for the elimination of the
48 following vacant positions: one Laboratory
 Technician I position, one Planning
 and Research Associate I position and
50 one Systems Analyst position.

52 **Division of Laboratory Services**

2	Position - Other Count	(-1.0)
4	Provides for the elimination of a vacant Accountant II position.	
6		
8	MARINE RESOURCES, DEPARTMENT OF	
	Marine Resources Development	
10	Positions - Other Count	(-1.0)
12		
14	Provides for the elimination of an Assistant to the Commissioner. Public Information position.	
16		
18	PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF	
20	Board of Dental Examiners	
22	Positions - Other Count	(-0.5)
24	Eliminates a vacant part-time Clerk Typist II position.	
26		
28	Oil and Solid Fuel Board	
30	Positions - Other Count	(-1.0)
32	Eliminates a vacant Oilburner Inspector position.	
34	Plumbers' Examining Board	
36	Positions - Other Count	(-1.0)
38	Eliminates a vacant Plumbing Inspector position.	
40		
42	State Board of Cosmetology	
44	Positions - Other Count	(-1.0)
46	Eliminates a vacant Sanitarian I position.	
48	SECRETARY OF STATE, DEPARTMENT OF THE	
50	Motor Vehicle - Administration	
52	Positions - Legislative Count	(-1.0)

2 Provides for the elimination of a vacant
3 Clerk Typist II position.

4

5 **SECTION V-3**

6 **TOTAL POSITIONS: OTHER SPECIAL REVENUE**

7 Positions- Other Count (-50.5)

8
9
10 TOTAL (-50.5)

11 **Sec. V-4. Vacant positions in the Highway Fund.** The following
12 vacant positions are deauthorized from the Highway Fund for the
13 fiscal year ending June 30, 1991 to carry out the purposes of
14 this Part.

15

16 **1990-91**

17

18 **PUBLIC SAFETY, DEPARTMENT OF**

19

20 **Implied Consent - Public Safety**

21

22 Positions - Legislative Count (-0.5)

23

24 Provides for the elimination of a vacant
25 part-time Clerk Typist I position.

26
27 **Administration - Public Safety**

28 Positions - Legislative Count (-1.0)

29 Provides for the elimination of a vacant
30 Clerk Typist I position.

31

32 **SECRETARY OF STATE, DEPARTMENT OF THE**

33

34 **Motor Vehicle - Administration**

35

36 Positions - Legislative Count (-4.0)

37

38 Provides for the elimination of the
39 following vacant positions: one
40 Clerk III position, one Motor Vehicle Hearings
41 Examiner position, one Motor Vehicle Investigator
42 position, one Motor Vehicle Service Representative
43 position, a seasonal Clerk I position and a
44 seasonal Motor Vehicle Representative position.

45

46 **TRANSPORTATION, DEPARTMENT OF**

47

48 **Administration and Planning**

49
50
51
52

2	Positions - Legislative Count	(-1.0)
4	Provides for the elimination of a Photographer II position.	
6	Highway and Bridge Improvement	
8	Positions - Legislative Count	(-6.0)
10	Positions - Other Count	(-3.5)
12	TOTAL	<u>(-9.5)</u>
14	Provides for the elimination of 2 Civil Engineer II positions, 6 Engineering Aide I positions, an Engineering Aide II position, 16 an Engineering Technician III position, an Engineering Technician IV position, a 18 Landscape Architect II position and a Right-of-way Agent I position.	
20	Highway Bridge Maintenance	
22	Positions - Legislative Count	(-1.0)
24	Provides for the elimination of an Engineering Aide II position.	
26	Highway Maintenance	
30	Positions - Legislative Count	(-3.0)
32	Provides for the elimination of a Civil Engineer V position, a Custodial 34 Worker I position and a Highway District Supervisor position.	
36	SECTION V-4	
38	TOTAL POSITIONS: HIGHWAY FUND	
40	Positions - Legislative Count	(-16.5)
42	Positions - Other Count	(-3.5)
44	TOTAL	<u>(-20.0)</u>
46	Sec. V-5. Vacant positions in the Federal Block Grant Fund. The following vacant positions are deauthorized from the Federal 48 Block Grant Fund for the fiscal year ending June 30, 1991 to carry out the purposes of this Part.	
50		1990-91
52	HUMAN SERVICES, DEPARTMENT OF	

2 **Maternal and Child Health**

4 Positions - Legislative Count (-1.0)

6 Provides for the elimination of a vacant Clerk Typist II position.

8 **Sec. V-6. Vacant positions in the State Lottery Fund.** The following vacant positions are deauthorized from the State Lottery Fund for fiscal year ending June 30, 1991 to carry out the purposes of this Part.

12 **1990-91**

14 **FINANCE, DEPARTMENT OF**

16 **Lottery Operations**

18 Positions - Legislative Count (-0.5)

20 Provides for the elimination of a vacant part-time Data Entry Operator position.

22 **Sec. V-7. Vacant positions in the State Alcoholic Beverages Fund.** The following vacant positions are deauthorized from the State Alcoholic Beverages Fund for the fiscal year ending June 30, 1991 to carry out the purposes of this Part.

28 **1990-91**

30 **FINANCE, DEPARTMENT OF**

32 **Alcoholic Beverages - General Operations**

34 Positions - Legislative Count (-20.0)

36 Provides for the elimination of the following vacant positions: nine Assistant Retail Store Manager positions, 9 Retail Store Clerk positions, one Account Clerk position and 2 part-time Retail Store Clerk positions.

42 **Sec. V-8. Vacant positions from the Seed Potato Enterprise Fund.** The following vacant positions are deauthorized from the Seed Potato Enterprise Fund for the fiscal year ending June 30, 1991 to carry out the purposes of this Part.

46 **1990-91**

48 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

50 **Seed Potato Board**

2 Provides for the elimination of 14
vacant Seed Potato Inspector positions
4 that are not assigned position counts.

6 **Sec. V-9. Vacant positions in the Printing, Postal and Supply**
Fund. The following vacant positions are deauthorized from the
8 Printing, Postal and Supply Fund for the fiscal year ending June
30, 1991 to carry out the purposes of this Part.

10 **1990-91**
12 **ADMINISTRATION, DEPARTMENT OF**
14 **Printing, Postal and Supply Fund**
Bureau of Purchases - Central Services

16 Positions - Other Count (-3.0)

18 Eliminates a vacant Laborer I position,
20 a vacant Reprographics Worker position
and a vacant Supervisor of Surplus Property
22 position.

24 **Sec. V-10. Vacant positions in the Bureau of Data Processing**
Fund. The following vacant positions are deauthorized from the
26 Bureau of Data Processing Fund for the fiscal year ending June
30, 1991 to carry out the purposes of this Part.

28 **1990-91**
30 **ADMINISTRATION, DEPARTMENT OF**
32 **Bureau of Data Processing Fund**
Bureau of Data Processing - Administration

34 Positions - Other Count (-3.0)

36 Eliminates a vacant Staff Development
38 Specialist III position, a vacant
Systems Team Leader position and a
vacant Data Entry Specialist position.

40 **Sec. V-11. Vacant positions in the Marine Ports Fund.** The
42 following vacant positions are deauthorized from the Marine
Ports Fund for the fiscal year ending June 30, 1991 to carry out
44 the purposes of this Part.

46 **1990-91**
48 **TRANSPORTATION, DEPARTMENT OF**
Marine Ports Fund

50 Positions - Other Count (-1.0)

2 Provides for the elimination of a
 4 Transportation Services Specialist position.

6 **Sec. V-12. Vacant positions in the Island Ferry Service Fund.** The
 following vacant positions are deauthorized from the Island
 8 Ferry Service Fund for the fiscal year ending June 30, 1991 to
 carry out the purposes of this Part.

10 **1990-91**
TRANSPORTATION, DEPARTMENT OF
 12 **Island Ferry Service Fund**

14 Positions - Other Count (-5.0)

16 Provides for the elimination of a
 18 Clerk II position, 2 Ferry Able Seaman
 positions, a Ferry Captain position
 20 and a Ferry Engineer position.

22 **Sec. V-13. Vacant positions in the Highway Garage Fund.** The
 following vacant positions are deauthorized from the Highway
 24 Garage Fund for the fiscal year ending June 30, 1991 to carry
 out the purposes of this Part.

26 **1990-91**
TRANSPORTATION, DEPARTMENT OF
 28 **General Overhead**

30 Positions - Other Count (-1.0)

32 Provides for the elimination of a Clerk III
 34 position.

36 **Overhead Stockroom Shop and Fuel**

38 Positions - Other Count (-1.0)

40 Provides for the elimination of a Mechanic
 42 Stores Clerk I position.

44 **PART V**
 46 **POSITION TOTALS**

48 **1990-91**

50 Position Summary
 General Fund (-183.0)
 52 Federal Expenditures (-173.0)

2	Other Special Revenue	(-50.5)
	Highway Fund	(-20.0)
4	Federal Block Grant	(-1.0)
	Miscellaneous Funds	(-34.5)
6	TOTAL POSITIONS	<u>(-462.0)</u>

8

10

PART W

12

Sec. W-1. PL 1989, c. 501, Pt. A, §1, under the caption "MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF" in that part relating to "Systems Assessment Commission," is amended to read:

14

16

Systems Assessment Commission

18

Personal Services	\$2,970
All Other	47,030 <u>21,256</u>

20

TOTAL	\$50,000 <u>\$24,226</u>
-------	--------------------------

22

24

26

28

30

32

Sec. W-2. PL 1989, c. 501, Pt. A, §1, under that part designated "MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF" the last 3 lines, are amended to read:

34

36

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

38

TOTAL	<u>\$13,378,715</u>	<u>\$14,083,469</u>
	<u>\$13,352,941</u>	

40

42

44

Sec. W-3. PL 1989, c. 501, Pt. A, §1, under that part designated PART A, last 2 lines, are amended to read:

PART A

TOTAL	<u>\$66,665,428</u>	<u>\$68,884,369</u>
	<u>\$66,639,654</u>	

46

48

50

Sec. W-4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1990-91

2 LEGISLATURE
4 Legislature
6 Personal Services \$10,000

8 Provides funds for personal services costs
10 associated with staff services provided to
the Systems Assessment Commission.

12 LEGISLATURE
14 TOTAL \$10,000

16 MAINE HEALTH POLICY ADVISORY COUNCIL

18 Maine Health Policy Advisory Council

20 Personal Services \$5,774

22 Provides funds for personal services costs
associated with staff services provided to
the Systems Assessment Commission.

24 MAINE HEALTH POLICY ADVISORY COUNCIL
26 TOTAL \$5,774

28 PART W
30 TOTAL APPROPRIATIONS \$15,774

32 PART X

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

36	<u>9.</u>	<u>Maine</u>	<u>Expenses</u>	<u>5 MRSA</u>
38	<u>Families,</u>	<u>Commission</u>	<u>Only for</u>	<u>\$15193</u>
40	<u>Health and</u>	<u>on Families,</u>	<u>Members</u>	
42	<u>Rehabili-</u>	<u>Health and</u>	<u>Who Are</u>	
	<u>tation</u>	<u>Rehabilitation</u>	<u>Not State</u>	
			<u>Employees</u>	

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

46

48 CHAPTER 405

50 DEPARTMENT OF FAMILIES AND
DEPARTMENT OF HEALTH AND REHABILITATION

52 \$15191. Department of Families established

2 1. Department established. The Department of Families is
4 established within the executive branch. The purpose of the
6 department is to encourage, enhance and support the human
8 development of children, adults, elderly persons and families in
10 the State, to ameliorate family dysfunctions and human disorders,
 and to be a unified and functionally integrated operating agency
 to coordinate and consolidate the effective delivery of services
 to those persons.

12 2. Appointment of commissioner. The department is
14 administered by a commissioner appointed by the Governor subject
16 to review by the joint standing committee of the Legislature
 having jurisdiction over state and local government matters and
 confirmation by the Legislature. The commissioner serves at the
 pleasure of the Governor.

18 3. Qualifications. The commissioner must be qualified by
20 postgraduate education and extensive experience in the fields of
22 human development and public administration, including public
24 policy analysis and development, public financial and program
 administrative matters, and legislative and executive branch
 relations.

26 §15192. Department of Health and Rehabilitation established

28 1. Department established. The Department of Health and
30 Rehabilitation is established within the executive branch. The
32 purpose of the department is to encourage, enhance and support
34 the health, mental health, mental development and rehabilitation
 of people in the State, to protect persons with health
 conditions, mental disorders, mental retardation or physical
 handicaps and to operate functionally integrated services that
 effectively assist people by coordinating and consolidating
 services of the department and other state agencies.

36 2. Appointment of commissioner. The department is
38 administered by a commissioner appointed by the Governor subject
40 to review by the joint standing committee of the Legislature
42 having jurisdiction over state and local government matters and
 confirmation by the Legislature. The commissioner serves at the
 pleasure of the Governor.

44 3. Qualifications. To qualify for appointment as
46 commissioner, a person must have training and experience in human
48 services administration or satisfactory experience in the
 direction of work of a comparable nature.

50 §15193. Commission established

52 The Maine Commission on Families, Health and Rehabilitation,
 as established in Title 5, section 12004-J, subsection 9, is an

2 independent commission that must advise, consult and assist the
4 executive and legislative branches of State Government with
6 implementing this chapter. The commission shall develop and
8 present to the Governor and the Legislature by December 15, 1991
10 a plan to maximize citizen participation in public policy making
12 by using public resources more effectively. It is the intent of
14 the Legislature that the plan include a proposal to attain this
16 objective by consolidating, restructuring and streamlining
18 existing advisory groups related to the subject matter of this
20 chapter.

22 1. Membership. The commission consists of no more than 21
24 members. The Governor shall appoint 11 members. The President
26 of the Senate and the Speaker of the House of Representatives
28 shall jointly appoint 10 members. The chair of the commission
30 must be a qualified member of the commission chosen by vote of
32 the commission. A member of the commission may not be an
34 official, employee, consultant or any other individual employed
36 or retained by the executive branch of State Government. If
38 possible, appointees to the commission must have been members of
40 the Blue Ribbon Commission on Children and Families; the
42 Governor's Task Force to Improve Services for Maine's Children,
44 Youth and Families; the Systems Assessment Commission; the
46 Commission to Study the Level of Services for Maine's Elderly
48 Citizens; or the Special Select Commission on Access to Health
50 Care.

52 2. Resources available to commission. The following
resources are available to the commission.

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

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

Sec. X-3. Transition process. To prepare for the
implementation of the Department of Families and the Department
of Health and Rehabilitation, a transition process is established.

1. It is the intent of the Legislature that the Department
of Families and the Department of Health and Rehabilitation be
implemented and operational by July 1, 1992. It is further the
intent of the Legislature that the proposed departments be
attained by consolidating, restructuring, streamlining and
transferring programs now administered by existing state
agencies. It is further the intent of the Legislature that the

2 current Department of Mental Health and Mental Retardation be
restructured and renamed effective July 1, 1992 and that the
4 current Department of Human Services be abolished effective June
30, 1992 and programs it now administers be transferred to other
state agencies.

6
2. Preparation for the implementation of the proposed
8 departments must begin no later than May 1, 1991 and end by June
30, 1992. Interim commissioners of the proposed departments
10 shall prepare an administrative plan in consultation with other
officials of the executive branch, the legislative committee
12 under section X-5 of this Act and the Maine Commission on
Families, Health and Rehabilitation. An initial plan and
14 additional legislation to implement the departments must be
presented to the Governor and the Legislature by December 15,
16 1991.

18 3. It is the intent of the Legislature that "The Principles
and Framework to Guide Creation and Operation of a Department of
20 Families and a Department of Health and Rehabilitation," dated
January 19, 1991, and the recommendations of the Blue Ribbon
22 Commission on Children and Families, to the extent both are
consistent with this Act, must serve as the framework to guide
24 implementation of the proposed departments.

26 4. To facilitate the transition process, it is the intent
of the Legislature that the proposed departments exist with a
28 limited purpose, and that by May 1, 1991 interim commissioners,
appointed by the legislative committee under section X-5 of this
30 Act, begin work pursuant to the Maine Revised Statutes, Title 5,
chapter 405; and members of the Maine Commission on Families,
32 Health and Rehabilitation, appointed pursuant to Title 5, section
15193, subsection 1, and officials of the executive branch begin
34 work in earnest to fulfill the intent of this Act.
Notwithstanding any other provision of law and solely for the
36 purpose of carrying out the provisions of this Act, from the
effective date of this Act through June 30, 1992, persons
38 appointed interim commissioners of the proposed departments are
not subject to confirmation by the Legislature. To provide
40 resources, including personnel, All Other and Capital
Expenditures, to support executive branch activities pursuant to
42 Title 5, chapter 405, notwithstanding Title 34-B, section 1214,
all existing resources available to the Interdepartmental Council
44 must be assigned to assist the commissioners and the executive
branch activities pursuant to Title 5, chapter 405.

46
5. Expenses for the transition process, including
48 preparation of the administrative plan, must be provided to the
extent possible from funds available to the Department of Human
50 Services and the Department of Mental Health and Mental
Retardation. Notwithstanding the Maine Revised Statutes, Title
52 5, section 1507, the State Contingent Account is authorized, for

2 the remainder of fiscal year 1990-91 and all of fiscal year
3 1991-92, to support the activities of this section. Any and all
4 reasonable steps must be taken to provide federal matching funds
5 on a high priority basis. All expenditures eligible for federal
6 funds must be claimed at the highest appropriate rate of federal
7 matching funds pursuant to federal laws, including, but not
8 limited to, the laws relating to Title XX, Social Services; Title
9 XIX, Medicaid; and Title IV or Title XVI of the federal Social
10 Security Act, 42 United States Code, Section 301 et seq. (1982).
11 To carry out activities pursuant to Title 5, chapter 405,
12 authorization is provided to prepare applications for and to
13 administer funds that may be received from grants awarded by the
14 Federal Government and other public and private entities.

15
16 **Sec. X-4. Application.** Notwithstanding the establishment of
17 the Department of Families and the Department of Health and
18 Rehabilitation in this Act, the departments are created and the
19 interim commissioners appointed solely for the limited purpose of
20 carrying out the transition process and preparing an
21 administrative plan for presentation to the Governor and the
22 Legislature for their consideration. The departments may not
23 undertake any administration of programs or services. The
24 interim commissioners have no powers or duties relative to the
25 proposed departments except as stated in this Act.
26 Implementation of the departments requires further approval of
27 the Legislature and the Governor.

28 **Sec. X-5. Legislative authorizations.**

29
30 1. The Joint Standing Committee on State and Local
31 Government or, if established, the joint select committee having
32 jurisdiction over services for children, elderly and families
33 shall work with officials of the executive branch and the Maine
34 Commission on Families, Health and Rehabilitation to ensure that
35 an administrative plan is presented to the Governor and the
36 Legislature proposing to implement the Department of Families and
37 the Department of Health and Rehabilitation and shall monitor its
38 implementation, if approved by the Governor and the Legislature.

39
40 2. The committee may make reports, together with necessary
41 implementing legislation, that include proposals to amend, repeal
42 and reallocate laws and make appropriations and allocations to
43 reflect the powers, responsibilities and organization of the
44 Department of Families and the Department of Health and
45 Rehabilitation.

46
47 3. The committee may make any other recommendations,
48 including legislation, that offer future benefits and services to
49 the welfare and safety of the people in the State.

50
51 4. During the transition process and when the Legislature
52 is not in session, members of the committee carrying out the

2 duties of subsection 1 are entitled to compensation in accordance
with the Maine Revised Statutes, Title 3, section 2, for meetings
4 held to carry out the purposes of this Act. The Legislative
Council is authorized to reimburse expenses and to provide staff
6 from its available resources to assist the committee.

8 **Sec. X-6. Streamlining access to multiple services.** To maximize
opportunities to ensure and streamline access to multiple
10 services administered by several state agencies and to use public
resources most effectively, the agencies of State Government
12 involved with this Act shall develop and present to the
Legislature a plan to ensure and streamline access to multiple
14 services and to effectively use office space and related support
services. On or after the effective date of this Act, no action
16 may be taken to adjust, close, relocate or terminate office space
allocations, offices, leases for office space, location of
18 offices and related support services until such a plan is
approved by the Legislature. This section applies to the
following state agencies or programs of state agencies:

- 20 1. Juvenile corrections services provided by the Department
22 of Corrections, excepting the Juvenile Justice Advisory Group;
- 24 2. Child development services provided by the Department of
Education;
- 26 3. The Department of Human Services;
- 28 4. The Department of Mental Health and Mental Retardation;
- 30 and
- 32 5. The Executive Department, Office of Substance Abuse.

34 **Sec. X-7. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

	36	
		38 1991-92
40	MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF	
42	Maine Commission on Families, Health and Rehabilitation	
44		
46	All Other	\$25,000
48	Provides funds to establish the Maine Commission on Families, Health and 50 Rehabilitation.	

PART Y

2

Sec. Y-1. 5 MRSA §20004, as enacted by PL 1989, c. 934, Pt. A, §3, is amended to read:

4

6

§20004. Office established

8

The Office of Substance Abuse is established within the Executive Department to administer and oversee the operation of the department's alcohol and drug abuse activities and to fulfill the purposes of this Act. The office is directly responsible to the Governor. The office shall ~~be~~ is the sole agency of the State responsible for administering this Act.

10

12

14

16

Sec. Y-2. 5 MRSA §20005, first ¶, as enacted by PL 1989, c. 934, Pt. A, §3, is amended to read:

18

The office shall provide assistance and guidance to individuals, public and private organizations and especially local governments in drug abuse prevention activities. In addition, the office shall:

20

22

Sec. Y-3. 5 MRSA §20005, sub-§1-A is enacted to read:

24

1-A. Training programs. Provide or assist in the provision of training programs for all persons in the field of treating alcoholics, intoxicated persons and drug abusers;

26

28

Sec. Y-4. 5 MRSA §20022, first ¶, as enacted by PL 1989, c. 934, Pt. A, §3, is amended to read:

30

32

As part of its comprehensive prevention and treatment program, the office shall support and coordinate the activities of an information clearinghouse ~~within the Department of Human Services~~ and a resource center within the Department of ~~Educational and Cultural Services~~ Education. Together, the information clearinghouse and resource center constitute a comprehensive reference center of information related to the nature, abuse, prevention and treatment of alcohol and drugs. The office shall ensure that the information clearinghouse and resource center do not perform duplicative services or functions. Information must be available for use by the general public, political subdivisions, public and private nonprofit agencies and the State.

34

36

38

40

42

44

46

Sec. Y-5. 22 MRSA c. 1602, sub-c. II-A is repealed.

48

Sec. Y-6. Transition provisions. The following provisions apply to the transfer of the functions of the Department of Human Services, Office of Alcohol and Drug Abuse Prevention to the Executive Department, Office of Substance Abuse.

50

52

1. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, accrued expenditures, assets, liabilities, balances of appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Department of Human Services, Office of Alcohol and Drug Abuse Prevention, must be transferred to the proper accounts by the State Controller upon the request of the State Budget Officer and with the approval of the Governor.

2. All agreements, leases, contracts or licenses, issued under Title 22, Subtitle 4, Part 3 prior to the effective date of this Act continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

3. All rules adopted under Title 22, Subtitle 4, Part 3, chapter 1602, sections 7242 to 7244, or adopted with regard to these sections prior to the effective date of this Act must be administered by the Office of Substance Abuse and continue in effect until rescinded or amended by the office or overturned by a court of law.

4. Employees of the Office of Alcohol and Drug Abuse Prevention, with the exception of the Director of the Office of Alcohol and Drug Abuse Prevention, are transferred to the Office of Substance Abuse and are subject to the provisions of this subsection.

A. The employees retain their accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement benefits.

B. The employees who are members of collective bargaining units on the effective date of this Act remain as members in their respective bargaining units and retain all rights, privileges and benefits provided by their collective bargaining agreements with respect to the state service while employed with the Office of Substance Abuse.

C. The employees who are members of collective bargaining units may remain as members of the Maine State Retirement System.

D. The Department of Administration, Bureau of Human Resources shall assist the Office of Substance Abuse with the orderly implementation of these provisions.

5. The Office of Substance Abuse and any other state agency affected by the provisions of this Act shall determine the best method of resolving any legal, fiscal, personnel or operational conflict created as a result of this Act and shall submit necessary recommendations for statutory changes to the Second Regular Session of the 115th Legislature.

2 A. Income Real or personal income-producing property, tools
of trade, governmental entitlement specifically treated as
4 exempt assets by state or federal law;

6 C. Income Earned income of children below the age of 18
years who are full-time students and who are not working
8 full time.

10 **Sec. Z-4. 22 MRSA §4305, sub-§5** is enacted to read:

12 5. Review of ordinance. Within 60 days of receiving an
ordinance or amendment the department shall review it for
14 compliance with the law. If the department finds that the
ordinance or amendment complies with the law, the department
shall provide the municipality with a written certificate of
16 compliance. If the department finds that the ordinance or
amendment is not in compliance with the law, the department shall
18 notify the municipality in writing specifying what provisions
violate the law and provide the municipality with suggested
20 alternative language. The municipality shall have 30 days to
appeal the department's decision, pursuant to section 4323, or 60
22 days to amend its ordinance. If for any reason the department is
unable to provide the municipality with either notification of
24 noncompliance or compliance certification within 60 days of
receipt of the ordinance, the department shall notify the
26 municipality that it has received the ordinance and the
department must be granted an additional 30 days to issue either
28 the notification of noncompliance or compliance certification.
The department's grant of compliance certification does not
30 prevent the department's further review of the ordinance, upon
complaint, as provided in section 4323, or when the department
32 considers appropriate.

34 **Sec. Z-5. 22 MRSA §4308, sub-§1**, as enacted by PL 1985, c.
489, §§5 and 14, is amended to read:

36 1. Initial and subsequent applications. Any person who
38 makes an application for assistance, who has not applied for
assistance in that municipality during the previous 6 12 months,
40 shall must have his eligibility determined solely on the basis of
need. In determining an applicant's eligibility on an initial
42 application, a municipality may not require performance of
workfare except as provided in section 4316-A. All subsequent
44 applications within 6 12 months in that municipality shall must
be considered in accordance with this chapter and the municipal
46 ordinance. In addition, when a person applies for assistance in
any municipality, that person may not be considered an initial
48 applicant in any other municipality for a period of 6 months from
the date of the initial application. Any application filed
50 within 12 months in the municipality where the initial
application was filed, or within 6 months in any other
52 municipality, must be considered a subsequent application and

2 considered in accordance with this chapter and the municipal
3 ordinance.

4 **Sec. Z-6. 22 MRSA §4308, sub-§2, ¶B,** as enacted by PL 1985, c.
5 489, §§5 and 14, is amended to read:

6
7 B. Emergency assistance under this subsection is not
8 available to pay a bill for a basic necessity when that bill
9 is more than 2 months old and the person requesting the
10 assistance had sufficient income, money, assets or other
11 resources available to pay for the basic necessity when the
12 bill was received unless, by not granting the assistance,
13 another emergency arises for which the applicant is eligible
14 for assistance and the expense of alleviating the new
15 emergency is greater than the expense of alleviating the
16 first. The person requesting assistance shall be required
17 to provide evidence of income for the applicable time period.

18 **Sec. Z-7. 22 MRSA §4310, first ¶,** as enacted by PL 1983, c.
19 577, §1, is amended to read:

20
21 Whenever an applicant for general assistance states to the
22 administrator that the applicant is in need ~~of an emergency~~
23 situation and requires immediate assistance to meet basic
24 necessities, the overseer shall, pending verification, issue to
25 the applicant either personally or by mail, within as soon as
26 possible but in no event later than 24 hours of the after
27 application, sufficient benefits to provide the basic necessities
28 needed immediately by the applicant, provided that the following
29 conditions are met.

30
31 **Sec. Z-8. 22 MRSA §4311, sub-§1-B,** as enacted by PL 1987, c.
32 833, is amended to read:

33
34 **1-B. Reimbursement for administrative expenses.** The
35 department shall reimburse each municipality for the
36 administrative costs of a portion of the direct costs of paying
37 benefits through its general assistance program if the department
38 finds that the municipality was in compliance with all
39 requirements of this chapter during the fiscal year for which
40 reimbursement is sought. The amount of reimbursement to each
41 municipality shall must be an amount equal to:

42
43 A. Fifty percent of all general assistance granted ~~to~~ by
44 that municipality below the .0003% of all state valuation
45 amount; or

46
47 B. ~~Reasonable administrative costs of the municipality's~~
48 ~~general assistance program, defined as 10% of net~~ Ten
49 percent of all general assistance cost granted.

2 Each municipality shall elect to be reimbursed under paragraph A
or B at the beginning of the fiscal year for which reimbursement
is sought.

4
6 Notwithstanding any other provision of law, this subsection shall
take takes effect on July 1, 1989.

8 **Sec. Z-9. 22 MRSA §4311, sub-§2,** as amended by PL 1985, c.
567, is further amended to read:

10 2. **Submission of reports.** Municipalities shall submit
12 reports as follows.

14 A. For purposes of this section, those municipalities that
received reimbursement at 90% during the previous fiscal
16 year of the State and those municipalities which that expect
to receive reimbursement at 90% during the current fiscal
18 year of the State must submit monthly reports on forms
provided by the department.

20 B. Those municipalities that did not receive reimbursement
22 at 90% during the previous fiscal year and do not expect to
receive reimbursement at 90% for the current fiscal year
24 must submit annual quarterly or semiannual reports on forms
provided by the department.

26 **Sec. Z-10. 22 MRSA §4311, sub-§3,** as enacted by PL 1983, c.
28 577, §1, is amended to read:

30 3. **Claims.** The Department of Human Services may refuse to
accept and pay any claim for reimbursement which that is not
32 submitted by a municipality to the department within 90 days of
the payment upon on which that claim is based or at the end of
34 the reporting period for which reimbursement is sought unless
just cause exists for failure to file a timely claim.

36 **Sec. Z-11. 22 MRSA §4316-A, sub-§1,** as enacted by PL 1985, c.
38 489, §§7 and 14, is amended to read:

40 1. **Ineligibility for assistance.** An applicant is
ineligible for assistance for 60 days if the municipality
42 establishes that the persea applicant, without just cause:

44 A. Refuses to search for employment when that search is
reasonable and appropriate;

46 B. Refuses to register for work;

48 C. Refuses to accept a suitable job offer under this
50 section;

- 2 D. Refuses to participate in a training or educational
program which that would assist him the applicant in
4 securing employment;
- 6 E. Quits work after an initial application for assistance;
- 8 F. Willfully fails to perform a job assigned under
subsection 2; or
- 10 G. Willfully performs a job assigned under subsection 2
below the average standards of that job.

12 A person may not be required to work under this subsection if
14 that person is physically or mentally incapable of performing the
16 work assigned.

18 **Sec. Z-12. 22 MRSA §4316-A, sub-§2, ¶G** is enacted to read:

20 G. A person may not be required to work under this
22 subsection if that person is physically or mentally
incapable of performing the work assigned.

24 **Sec. Z-13. 22 MRSA §4316-A, sub-§3, ¶E**, as enacted by PL 1985,
c. 489, §§7 and 14, is amended to read:

26 E. Participation in a training program which that is either
28 approved or determined, or both, by the Department of Labor
to be reasonably expected to assist the individual in
30 securing employment. This paragraph does not include
32 participation in a degree granting program, except when that
program is ~~under the Job Training Partnership Act or the~~
Welfare-Employment-Education-and-Training-Program a training
34 program operated under the control of the Department of
Human Services or the Department of Labor.

36 **Sec. Z-14. 22 MRSA §4316-A, sub-§4**, as enacted by PL 1985, c.
489, §§7 and 14, is amended to read:

38 **4. Eligibility regained.** A person who has been
40 disqualified by any municipality for not complying with any work
42 requirement of this section may regain his eligibility during the
60-day period by becoming employed or otherwise complying with
the work requirements of this section.

44 **Sec. Z-15. 22 MRSA §4318**, as amended by PL 1987, c. 67, is
46 further amended to read:

48 **§4318. Recovery of expenses**

50 A municipality or the State, which has incurred general
52 assistance program costs for the support of any eligible person,
may recover the full amount expended for that support either from

2 the person relieved or from any person liable for the recipient's
3 support, their executors or administrators, in a civil action. In
4 no case may a municipality or the State be authorized to recover
5 through a civil action, the full or part of, the amount expended
6 for the support of a previously eligible person, if, as a result
7 of the repayment of that amount, this person would, in all
8 probability, again become eligible for general assistance.

10 No A municipality may not recover from any recipient who has
11 been injured while performing work under section 4316-A,
12 subsection 2, any portion of any medical or rehabilitative
13 expenses associated with that injury or any portion of any other
14 general assistance benefits associated with that injury.

16 Nothing in this section may be construed as limiting or
17 affecting in any way the right of any individual to file an
18 action under the Maine Tort Claims Act, Title 14, chapter 741,
19 except that a municipality that provides general assistance to a
20 minor is absolutely immune from suit on any tort claims seeking
21 recovery or damages by or on behalf of the minor recipient in
22 connection with the provision of general assistance.

24 PART AA

26 **Appropriation.** The following funds are appropriated from
27 the General Fund to carry out the purposes of this Part.

28 1990-91

30 HUMAN SERVICES, DEPARTMENT OF

32 Medical Care - Payments to Providers

34 All Other (\$675,000)

36 Provides for the deappropriation of funds
37 held in allotment reserve from fiscal year
38 1989-90.

42 PART BB

44 **Review of the Aid to Families with Dependent Children Program.**

45 The Commissioner of Human Services is directed to review with the
46 Family Support Administration, the United States Department of
47 Health and Human Services any and all proposals that would reduce
48 the State's share of the aid to families with dependent children
49 program. The department's review must include, but is not
50 limited to, studying any options or waivers that allow the State
51 to reduce the full need standard or any proposal that allows the
52 State to eliminate or reduce the

2 difference between the full need standard and the grant payment
while still allowing recipients of aid to families with dependent
4 children to retain nonchild support income. The department shall
report to the Joint Standing Committee on Appropriations and
6 Financial Affairs by April 1, 1991 its findings and
recommendations but may not implement any changes in the aid to
8 families with dependent children program without prior approval
by the Legislature.

10 PART CC

12 Sec. CC-1. Maine Health Program; information report.

14 Notwithstanding the Maine Revised Statutes, Title 22, section
3189, subsection 3 and subsection 5, paragraph G and section
16 3191, subsection 2, enrollment of new adult applicants must be
suspended with respect to applications received after the close
18 of business February 8, 1991 until July 1, 1991 unless the
Department of Human Services determines that sufficient funds are
available to resume enrollments at an earlier date.

20 On or before March 1, 1991, the Department of Human Services
22 shall provide to the Joint Standing Committee on Appropriations
and Financial Affairs and to the Maine Health Program Advisory
24 Committee aggregate, fiscal year to date information for the
following categories of the Maine Health Program:

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

30 2. The costs per case for all cases and costs per case for
the subset of participants who are eligible for the medically
32 needy program;

34 3. The number of participants in Medicaid-related
categories who assets exceed the medically needy standard;

36 4. The number of participants with earned income;

38 5. The number of participants with private health insurance
40 coverage;

42 6. The distribution of participants among quintiles of
income;

44 7. The number of participants receiving an allowance or a
46 disregard for child care;

48 8. A distribution of costs incurred for each recipient,
with an indication of those recipients on spend-down and their
50 spend-down amount;

2 9. The amount of benefits paid by the Maine Health Program
on behalf of participants who have private insurance coverage and
the proportion of these benefits expected to be recovered; and

4
6 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
8 program and for any demonstration project grant funds available.

10 **Sec. CC-2. Report.** On or before April 15, 1991, the Maine
Health Program Advisory Committee shall report to the Joint
12 Standing Committee on Appropriations and Financial Affairs with
recommendations regarding financing, federal funds and design of
14 the Maine Health Program for the fiscal years 1991-92 and 1992-93.

16 **Sec. CC-3. Appropriation.** The following funds are
appropriated from the General Fund to carry out the purposes of
18 this Part.

20 1990-91

22 **HUMAN SERVICES, DEPARTMENT OF**

24 **Maine Health Program**

26 All Other \$7,100,000

28 Provides funds for the payment of benefits.

30

32 **PART DD**

34 **Sec. DD-1. 5 MRSA §7-A, sub-§3 is enacted to read:**

36 3. Annual report. Every department or agency in State
38 Government that has state-owned vehicles must file a report with
the joint standing committee of the Legislature having
40 jurisdiction over appropriations and financial affairs no later
than January 15th of every year that provides detailed
42 information on state-owned vehicles. This report must include,
but is not limited to, the following information: the total
44 number of state vehicles within that department or agency; the
individual employees to whom a state vehicle is assigned; and the
46 purpose or function to which all other vehicles are assigned.

48 **Sec. DD-2. 12 MRSA §8906, sub-§2, as repealed and replaced by**
PL 1985, c. 506, Pt. A, §17, is amended to read:

50 **2. Equipment.** The director may establish lookout stations
connected by telephone and radio, and construct, equip and
52 maintain office-storehouse headquarters for necessary supplies,

2 tools and equipment and provide for any other facilities
3 essential for forest fire control. All fire lookout towers shall
4 must be staffed during periods of fire danger. The director shall
5 notify the joint standing committees of the Legislature having
6 jurisdiction over energy and natural resources and appropriations
7 and financial affairs in writing prior to implementing any major
8 policy changes in the operation and staffing of the fire lookout
9 tower system. Within the unorganized territory, the director
10 may, in addition to this subsection, construct and maintain roads
11 and trails. In the event the director determines that any
12 currently active fire tower should not be reopened for the
13 subsequent fire season, he the director shall provide notice to
14 the Legislature of his intended action by January 15th. This
15 notice shall must include the location of the fire towers
16 affected and the justifications for the closures. Notice of
17 closures shall must be reviewed by the joint standing committee
18 of the Legislature having jurisdiction over natural resources.
19 Unless the Legislature determines otherwise, the director may
20 close towers so indicated. If any fire tower is not reopened,
21 the department shall work closely with the municipality in which
22 the fire tower is located to minimize the impact that action
23 will have on the municipality's responsibility to control forest
24 fires.

25 **Sec. DD-3. Fire tower plan.** Notwithstanding the Maine Revised
26 Statutes, Title 12, section 8906, subsection 2, the Commissioner
27 of Conservation shall submit a plan to the Joint Standing
28 Committee on Appropriations and Financial Affairs and the Joint
29 Standing Committee on Energy and Natural Resources before
30 February 15, 1992 that examines the current use of the Maine
31 Forest Service fire towers and any proposals the Department of
32 Conservation will be offering to expand, consolidate, modify or
33 close existing fire tower facilities.

34 **Sec. DD-4. School construction authorization.**

35 1. The school facility project consisting of structural
36 repairs and installation of a sprinkler system at Katahdin High
37 School, School Administrative District #25 is defined as a school
38 construction project, notwithstanding the provisions of the Maine
39 Revised Statutes, Title 20-A, section 15901, subsection 4.

40 2. The project is approved for state reimbursement as
41 provided in Title 20-A, chapter 609. Normal school construction
42 processes established pursuant to Title 20-A, chapter 609 and
43 State Board of Education "School Building Construction Rules" are
44 hereby waived.

45 3. Prior to advertising for bid, the project must secure a
46 favorable local vote and approval of final plans and
47 specifications as provided in Title 20-A, sections 15903 and
48 15904.

2 4. Bonds must be sold as provided for in Title 20-A,
4 section 15909 and State Board of Education "School Building
6 Construction Rules," §14. Debt service incurred by this project
must be outside the maximum debt service limitations contained in
Table 1, Title 20-A, section 15905, subsection 1, paragraph A.

8
10 **PART EE**

12 **Appropriation.** The following funds are appropriated from
the General Fund to carry out the purposes of this Part.

14 1990-91

16 **FINANCE, DEPARTMENT OF**

18 **Maine Rainy Day Fund**

20 Unallocated \$6,000,000

22 Provides funds to carry out the purposes of
24 the Maine Revised Statutes, Title 5, section
1513, subsection 1.

26 **PART FF**

28
30 **Sec. FF-1. Geographic isolation adjustment exception.** Any school
32 district that plans to transfer students from one district to
another and whose student enrollment does not exceed 50 is
34 eligible for a geographic isolation adjustment under the Maine
Revised Statutes, Title 20-A, section 15612, subsection 2.

36 **Sec. FF-2. Appropriation.** The following funds are
appropriated from the General Fund to carry out the purposes of
this Part.

38 1990-91

40 **EDUCATION, DEPARTMENT OF**

42 **General Purpose Aid for Local Schools**

44 All Other \$30,000

46 Provides funds for the payment of a
48 geographic isolation adjustment to School
Administrative District #10 authorized by
50 section FF-1 of this Part.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

FISCAL NOTE

1990-91

APPROPRIATIONS AND ALLOCATIONS

GENERAL FUND APPROPRIATIONS:

PART A, Section A-1	(\$29,891,734)
PART B, Section B-1	65,219,488
PART C, Section C-1	410,146
PART D	(410,146)
PART E, Section E-46	(5,000,000)
PART I, Section I-14	(62,300)
PART J, Section J-7	(21,575)
PART L, Section L-2	81,475
PART M, Section M-7	0
PART R, Section R-4	(181,627)
PART S, Section S-1	(92,848,291)
PART T, Section T-57	(92,114)
PART W	(10,000)
PART X, Section X-7	25,000
PART Y, Section Y-7	(4,752)
PART CC, Section CC-3	7,100,000
PART EE	6,000,000
PART FF, Section FF-2	30,000
TOTAL, GENERAL FUND	(\$49,656,430)

FEDERAL EXPENDITURE FUND ALLOCATIONS:

PART A, Section A-2	(\$7,306,774)
PART B, Section B-2	31,511,070
PART C, Section C-3	96,215
PART I, Section I-15	2,241,067
PART J, Section J-8	(2,000)
PART S, Section S-2	11,296
TOTAL, FEDERAL EXPENDITURES	\$26,550,874

OTHER SPECIAL REVENUE ALLOCATIONS:

PART A, Section A-3	\$107,737
PART B, Section B-3	1,256,743
PART C, Section C-4	152,149
PART K, Section K-2	277,000
PART M, Section M-8	10,000

2	PART S, Section S-3	54,897
4	TOTAL, OTHER SPECIAL REVENUE	<u>\$1,858,526</u>
6	FEDERAL BLOCK GRANT ALLOCATIONS:	
8	PART B, Section B-4	\$7,827
10	PART C, Section C-5	0
12	PART S, Section S-4	475,681
14	TOTAL, FEDERAL BLOCK GRANT	<u>\$483,508</u>
16	HIGHWAY FUND ALLOCATIONS:	
18	PART A, Section A-4	(\$12,858)
20	PART B, Section B-5	173,200
22	PART C, Section C-2	24,076
24	PART E, Section E-47	5,000,000
26	TOTAL, HIGHWAY FUND	<u>\$5,184,418</u>
28	STATE LOTTERY FUND ALLOCATIONS:	
30	PART A, Section A-5	(\$144,093)
32	PUBLIC UTILITIES COMMISSION REGULATORY FUND ALLOCATIONS:	
34	PART A, Section A-6	\$468,000
36	GENERAL FUND REVENUE/TRANSFERS	
38	PART A, Section A-1	\$72,494
40	PART A, Section A-5	144,093
42	PART B, Section B-1	238,000
44	PART E, Section E-2	60,000
46	PART E, Section E-5	17,000,000
48	PART E, Section E-11	11,000
50	PART E, Section E-40	10,000,000
52	PART E, Section E-25	10,338,206
	PART E, Section E-26	10,708,265
	PART E, Section E-35	375,738
	PART E, Section E-36	18,338
	PART E, Section E-37	2,000,000
	PART E, Section E-45	500,000
	PART G, Section G-1	35,000
	PART H	154,640
	PART L	81,475
	PART R, Section R-3	58,614
	TOTAL, GENERAL FUND	<u>\$51,795,863</u>

2

STATEMENT OF FACT

4 This bill makes appropriations and allocations necessary to
6 the operation of State Government to achieve a balanced budget
8 for the remainder of fiscal year 1990-91 and makes various
changes to provisions of the laws to implement those
appropriations and allocation.