

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1395

H.P. 968

House of Representatives, April 1, 1991

Reported by Representative TOWNSEND for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

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

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

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

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

(EMERGENCY)



- 2 ~~(4) --- Department of Administration, except for the~~
- 4 ~~Bureau of Human Resources, Bureau of Employee~~
- 6 ~~Relations, Bureau of Public Improvements and the state~~
- 8 ~~employee health insurance program;~~
- 10 (5) (4) Department of Public Safety, but limited to
- 12 the Bureau of Capitol Security;
- 14 (6) (5) Board of Emergency Municipal Finance;
- 16 (7) (6) Finance Authority of Maine; and
- 18 (8) (7) Maine Municipal Bond Bank.

B. Independent agencies:

- (1) Maine Emergency Medical Services.

Sec. A-3. 3 MRSA §927, sub-§2, as amended by PL 1989, c. 857,
 §10, is further amended to read:

2. 2002.

A. Agencies:

- (1) Department of Defense and Veterans' Services;
- (2) Department of the Attorney General; and
- (3) Department of Human Services, but limited to child
 support and enforcement functions within the Office of
Programs; and Bureau of Income Maintenance.
- ~~(4) --- Department of Finance, except for the Bureau of~~
~~the Budget.~~

B. Independent agencies:

- (1) Maine Blueberry Commission;
- (2) Blueberry Advisory Committee;
- (3) Seed Potato Board;
- (4) Maine Milk Commission;
- (5) State Harness Racing Commission;
- (6) Maine Agricultural Bargaining Board;
- (7) State Board of Veterinary Medicine;

- 2 (8) Maine Dairy and Nutrition Council;
4 (9) Board of Pesticides Control;
6 ~~(10) --State-Planning-Office;~~
8 ~~(11) (10) State Lottery Commission;~~
10 ~~(12) (11) Maine Dairy Promotions Board;~~
12 ~~(13) --Maine-High-Risk-Insurance-Organization;~~
14 ~~(14) (12) State Board of Property Tax Review;~~
16 ~~(15) (13) Maine Technical College System;~~
18 ~~(16) (14) Maine Commission for Women;~~
20 ~~(17) (15) Maine Human Rights Commission;~~
22 ~~(18) (16) State Liquor Commission; and~~
24 ~~(19) --Capitol-Planning-Commission; and~~
26 ~~(20) (17) Educational Leave Advisory Board.~~

28 **Sec. A-4. 3 MRSA §927, sub-§3, ¶B,** as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

30 B. Independent agencies:

- 32 (1) Maine State Pilotage Commission;
34 (2) State Board of Registration for Professional
36 Engineers; and
38 (3) State Board of Registration for Land Surveyors;
40 (4) Local Government Records Board;
42 (5) State Planning Office;
44 (6) Maine High-Risk Insurance Organization; and
46 (7) Capital Planning Commission.

48 **Sec. A-5. 3 MRSA §927, sub-§4,** as enacted to PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

50 4. 1993.

52 A. Agency:

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(1) Department of Human Services, ~~including the Office of Emergency Medical Services.~~

B. Independent agencies:

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

Sec. A-6. 3 MRSA §927, sub-§6, ¶B, as amended by PL 1989, c. 878, Pt. B, §1 and c. 913, Pt. C, §1, is repealed and the following enacted in its place:

B. Independent agencies:

- (1) Advisory Board for Licensure of Water Treatment Plant Operators;
- (2) Saco River Corridor Commission;
- (3) State Soil and Water Conservation Commission;
- (4) Acupuncture Licensing Board;
- (5) Board of Licensing of Auctioneers;
- (6) Board of Licensing of Dietetic Practice;
- (7) Board of Commercial Driver Education; and
- (8) Advisory Board for the Licensing of Taxidermists.

Sec. A-7. 3 MRSA §927, sub-§7, ¶B, as amended by PL 1989, c. 851, §1, is further amended to read:

B. Independent agencies:

- (1) Maine Sardine Council;
- (2) Atlantic Sea Run Salmon Commission;
- (3) Public Utilities Commission;

- 2 (4) Atlantic States Marine Fisheries Commission;
- 4 (5) Maine Development Foundation;
- 6 (6) Board of Directors, Maine Municipal and Rural
Electrification Cooperative Agency;
- 8 (7) Lobster Advisory Council;
- 10 (8) Board of Environmental Protection;
- 12 (9) Board of Underground Oil Storage Tank Installers;
and
- 14 (10) Telecommunications Relay Services Advisory
16 Council; and
- 18 (11) Public Advocate.

20 **Sec. A-8. 3 MRSA §927, sub-§9, ¶B,** as amended by PL 1989, c.
22 700, Pt. B, §1 and c. 857, §13, is repealed and the following
enacted in its place:

24 **B. Independent agencies:**

- 26 (1) Maine Conservation School;
- 28 (2) Office of State Historian;
- 30 (3) Maine Arts Commission;
- 32 (4) Maine State Museum Commission;
- 34 (5) Maine Historic Preservation Commission;
- 36 (6) Maine Health Care Finance Commission;
- 38 (7) Maine Health Facilities Authority;
- 40 (8) Board of Occupational Therapy Practice;
- 42 (9) Board of Respiratory Care Practitioners;
- 44 (10) Radiologic Technology Board of Examiners;
- 46 (11) Maine Library Commission;
- 48 (12) Maine Waste Management Agency; and
- 50 (13) Maine Court Facilities Authority.

2 Sec. A-9. 3 MRSA §927, sub-§11, ¶A, as enacted by PL 1989, c.
483, Pt. A, §§4 and 62, is amended to read:

4 A. Agencies:

6 (1) Maine State Retirement System;

8 (2) Department of Labor; and

10 (3) Department of Administration, ~~but limited to the~~
12 ~~Bureau of Human Resources, Bureau of Employee~~
14 ~~Relations, Bureau of Public Improvements and the state~~
 ~~employee health insurance program.~~

16 Sec. A-10. 5 MRSA §723, as affected by PL 1989, c. 700, Pt.
B, §48 and repealed and replaced by c. 878, Pt. A, §9, is amended
18 to read:

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

22 The Educational Leave Advisory Board, established by section
of Human Resources to review and authorize all educational leave
24 requests from classified and unclassified state employees for
durations of ~~more than one week~~ 30 days or more. Educational
26 leave requests that are subject to review and approval of the
board must be submitted for approval by the board prior to the
28 start of the educational program, except that the board may
approve requests for educational leave retroactively when in the
30 best interests of the State and when there exists a satisfactory
reason for failure to comply with this advance approval
32 requirement. The board consists of 5 members as follows: The the
34 Director of the Bureau of Human Resources who shall serve as
the manager of human resource development within the Bureau of
36 Human Resources; and 2 members who are state employees, at least
one of whom is a state employee as defined in Title 26, section
38 979-A, subsection 6. Each state employee member is to be
appointed by the Governor to serve for a term of 3 years. Members
40 of the board are entitled to compensation as provided in chapter
379.

42 Sec. A-11. 5 MRSA §725, as enacted by PL 1973, c. 500, is
44 repealed.

46 Sec. A-12. 5 MRSA §725-A is enacted to read:

48 **§725-A. Funds**

50 A state employee may not be compensated with state funds
52 while absent on leave for educational purposes for 30 work days
or more unless that leave is approved by the board.

2 The board may provide special scholarships to employees who
3 are granted a leave from work to participate in an educational
4 program and who apply to the board for financial assistance.
5 These scholarships must be administered by the board in
6 accordance with rules adopted by the board.

7 The Educational Leave Scholarship Fund is established as an
8 account of the Department of Administration to be used solely for
9 the funding of scholarship requests that are approved by the
10 board. Any remaining balance in the Educational Leave
11 Scholarship Fund account continues from year to year.

12 **Sec. A-13. 5 MRSA §931, sub-§1, ¶L,** as enacted by PL 1985, c.
14 785, Pt. A, §44, is amended to read:

15 L. The executive director, deputy director, general counsel
16 and staff attorneys of the Maine Health Care Finance
17 Commission; and

18 **Sec. A-14. 5 MRSA §931, sub-§1, ¶L-1** is enacted to read:

19 L-1. The Executive Director of the Maine Commission for
20 Women; and

21 **Sec. A-15. 5 MRSA §1664, 3rd ¶,** as amended by PL 1989, c. 501,
22 Pt. P, §12, is further amended to read:

23 Part 2 shall ~~must~~ embrace the detailed budget estimates both
24 of expenditures and revenues as provided. ~~It shall~~ Part 2 must
25 include statements of the bonded indebtedness of the State
26 Government showing the debt redemption requirements, the debt
27 authorized and unissued and the condition of the sinking funds.
28 ~~It shall~~ Part 2 must contain any statements relative to the
29 financial plan which the Governor-elect, or the Governor, may
30 deem desirable, or which may be required by the Legislature, and
31 shall ~~must~~ contain the analysis and statement required by section
32 1665, ~~paragraph-C~~ subsections 2 and 5.

33 **Sec. A-16. 5 MRSA §1665, sub-§5** is enacted to read:

34 5. Maine Technical College System; public improvements
35 budgetary estimate. In accordance with Title 20-A, section
36 12706, subsection 4-A, the Board of Trustees of the Maine
37 Technical College System shall submit a prioritized public
38 improvements budget estimate to the State Budget Officer in the
39 manner prescribed in subsection 1. This budgetary estimate must
40 be separate from any prioritized public improvements budget
41 developed by the Bureau of Public Improvements for the
42 departments and agencies of State Government. This estimate must
43 be prepared by project title in descending order of priority
44 including for each project the total amount of the

2 request, the accumulative total request and the type of capital
3 improvement.

4 **Sec. A-17. 5 MRSA §1728-A, sub-§1**, as amended by PL 1989, c.
5 94, is further amended by amending the first paragraph to read:

6
7 1. **Duties.** The director shall provide insurance advice and
8 services for the State Government and any department or agency
9 thereof for all forms of insurance, except for those departments
10 or agencies and those types of insurance otherwise provided for
11 by law. The director shall provide insurance advice and services
12 for family foster homes, as defined in Title 22, section 8101,
13 subsection 3; respite care providers, as defined in Title 34-B,
14 section 6201, subsection 2-A; and the Casco Bay Island Transit
15 District created by Private and Special Law 1981, chapter 22; and
16 commercial applicators and spray contracting firms that are
17 required to provide proof of financial responsibility in custom
18 application pursuant to Title 22, section 1471-D, subsection 4,
19 and private applicators as defined in Title 22, section 1471-C,
20 subsection 22, who may be required to provided proof of
21 insurance. The director shall--~~be~~ is responsible for the
22 acquisition and administration of all insurance purchased by the
23 State, including the authority to purchase, on a competitive bid
24 basis, insurance for the State for automobile, fire, liability
25 and any other type of coverage which may be necessary to protect
26 the State from financial loss. The director may enter into
27 contracts for various types of claims management services in
28 order to insure ensure the most economically advantageous
29 insurance protection in the operation of the State's insurance
30 coverage program. In these regards, the director has the
31 following duties:

32 **Sec. A-18. 5 MRSA §1742-C, sub-§3** is enacted to read:

33
34 **3. Public improvements budget submission; Maine Technical**
35 **College System.** In accordance with section 1665, subsection 5
36 and Title 20-A, section 12706, subsection 4-A, the Bureau of
37 Public Improvements shall advise and assist the Maine Technical
38 College System in developing a prioritized public improvements
39 budget for the system. This budget must be presented to the
40 Governor and the Legislature as separate from the public
41 improvements budget developed by the Bureau of Public
42 Improvements for the departments and agencies of State Government.

43
44 **Sec. A-19. 5 MRSA §7022**, as enacted by P&SL 1975, c. 147, Pt.
45 G. §1,, is amended to read:

46
47 **§7022. Membership**

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49 The commission shall--~~consist~~ consists of 17 members,
50 including 9 appointed by the Governor, 4 appointed by the
51 President of the Senate and 4 appointed by the Speaker of the
52 House of Representatives. In making these appointments to the

2 commission, the Governor, the President of the Senate and the
3 Speaker of the House of Representatives shall consider and
4 appoint residents of the State who have a knowledge of problems
5 facing Maine women and who provide leadership in programs or
6 activities which are carried out to improve opportunities for
7 women. The members of the commission, chosen from throughout the
8 State, shall must include but not be limited to representatives
9 of minority, low income, youth and elderly groups. The President
10 of the Senate shall appoint at least one member who must
11 represent minorities. The Speaker of the House of
12 Representatives shall appoint at least one member who must
13 represent the interests of the elderly. The Governor shall
14 appoint at least one member who must represent the interests of
15 low-income people and at least one member who must represent the
16 interest of youth.

17 **Sec. A-20. 5 MRSA 7026, sub-§§5 and 6,** as enacted by P&SL 1975,
18 c. 147, Pt. G, §1, are amended to read:

19 **5. Meetings.** Conducting public hearings, conferences,
20 workshops and other such meetings to obtain information about,
21 discuss and publicize the needs of and solutions to problems of
22 women; and

23 **6. Reports.** Making a biennial report to the Governor and
24 Legislature concerning the work and interests of the commission;
25 and

26 **Sec. A-21. 5 MRSA 7026, sub-§7** is enacted to read:

27 **7. Executive director.** Establishing and filling the
28 position of the Executive Director of the Maine Commission for
29 Women.

30 **Sec. A-22. 5 MRSA 12004-H, sub-§§3 and 4,** as enacted by PL
31 1987, c. 786, §5, are amended to read:

32 **3. Maine Dairy** Legislative 36-MRSA-§4503
33 Promotion Board Per Diem 7 MRSA §2992

34 **4. Maine Dairy** Legislative 36-MRSA-§4523
35 and Nutrition Council Per Diem 7 MRSA §2998

36 **Sec. A-23. 7 MRSA §2954, sub-§13** is enacted to read:

37 **13. Exception.** Notwithstanding subsection 7, a purchaser
38 of milk at retail may tender a coupon or any item of value if the
39 coupon or item of value is not brand specific and is redeemable
40 for cash by the retailer and if the total value tendered by the
41 purchaser is not less than the minimum retail price established
42 by the commission.

43 **Sec. A-24. 7 MRSA cc. 604 and 604-A** are enacted to read:

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CHAPTER 604

MILK TAX

§2991. Definitions

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

1. Board. "Board" means the Maine Dairy Promotion Board.

2. Class I milk. "Class I milk" means:

A. All fluid milk sold, distributed or disposed of as or in milk that contains not more than 11% butterfat and skim milk and cultured buttermilk sold for human consumption; and

B. All milk products sold, distributed or disposed of for human consumption as or in flavored milk and flavored skim milk.

3. Consumer. "Consumer" means any person other than a milk dealer who purchases milk for fluid consumption.

4. Dealer. "Dealer" means any person who purchases or receives milk for sale as the consignee or agent of a producer or handles milk for sale, shipment, storage or processing within the State. "Dealer" includes a producer dealer or a store.

5. Milk. "Milk" means cows' milk and includes cream. One quart of cream is considered the equivalent of 4 quarts of milk.

6. Producer. "Producer" means any person who produces milk and sells milk to a dealer.

7. Producer dealer. "Producer dealer" means any dealer who produces a part or all of that dealer's milk and sells milk to other than a dealer.

8. Records. "Records" means books, records, accounts, memoranda or other data pertaining to the purchase and distribution of milk.

9. Store. "Store" means a grocery store, dairy products' store, canteen, milk vending machine operator, milk dispensing operator or any similar commercial establishment or outlet or any other place or method of sale in which milk is sold to consumers for consumption off the premises.

§2992. Maine Dairy Promotion Board

2 The Maine Dairy Promotion Board, as established by Title 5,
3 section 12004-H, subsection 3 consists of the following 5
4 members: the Commissioner of Agriculture, Food and Rural
5 Resources, or the commissioner's designee, who shall serve ex
6 officio; and 4 producers.

7 The producer members must be appointed by the commissioner
8 on recommendation of the various producer associations,
9 individuals or unorganized groups of producers in the State. The
10 4 producer members must include 2 producers selling milk on the
11 Maine market and 2 producers selling milk on the Boston market,
12 Federal Milk Marketing Order No. 1. Producer members selling in
13 the same market may not belong to the same agricultural
14 cooperative or sell their milk to the same dealer.

15 The first 4 members appointed to the board as reconstituted
16 in this section shall serve one-year, 2-year, 3-year and 4-year
17 terms respectively. The members appointed thereafter shall serve
18 4-year terms. A person may not be appointed to more than 2
19 consecutive 4-year terms. In case of a vacancy caused by death,
20 resignation or otherwise, the commissioner shall fill the vacancy
21 for the unexpired period of the term.

22 The appointed members are entitled to compensation according
23 to Title 5, chapter 379.

24 The members of the board shall elect a chair. The
25 commissioner may employ a director and such clerks and assistants
26 as necessary and may prescribe their duties and fix their
27 compensation, subject to the Civil Service Law.

28 **§2993. Powers and duties**

29 The board is created to promote the prosperity and welfare
30 of this State and of the dairy industry of the State by fostering
31 promotional, educational, advertising and research programs of
32 the dairy industry. The board has the following powers and
33 duties. The board:

34 1. **Contracts.** May make contracts or enter into contracts
35 with any local, state, federal or private agency, department,
36 firm, corporation or association for the purposes defined in this
37 chapter;

38 2. **Cooperation with other agencies.** Shall cooperate with
39 other state or regional agencies with like purposes, including
40 transferring to those agencies any portion of its receipts that
41 it deems appropriate and in the best interests of the dairy
42 industry in the State. In determining those amounts, the board
43 shall consider the relative benefits accruing to all Maine
44 producers from increased fluid milk consumption within the Maine
45 market and the New England market, Federal Milk Marketing Order
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2 No. 1; the relative effectiveness of the various programs
4 intended to increase fluid milk consumption for which funding is
6 being considered; appropriate research needs; and other
8 considerations pertinent to the distribution of its funds to
10 other agencies for cooperative efforts;

12 3. Books and records. Shall keep books, records and
14 accounts of all its activities, which must be open to inspection
16 and audit by the State at all times;

18 4. Annual report. Shall prepare an annual report that must
20 include a summary of all receipts and expenditures, including
22 expenditures for specific promotional or research programs; a
24 description of the various promotional or research programs
26 operated, contracted or sponsored by the board; and a directory
28 of current board members, including their affiliation and term of
30 office; and

32 5. Outside funding. May accept grants, donations and gifts
34 of funds for purposes defined in this chapter.

36 **§2994. Appropriation of money received**

38 Money received through this chapter by the Treasurer of
40 State must be appropriated and used for the collection of the tax
42 provided for by section 2956 and the enforcement of this
44 chapter. The remaining sum must be used for purposes defined in
46 section 2993 or for carrying out this chapter.

48 The board may cooperate with similar boards and committees
50 in other states and is authorized to pay to a New England
committee that part of its receipts it determines is in the best
interest of the dairy industry of the State.

CHAPTER 604-A

MAINE DAIRY AND NUTRITION COUNCIL TAX

§2997. Definitions

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

1. Dealer. "Dealer" means any person who purchases or
receives milk for sale as the consignee or agent of a producer or
handles milk for sale, shipment, storage or processing within the
State. "Dealer" includes a producer dealer, a subdealer or a
store.

2. Milk. "Milk" means cows' milk, fluid and whole, skimmed
milk, low fat milk and buttermilk, irrespective of whether that

2 milk is flavored. "Milk" includes cream and one quart of cream
3 is considered the equivalent of 4 quarts of milk.

4 3. Nutrition. "Nutrition" means the study of proper and
5 balanced diet to promote health, especially in human beings.

6 4. Nutrition education. "Nutrition education" means
7 helping and educating people in the selection of food for the
8 primary purpose of nourishing their bodies in health throughout
9 the life cycle and helping and educating people in extending and
10 teaching knowledge of food and nutrition principles, including
11 promotion and research, and the application of these principles.

12 5. Producer. "Producer" means any person who produces milk
13 and sells the milk to a dealer.

14 6. Producer dealer. "Producer dealer" means a dealer who
15 produces a part or all of that dealer's milk or a person who
16 produces milk and sells to a grocery store, dairy products' store
17 or similar commercial establishment.

18 §2998. Organization

19 The Maine Dairy and Nutrition Council, as established by
20 Title 5, section 12004-H, subsection 4, within the Department of
21 Agriculture, Food and Rural Resources, consists of the following
22 5 members: four producers and one dealer appointed by the
23 Commissioner of Agriculture, Food and Rural Resources on the
24 recommendation of various producer and dealer associations,
25 individuals or unorganized groups of producers and dealers in
26 this State.

27 The 4 producer members must include 2 members selling milk
28 on the Maine market and 2 members selling milk on the Boston
29 market, Federal Milk Market Order No. 1. Producer members
30 selling in the same market may not belong to the same
31 agricultural cooperative or sell their milk to the same dealer.

32 The first 4 members appointed to the council as
33 reconstituted in this section shall serve one-year, 2-year,
34 3-year and 4-year terms respectively. All subsequent
35 appointments to the council as reconstituted in this section must
36 be for 4-year terms. A person may not be appointed to more than
37 2 consecutive 4-year terms. In case of a vacancy caused by
38 death, resignation or otherwise, the vacancy must be filled by
39 the commissioner for the unexpired period of the term.

40 The members of the council shall elect a chair. The
41 commissioner may employ such personnel for the council as
42 necessary, subject to the Civil Service Law.

2 Members of the council are entitled to compensation
4 according to Title 5, chapter 379. The cost of administration of
6 the council, including expenses and compensation of members, may
8 not exceed the money collected under this chapter. The council
10 must be furnished a suitable office at the seat of government
12 together with all necessary equipment and supplies for the office.

8 **§2999. Duties**

10 In order that the optimal health of the citizens of the
12 State may be achieved more fully, the Maine Dairy and Nutrition
14 Council shall provide guidance in nutrition and nutrition
16 education based on the concept of a balanced diet, including milk
18 and its products in accordance with scientific recommendations,
20 and protect the interests of all the people of the State by
22 strengthening and preserving the dairy industry.

18 **Sec. A-25. 19 MRSA §442**, as amended by PL 1983, c. 701, §2,
20 is repealed.

22 **Sec. A-26. 19 MRSA §443**, as amended by PL 1983, c. 701, §3,
24 is repealed.

24 **Sec. A-27. 19 MRSA §443-A** is enacted to read:

26 **§443-A. Person's duty of support**

28 Every person shall support that person's child and that
30 person's spouse when in need.

32 **Sec. A-28. 20-A MRSA §12705, sub-§1**, as amended by PL 1989, c.
34 700, Pt. A, §67, is further amended to read:

34 **1. Membership.** The board of trustees ~~shall--consist~~
36 consists of 9 appointed voting members and 2 3 ex officio, voting
members as follows:

38 ~~A. One from the State Board of Education;--~~

40 ~~B. One from the Board of Trustees of the University of~~
42 ~~Maine System;--~~

44 **C.** Seven Nine from the field of business and industry, the
46 field of labor, the field of education and the general
public;

48 **D.** The Commissioner of Education, or the commissioner's
successor, who shall serve ex officio;

50 **E.** The Commissioner of Economic and Community Development,
52 or the commissioner's successor, who shall serve ex officio;
and

2 F. The Commissioner of Labor, or the commissioner's
3 successor, who shall serve ex officio.

4 Sec. A-29. 20-A MRSA 12705, sub-§6, as enacted by PL 1985, c.
6 695, §11, is amended to read:

8 6. Meetings. The board of trustees shall meet at least 10
10 6 times each year and at the call of the chairman chair or at the
11 request of a majority of the members.

12 Sec. A-30. 20-A MRSA §12706, sub-§4-A is enacted to read:

14 4-A. Public improvements budgetary submission. To prepare
15 and adopt a biennial capital improvements budget for presentation
16 to the Governor and the Legislature, incorporating all projected
17 expenditures and all resources expected or proposed to be made
18 available to fund public improvements, as defined by Title 5,
19 section 1741, for the system. In accordance with Title 5,
20 section 1665, subsection 5 and Title 5, section 1742-C,
21 subsection 3, the system's public improvements budget must be
22 developed with the advice and assistance of the Bureau of Public
23 Improvements and must represent the capital improvement
24 priorities within the system;

26 Sec. A-31. 20-A MRSA §12706, sub-§5, as enacted by PL 1985, c.
28 695, §11, is amended to read:

30 5. Fiscal management. To receive, expend, allocate and
31 transfer funds within the system, as necessary to fulfill the
32 purposes of this chapter, in accordance with the biennial,
33 line-category, operating budget, ~~Cumulative transfers between~~
34 ~~line categories in excess of 10% of either the sending or the~~
35 ~~receiving category of the system operating budget shall be~~
36 ~~reported to the joint standing committee of the Legislature~~
37 ~~having jurisdiction over appropriations and financial affairs and~~
38 ~~to the joint standing committee of the Legislature having~~
39 ~~jurisdiction over education prior to becoming effective;~~

40 Sec. A-32. 20-A MRSA §12706, sub-§7, as amended by PL 1987, c.
42 402, Pt. A, §127, is further amended to read:

44 7. Fees and charges. To establish and collect room and
45 board fees, and tuition and to set policies relating to other
46 charges, including fees for the reasonable use of the institutes'
47 colleges' facilities by others, as deemed determined necessary by
48 the board of trustees for the efficient administration of this
49 chapter, to be credited to a separate fund and used for the
50 purposes of this chapter;

52 Sec. A-33. 20-A MRSA §12706, sub-§11, as amended by PL 1989,
c. 878, Pt. I, §6, is further amended to read:

2 **11. Personnel policies.** To develop and adopt personnel
3 policies and procedures for the system. The board of trustees,
4 subject to applicable collective bargaining agreements, shall
5 determine the qualifications, duties and compensation of its
6 employees and shall allocate and transfer personnel within the
7 system as necessary to fulfill the purposes of this chapter. The
8 board of trustees shall appoint the president of the system and
9 the presidents, ~~vice-presidents, deans and directors of finance~~
10 of the colleges. The provisions of the Civil Service Law, as
11 defined by Title 5, section 7039, do not apply to the system;

12 **Sec. A-34. 20-A MRSA §12706, sub-§16,** as enacted by PL 1985,
13 c. 695, §11, is repealed.

14 **Sec. A-35. 20-A MRSA §12709, sub-§1,** as amended by PL 1989, c.
15 878, Pt. I, §8, is further amended to read:

16 **1. Leadership.** To develop policies, ~~procedures,~~ goals and
17 objectives with respect to the operation of the colleges, to be
18 reviewed and, when necessary, approved by the board of trustees.
19 The president of the system shall meet regularly with the
20 administrative council to develop these policies and goals;

21 **Sec. A-36. 20-A MRSA §12712, sub-§2,** as amended by PL 1989, c.
22 443, §48, is further amended to read:

23 **2. College staff appointment.** Under procedures and
24 standards developed by the board of trustees, the presidents
25 shall appoint vice-presidents, deans, directors of finance and
26 the faculty and staff of the colleges, including professional and
27 nonprofessional personnel.

28 **Sec. A-37. 20-A MRSA §12712, sub-§3,** as amended by PL 1989, c.
29 443, §48, is repealed.

30 **Sec. A-38. 20-A MRSA §12712, sub-§7,** as amended by PL 1989, c.
31 443, §48, is further amended to read:

32 **7. Appointment of police officers.** The presidents may
33 appoint persons to act as police officers who, while within the
34 limits of the property owned by or under control of the colleges,
35 shall possess all the powers of ~~police~~ police officers in
36 criminal cases.

37 **A. ~~The board of trustees may establish guidelines by which~~**
38 **~~each~~ Each president may make rules for the control, movement**
39 **~~and parking of vehicles within the limits of the property~~**
40 **~~owned by or under the control of the college. These rules~~**
41 **~~may include special provisions for employees of the system~~**
42 **~~and college students. A president's rule shall be adopted~~**
43 **~~or amended subject to the approval of the board of trustees~~**
44

2 and shall have has the same force and effect as a municipal
ordinance. District courts may impose fines, not to exceed
4 \$10, for each violation of these rules.

6 B. ~~The board of trustees~~ Each president may adopt the
provisions of Title 30-A, section 3009, subsection 1,
8 paragraph C, relating to prima facie evidence and the
establishment of a waiver of court action by payment of
10 specified fees.

12 Sec. A-39. 20-A MRSA §12718, as amended by PL 1989, c. 443,
§54, is further amended to read:

14 **§12718. Annual report by trustees**

16 The board of trustees shall prepare an annual report by
18 January 1st of each year, to be submitted to the Governor and
joint standing committees of the Legislature having jurisdiction
20 over education and over appropriations and financial affairs. The
~~report shall be presented by the chairman before the joint~~
~~standing committee of the Legislature having jurisdiction over~~
22 ~~education.~~ This report shall must include:

24 1. **Budget expenditures.** Budget expenditures for the last
complete fiscal year and projected expenditures for the fiscal
26 year in which the report is submitted;

28 2. **Current enrollments.** Current enrollments by program at
each college;

30 3. **Description of new courses or curricula.** A description
32 of any new college courses or curricula;

34 4. **Description of activities.** A description of activities
undertaken to coordinate ~~post-secondary~~ postsecondary vocational
36 and technical training and education throughout the State with
secondary vocational education, adult vocational education,
38 employment training programs, other employment-related training
and other institutions of higher learning;

40 5. ~~Analysis.~~ ~~An analysis of the quality, growth,~~
42 ~~effectiveness, labor market impact and priority of college~~
~~programs, developed in terms of planning factors and criteria~~
44 ~~adopted by the board of trustees. These factors and criteria may~~
~~include, but need not be limited to, the following:~~

46 A. ~~Suitability as indicated by licensing requirements,~~
48 ~~general educational development, specific vocational~~
~~preparation levels, national surveys, career information~~
50 ~~delivery system and occupational outlook handbook~~
~~recommendations and alternate training environments;~~

- 2 B. ~~Need as indicated by economic development targets, regional and local perspectives, duplicate training programs and enrollment and application levels, ratios and trends;~~
- 4
- 6 C. ~~Employment outlook as indicated by employment levels, attrition rates, growth rates, occupational supply and demand ratios, cyclical trends and economic and technological developments;~~
- 8
- 10 D. ~~Work values as indicated by wage levels, fringe benefits, working conditions, seasonal factors, accessibility and equity;~~
- 12
- 14 E. ~~Career potential as indicated by turnover rate, dropout rate, burnout rate, career ladders, skill transferability, self-employment opportunities and supervisory opportunities;~~
- 16
- 18 F. ~~Program effectiveness as indicated by student to teacher ratio, completion rate, labor market entry rate, student satisfaction and employer satisfaction;~~
- 20
- 22 G. ~~Program impact as indicated by related placement rate, unrelated placement rate, unemployment rate and placement and unemployment trends; and~~
- 24
- 26 H. ~~Cost as indicated by total cost, cost per student, cost per placement, special funding support and equipment replacement rates;~~
- 28

30 6. List. A list of needs, in order of priority, of the colleges; and

32 7. Other information. Any other information deemed

34 significant by the board of trustees.

36 Sec. A-40. 20-A MRSA §12719, as enacted by PL 1989, c. 179, §3, is repealed.

38 Sec. A-41. 20-A MRSA §§12720 and 12721 are enacted to read:

40 **§12720. Report by system president**

42

44 The President of the Senate and the Speaker of the House of Representatives may invite the system president to appear in January of each year before a joint session of the Legislature to address the Legislature on the status of the system and such other matters as the system president desires to bring to the attention of the Legislature.

50 **§12721. Distribution of strategic plans**

2 Upon the development of any system-wide strategic planning
3 document that has been approved by the board of trustees, the
4 system shall distribute copies of that plan to each member of the
5 Legislature.

6 **Sec. A-42. 22 MRSA §1471-B, sub-§1**, as amended by PL 1989, c.
7 503, Pt. B, §83, is further amended to read:

8
9 **1. Board established.** The Board of Pesticides Control is
10 established by Title 5, section 12004-D, subsection 3, within the
11 Department of Agriculture, Food and Rural Resources. Except as
12 provided in this chapter, the board shall must be composed of 7
13 members, appointed by the Governor, subject to approval by the
14 joint standing committee of the legislature Legislature having
15 jurisdiction over ~~the subject of agriculture~~ agricultural matters
16 and confirmation by the Legislature. To provide the knowledge
17 and experience necessary for carrying out the duties of the
18 board, the board must consist of the following members: one
19 person shall-be-appointed-who-has with practical experience and
20 knowledge in-chemical-use-in-the-field-of-agriculture, regarding
21 the agricultural use of chemicals; one person who has practical
22 experience and knowledge in--chemical--use--in--the--field--of
23 regarding the use of chemicals in forest management, a commercial
24 applicator,; a one person from the medical community,; a
25 scientist from the University of Maine System specializing in
26 agronomy or entomology having practical experience and knowledge
27 of integrated pest management; one commercial applicator; and 2
28 persons appointed to represent the public. The 2 members
29 appointed to represent the public shall-be-selected-to must have
30 a demonstrated interest in environmental protection and represent
31 different geographic areas of the State. The term shall must be
32 for 4 years, except that of the initial appointees, 2 shall serve
33 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year
34 terms and one shall serve a one-year term. Any vacancy shall
35 must be filled by an appointment for the remainder of the
36 unexpired term.

37 **Sec. A-43. 28-A MRSA §2, sub-§§9-A and 10-A** are enacted to
38 read:

39 **9-A. Commissioner.** "Commissioner" means the Commissioner
40 of Finance.

41 **10-A. Director.** "Director" means the Director of the
42 Bureau of Alcoholic Beverages.

43 **Sec. A-44. 28-A MRSA §61, sub-§7**, as enacted by PL 1987, c.
44 45, Pt. A, §4, is amended to read:

45 **7. Salaries and expenses of members.** Each member of the
46 commission shall is entitled to be compensated according to the
47 provisions of Title 5, chapter 379, for 50 up to 25 meetings per
48

2 year, except for the chair of the commission who may be
3 compensated for up to 30 meetings per year.

4 Sec. A-45. 28-A MRSA §72, as enacted by PL 1987, c. 45, Pt.
5 A, §4, is repealed.

6 Sec. A-46. 28-A MRSA §72-A is enacted to read:

7 §72-A. Director; duties

8 The director has the following duties. The director shall:

9 1. Issue liquor licenses. Issue liquor licenses to
10 qualified licensees in accordance with the applicable laws and
11 rules of the commission;

12 2. Manage sale of alcoholic beverages. Manage the sale of
13 alcoholic beverages through state-operated retail stores, agency
14 stores and licensees in accordance with applicable laws and rules;

15 3. Act as chief administrative officer of bureau. Act as
16 chief administrative officer of the bureau, having general charge
17 of the office and records and employ such personnel as may be
18 necessary to fulfill the purpose of this Title. The personnel
19 must be employed with the approval of the commissioner and the
20 commission and subject to the Civil Service Law;

21 4. Act as executive secretary. Act as executive secretary
22 of the commission;

23 5. Confer with commissioner. Confer regularly as necessary
24 or desirable and not less than once a month with the commissioner
25 on the operation and administration of the bureau and make
26 available for inspection by the commissioner, upon request, all
27 books, records, files and other information and documents of the
28 commission;

29 6. Recommend revocation of licenses. Recommend to the
30 commission that it suspend or revoke, in accordance with sections
31 802, 803 and 1503, any license issued pursuant to this Title or
32 the rules adopted under this Title;

33 7. Enter into contract. Subject to the approval of the
34 commission and to any applicable laws relating to public
35 contracts, enter into contracts or agreements for the wholesale
36 purchase of alcoholic beverages;

37 8. Certify revenues and expenses. Certify monthly to the
38 Treasurer of State, the commission and the commissioner a
39 complete statement of the revenues and expenses for licenses and
40 liquor sales for the preceding month; and, subject to the
41 approval of the commissioner and the commissioner, submit an
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2 annual report that includes a complete statement of the revenues
3 and expenses for licenses and liquor sales to the Governor and
4 the Legislature, together with recommendations for changes in
5 this Title; and

6 9. Investigate and recommend changes. Carry on a
7 continuous study and investigation of the sale of alcoholic
8 beverages throughout the State and the operation and
9 administration of the state-operated retail stores and recommend
10 to the commission and the commissioner of finance any changes in
11 the laws or rules and methods of operation that are in the best
12 interest of the State.

14 Sec. A-47. 28-A MRSA §352, as amended by PL 1987, c. 342,
15 §21, is repealed and the following enacted in its place:

16 **§352. Purchase of liquor in state liquor stores and agency**
17 **liquor stores**

20 Purchases at state liquor stores must be for cash or by
21 major credit card except that, licensees may purchase liquor at
22 state liquor stores by cash or check, but not by credit card.
23 Agency liquor stores may accept payment for liquor purchases by
24 cash, check or major credit card.

26 Sec. A-48. 28-A MRSA §455, as enacted by PL 1987, c. 45, Pt.
27 A, §4, is amended to read:

28 **§455. Liquor for agency liquor stores**

30 Agency liquor stores shall must buy their liquor from state
31 liquor-stores the commission under section 606.

34 Sec. A-49. 28-A MRSA §606, sub-§1, as amended by PL 1987, c.
35 342, §28, is further amended to read:

36 1. All licensees must buy liquor from commission;
37 **exception.** Except as provided in paragraph A, all persons
38 licensed to sell spirits shall must purchase all such liquor from
39 state-liquor-stores the commission. Agency liquor stores may not
40 sell liquor to retail licensees for resale.

42 A. This subsection does not apply to public service
43 corporations operating interstate.

46 Sec. A-50. 28-A MRSA §1061, sub-§4, as amended by PL 1989, c.
47 139, is further amended to read:

48 4. Required number of sleeping rooms. Each hotel must be
49 equipped with at least the required number of adequate sleeping
50 rooms.

2 A. The number of rooms required is based on the population
of the municipality in which the hotel is located, as
4 reported by the 1960 Federal Decennial Census.

6 (1) If the hotel is located in a municipality of 3,000
or less population, the hotel must have at least 12
adequate sleeping rooms.

8 (2) If the hotel is located in a municipality of more
10 than 3,000 but not more than 7,500 population, the
hotel must have at least 20 adequate sleeping rooms.

12 (3) If the hotel is located in a municipality of more
14 than 7,500 ~~or more~~ population, the hotel must have at
least 30 adequate sleeping rooms.

16 ~~B. Any increase in population as shown by the 1960 and any~~
18 ~~subsequent Federal Census does not affect the eligibility~~
20 ~~for license of premises licensed before that census.~~

22 **Sec. A-51. 28-A MRSA §1502, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

24 1. **Fee.** The annual license fee is \$10 \$50.

26 **Sec. A-52. 28-A MRSA §1551, sub-§4**, as enacted by PL 1987, c.
342, §114, is amended to read:

28 4. **Sales representatives.** The fees for sales
30 representatives are as follows:

32 A. Sales representative of manufacturer or certificate of
approval holder (one year).....\$10 \$50.

34 **Sec. A-53. 36 MRSA §1764**, as repealed and replaced by PL
36 1989, c. 878, Pt. A, §106, is amended to read:

38 **§1764. Tax against certain casual sales**

40 The tax imposed by chapters 211 to 225 shall must be levied
upon all casual sales involving the sale of camper trailers,
42 motor vehicles, special mobile equipment, livestock trailers,
watercraft, snowmobiles, all-terrain vehicles or aircraft except
44 those sold for resale or to a corporation when the seller is the
owner of a majority of the common stock of the corporation.

46 **Sec. A-54. 36 MRSA §1765, sub-§1**, as repealed and replaced by
48 PL 1987, c. 402, Pt. A, §180, is amended to read:

50 1. **Motor vehicles.** Motor vehicles, including snowmobiles
and all-terrain vehicles;

2 Sec. A-55. 36 MRSA §1955-C, as enacted by PL 1979, c. 378,
§14, is amended to read:

4 **§1955-C. Assessment for vehicles**

6 Certificates forwarded to the State Tax Assessor under Title
8 29, section 204 or Title 12, section 7793-C, 7824-C or 7854-C,
shall ~~be~~ must treated as returns filed under this Title for
10 purposes of section 141.

12 Sec. A-56. 36 MRSA cc. 707 and 708, as amended, are repealed.

14 Sec. A-57. 36 MRSA §4605, sub-§6, as enacted by PL 1985, c.
153, §§14 and 15, is amended to read:

16 6. **Records and reports.** Every shipper shall, on or before
18 the 15th last day of each month, report to the State Tax Assessor
the quantity of potatoes received, sold or shipped by him the
20 shipper during the preceding calendar month and any additional
information which that the State Tax Assessor deems determines
22 pertinent, on forms furnished by the State Tax Assessor. At the
time of filing the report, each shipper shall pay to the State
24 Tax Assessor a tax at the rate of \$.05 per hundredweight upon all
potatoes reported as purchased, sold or shipped, subject to
26 subsection 1.

28 Sec. A-58. 36 MRSA §4606, as enacted by PL 1985, c. 753, §§14
and 15, is amended to read:

30 **§4606. Appropriations of money received**

32 Money received by the Treasurer of State under this chapter,
34 including all receipts of taxes levied under section 4605, shall
must be appropriated and used for the following purposes:

36 1. **Collection and enforcement.** For the collection of the
38 tax provided for in this chapter and the enforcement of this
chapter; and

40 2. **Board's activities.** For all activities of the board
42 authorized under this chapter; and

44 3. **Seed Potato Board.** For a one-time only transfer of
funds to the Seed Potato Board, established by Title 7, chapter
46 403, equal to the Seed Potato Board's budget deficit for the
fiscal year ending June 30, 1991 or \$40,000, whichever is less.

48 Sec. A-59. 36 MRSA §4697, as amended by PL 1983, c. 85, §2,
50 is further amended to read:

2 **§4697. Reports of production and payment of tax**

4 Every packer shall, on or before the 10th last day of each
6 month, report to the State Tax Assessor the quantity of sardines
8 packed by him that packer during the preceding calendar month, on
10 forms furnished by the State Tax Assessor, and pay to the State
12 Tax Assessor the tax of 30¢ per case on all sardines reported as
14 packed. If the State Tax Assessor determines that overpayment of
16 tax has been made, he the State Tax Assessor shall make a refund.
18 In making additional assessment or refund determinations, the
 State Tax Assessor shall rely on the records of the Department of
 Agriculture, Food and Rural Resources concerning the quantity of
 sardines packed in each sardine plant, for sale and suitable for
 human consumption. Any packer may pay to the State Tax Assessor
 in advance a sum of money based on an estimate of his the
 packer's tax for a given number of months, and this sum shall ~~be~~
 is a credit against future monthly reports of that packer.

20 **Sec. A-60. 36 MRSA, §4715**, as enacted by PL 1987, c. 513,
 §10, is amended to read:

22 **§4715. Dealer reports of purchases and payment of taxes**

24 Every dealer shall keep, as a part of his permanent records,
26 a record of all mahogany quahogs purchased at point of first
28 sale. These records shall must be open for inspection by the
30 State Tax Assessor at all times. Every dealer shall, on or
32 before the 10th last day of each month, render a report to the
34 State Tax Assessor, stating the number of bushels purchased by
36 him the dealer during the preceding calendar month, on forms to
 be furnished by the State Tax Assessor, and, at the same time,
 shall pay to the State Tax Assessor the tax of \$1.20 per bushel
 on all mahogany quahogs reported as purchased. If it appears to
 the State Tax Assessor from inspection of records or otherwise
 that an additional tax is due or overpayment of tax has been
 made, additional assessments or refunds shall must be made by the
 State Tax Assessor to the dealer.

38 **Sec. A-61. 37-B MRSA §3, sub-§2**, as enacted by PL 1983, c.
40 460, §3, is amended to read:

42 **2. Deputy Adjutant General.** The Deputy Adjutant General
44 shall ~~have~~ has all the military related powers, responsibilities
46 and duties of the Adjutant General when if the Adjutant General
48 is ~~absent-er~~ unable to act or, if the office is vacant, until the
50 vacancy is filled by the Governor, as provided by law. The
 Deputy Adjutant General may perform other military duties of the
 Adjutant General as assigned by the Adjutant General or the
 Governor. The deputy shall may not concurrently hold any other
 state office for compensation.

2 Sec. A-62. 37-B MRSA §4, as amended by PL 1989, c. 878, Pt.
F, §6, is further amended to read:

4 **§4. Directors of bureaus**

6 Each bureau of the department shall have a director. The
7 Director of Military Bureau, the Director of Veterans' Services
8 and the Director of the Maine Emergency Management Agency shall
9 must each be appointed by the Adjutant General and shall serve at
10 the pleasure of the Adjutant General. None of these directors
11 may hold any other state office for compensation. If the
12 Adjutant General is unable to act, the Director of the Military
13 Bureau has the civilian administrative powers and duties of the
14 Adjutant General in the Adjutant General's capacity as
15 Commissioner of Defense and Veterans' Services. The Director of
16 the Military Bureau may also perform other civilian duties of the
17 Adjutant General as assigned by the Adjutant General or the
18 Governor. The Director of Veterans' Services shall must be a
19 person who served on active duty in the United States Armed
20 Forces during any federally recognized period of conflict as
21 defined in section 504, subsection 4, paragraph A-1, subparagraph
22 (3), and a person qualified by experience, training and a
23 demonstrated interest in veterans' services.

24 Sec. A-63. 37-B MRSA §108, as repealed and replaced by PL
25 1983, c. 512, §1, is amended to read:

26 **§108. Designation of Deputy Adjutant General**

27 The assistant adjutant general for the Maine Army National
28 Guard or the assistant adjutant general for the Maine Air
29 National Guard may be appointed as Deputy Adjutant General. The
30 Deputy Adjutant General shall ~~have~~ has all the military related
31 powers, responsibilities and duties of the Adjutant General in
32 the event of if the Adjutant General's absence or inability
33 General is unable to act, or in case of a vacancy in the office
34 of the Adjutant General until the vacancy is filled by the
35 Governor, as provided by law. The Deputy Adjutant General may
36 also perform other military duties of the Adjutant General as
37 assigned by the Adjutant General or the Governor.

38 Sec. A-64. 37-B, §704, 3rd ¶, as amended by PL 1987 c. 370,
39 §15, is further amended to read:

40 The director, subject to the direction and control of the
41 Adjutant General, shall be the executive head of the agency and
42 shall be responsible for carrying out the program for civil
43 emergency preparedness. He The director shall coordinate the
44 activities of all organizations for civil emergency preparedness
45 within the State, ~~and~~; shall maintain liaison with and cooperate
46 with civil emergency preparedness and public safety agencies and
47 organizations of other states, the Federal Government and foreign
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51 organizations of other states, the Federal Government and foreign
52 organizations of other states, the Federal Government and foreign

2 countries, and the political subdivisions thereof,; prior to the
3 annual meeting required in section 782, subsection 4, shall
4 provide to each of the local civil emergency preparedness
5 organizations of the State an annual assessment of each
6 organization's degree of civil emergency preparedness and any
7 other information pertinent to ensuring the public's welfare and
8 safety within the local organization's jurisdiction; and shall
9 have additional authority, duties and responsibilities as may be
10 prescribed by the Adjutant General.

11 **Sec. A-65. 37-B MRSA §782, sub-§4 is enacted to read:**

12 **4. Annual meeting with the Director of the Maine Emergency**
13 **Management Agency. The director of each local organization for**
14 **civil emergency preparedness in the State and the respective**
15 **appointing authority shall meet each year with the Director of**
16 **the Maine Emergency Management Agency or the agency's successor,**
17 **in order to review the performance of the local civil emergency**
18 **preparedness organization in carrying out its federal and state**
19 **mandate and to jointly set new goals for the coming year.**

20
21 **Sec. A-66. Allocation; State Alcoholic Beverages Fund.** In order
22 to provide for the necessary expenses of operation and
23 administration of the Department of Finance, Bureau of Alcoholic
24 Beverages and the Department of Finance, State Liquor Commission,
25 the following amounts are allocated from the revenues derived
26 from operations of the State Alcoholic Beverages Fund for the
27 fiscal years ending June 30, 1992 and June 30, 1993, to carry out
28 the purposes of this Act.

	1991-92	1992-93
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37	All Other	(\$3,000)	(\$3,000)
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38 Provides for the deallocation
39 of funds from reduced meeting
40 costs of the State Liquor
41 Commission.

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PART B

Sec. B-1. 5 MRSA §285, sub-§1, ¶F-2, as enacted by PL 1987, c.
735, §6, is amended to read:

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

Sec. B-2. 5 MRSA §285, sub-§1, ¶F-3 is enacted to read:

2 F-3. Any employee of Maine Emergency Medical Services; and
4 **Sec. B-3. 5 MRSA §285, sub-§1, ¶G,** as amended by PL 1989, c.
6 776, §1, is further amended to read:

8 G. Subject to subsection 1-A, employees in any of the
 categories denominated in paragraphs A to F-1 and F-3 who:

10 (1) On April 26, 1968, have retired and who were
12 covered under group health plans which by virtue of
 Public Law 1967, chapter 543, were terminated;

14 (2) After April 26, 1968, retire and who on the date
16 of their retirement are currently enrolled in this
 group health plan as an employee;

18 (3) After December 2, 1986, and after reaching normal
20 retirement age, cease to be members of the Legislature
22 and are recipients of retirement allowances from the
 Maine State Retirement System based upon creditable
24 service as teachers, as defined by section 17001,
 subsection 42. This paragraph ~~shall-also-apply~~ applies
 to former members who were members on December 2, 1986;
26 or

28 (4) After December 2, 1986, and not yet normal
30 retirement age, cease to be members of the Legislature
32 and are recipients of retirement allowances from the
 Maine State Retirement System based upon creditable
34 service as teachers, as defined by section 17001,
 subsection 42. This paragraph ~~also~~ applies to former
 members who were members on December 2, 1986.

36 **Sec. B-4. 5 MRSA §17001, sub-§40,** as amended by PL 1989, c.
 698, §3 and as affected by §76, is repealed.

38 **Sec. B-5. 5 MRSA §17001, sub-§40-A** is enacted to read:

40 40-A. State employee. "State employee" has the following
42 meanings.

44 A. "State employee" includes:

46 (1) Any regular classified or unclassified officer or
 employee in a department;

48 (2) Any employee of Maine Emergency Medical Services;

50 (3) Any employee of the Maine Technical College
 System; and

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(4) Any employee transferred from the Department of Education, Division of Higher Education Services to the Finance Authority of Maine who elects to be treated as a "state employee."

B. "State employee" does not include:

(1) A judge, who as defined in Title 4, section 1201 or 1301, who is now or may be later entitled to retirement benefits under Title 4, chapter 27 or 29;

(2) A member of the State Police who is now entitled to retirement benefits under Title 25, chapter 195; or

(3) A Legislator who is now or may be later entitled to retirement benefits under Title 3, chapter 29.

Sec. B-6. 32 MRSA §81-B is enacted to read:

§81-B. Governmental functions

The exercise by Maine Emergency Medical Services of the powers conferred by this chapter is deemed to be the performance of essential governmental functions.

Sec. B-7. 32 MRSA §82, sub-§1, as amended by PL 1989, c. 857, §61, is further amended to read:

1. Licenses required. An ambulance service, ambulance, first responder service or emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter, except as stated in subsection 2.

~~Failure-of-an~~ An ambulance, ambulance service, first responder service or emergency medical services person that fails to obtain licensure shall make that individual or organization is subject to a fine of not more than \$500 or imprisonment for not more than 6 months, unless other penalties are specified.

Sec. B-8. 32 MRSA §83, sub-§8-A, as repealed and replaced by PL 1989, c. 857, §64, is repealed and the following enacted in its place:

8-A. Board. "Board" means the Board of Maine Emergency Medical Services. The board shall be the public instrumentality of the State responsible for carrying out this chapter.

Sec. B-9. 32 MRSA §83, sub-§§9 and 10, as enacted by PL 1981, c. 661, §2, are repealed.

2 **Sec. B-10. 32 MRSA §83, sub-§10-A is enacted to read:**

4 **10-A. Director. "Director" means the Director of Maine**
Emergency Medical Services.

6 **Sec. B-11. 32 MRSA §83, sub-§18, as amended by PL 1987, c.**
273, §2, is repealed.

8 **Sec. B-12. 32 MRSA §84, sub-§1, ¶A, as amended by PL 1985, c.**
10 730, §§9 and 16, is further amended to read:

12 A. The board shall conduct an emergency medical ~~services'~~
14 services program to fulfill the purposes, requirements and
goals of this chapter. The board shall adopt such the
16 forms, regulations rules, procedures, testing requirements,
policies and records as may be appropriate to carry out the
18 purposes, requirements and goals of this chapter.

20 **Sec. B-13. 32 MRSA §84, sub-§1, ¶B, as amended by PL 1987, c.**
402, Pt. A, §166, is further amended to read:

22 B. Notwithstanding any other provision of law, any
24 rule-making hearing held under this chapter and required by
the Maine Administrative Procedure Act, Title 5, chapter
26 375, shall must be conducted by the board, the ~~Director of~~
~~the Office of Emergency Medical Services~~ director or other
28 staff as delegated through ~~rules or a person in a major~~
~~policy influencing position, as defined in Title 5, section~~
~~931, who has responsibility over the subject matter of the~~
30 ~~proposed rule.~~

32 **Sec. B-14. 32 MRSA §84, sub-§1, ¶C, as amended by PL 1985, c.**
730, §§9 and 16, is further amended to read:

34 C. The board shall appoint a licensed physician as
36 statewide emergency medical ~~services'~~ services medical
director. The physician shall advise ~~the Office of Maine~~
38 ~~Emergency Medical Services and the board~~ and shall carry out
the duties assigned to the medical director ~~by this chapter,~~
40 ~~by rules promulgated~~ pursuant to this chapter, or as
specified by contract.

42 **Sec. B-15. 32 MRSA §84, sub§1, ¶E is enacted to read:**

44 **E. The board shall appoint a Director of Maine Emergency**
46 Medical Services.

48 **Sec. B-16. 32 MRSA §84, sub-§3, ¶¶B and E, as amended by PL**
1985, c. 730, §§9 and 16, are further amended to read:

50 B. The extent and nature of the continuing programs of
52 training and support for emergency medical services carried

2 out by the regional councils, ~~the board and the Office of~~
3 Maine Emergency Medical Services;

4 E. The income and expenditures of the board, of ~~the Office~~
5 of Maine Emergency Medical Services and of the regional
6 councils.

8 **Sec. B-17. 32 MRSA §84-A**, as enacted by PL 1985, c. 730, §§10
9 and 16, is repealed and the following enacted in its place:

10 **§84-A. Liaison**

12 The Governor shall designate a member of the Governor's
13 staff to serve as liaison with Maine Emergency Medical Services.
14 The liaison shall annually review the report issued by the board
15 pursuant to section 84 in order to assess the function and
16 operation of Maine Emergency Medical Services and the regional
17 councils to assure that these organizations are in compliance
18 with statutory and public service responsibilities. The board
19 shall provide reports of income and expenditures of Maine
20 Emergency Medical Services and other information requested by the
21 liaison.

24 **Sec. B-18. 32 MRSA §86, sub-§2-A, ¶¶A and B**, as enacted by PL
25 1985, c. 530, §3, are amended to read:

26 A. When a patient is already under the ~~personal~~ supervision
27 of ~~his own~~ a personal physician or of a physician's
28 assistant supervised by that physician and the physician or
29 physician's assistant assumes the care of the patient, then
30 for as long as the physician or physician's assistant
31 remains with the patient, the patient shall must be cared
32 for as the physician or physician's assistant directs. The
33 emergency medical ~~services'~~ services persons shall assist to
34 the extent that their licenses and protocol allow; and

36 B. No patient is required to accept treatment to which he
37 the patient does not consent.

40 **Sec. B-19. 32 MRSA §86, sub-§3**, as enacted by PL 1981, c. 661,
41 §2, is amended to read:

42 **3. Air transportation.** Any patient transported by air must
43 be flown on a service licensed under Federal Aviation
44 Regulations, Part 135 or Part 121. In such an instance, the
45 flight shall ~~be is~~ deemed to be an air ambulance, and the patient
46 must be cared for as provided in subsection 2.

48 **Sec. B-20. 32 MRSA §87**, as enacted by PL 1981, c. 661, §2,
49 amended to read:

52 **§87. Ambulances**

2 Each ambulance shall must be licensed pursuant to this
chapter. It shall must also meet the design criteria and shall
4 must be equipped as specified in regulations rules adopted under
this chapter.

6
8 **Sec. B-21. 32 MRSA §88, sub-§1, ¶¶B and C, as amended by PL
1985, c. 730, §§12 and 16, are further amended to read:**

10 B. The board shall elect its own chairman chair to serve
for a 2-year term. ~~It may adopt internal rules, that shall
12 require, among other things, that the term of a member who
does not attend regularly be ended. In such a case, another
14 person shall be appointed by the Governor. When a position
becomes vacant, a person shall be appointed by the Governor
16 to fill the remainder of the term.~~ The board may adopt
internal rules which may include, but are not limited to,
18 termination of board membership as a consequence of
irregular attendance. If a board member does not serve a
20 full term of appointment, the Governor shall appoint a
successor to fill the vacancy for the remainder of the
22 term. Any board member may be removed by the Governor for
cause. ~~The Office of Emergency Medical Services shall
24 provide such staff as the board requires and shall maintain
the board's records and files.~~ The board may have a common
26 seal. The board may establish subcommittees as it deems
appropriate.

28
30 C. The board shall meet at least quarterly, and shall also
meet at the call of its chairman the chair or at the request
of 7 ~~of its~~ members. When the board meets, ~~its~~ members
32 ~~shall be compensated~~ are entitled to compensation according
to the provisions of Title 5, chapter 379.

34
36 **Sec. B-22. 32 MRSA §88, sub-§1, ¶D, as amended by PL 1987, c.
273, §5, is further amended to read:**

38 D. A majority of the members appointed and currently
serving shall ~~constitute~~ constitutes a quorum for all
40 purposes and no decision of the board may be made without a
quorum present. A majority vote of those present and voting
42 ~~shall be~~ is required for board action, except that for
purposes of either granting a waiver of any of its rules or
44 deciding to pursue the suspension or revocation of a
license, the board may take action only if the proposed
46 waiver, suspension or revocation receives a favorable vote
from at least 2/3 of the members present and voting and from
48 no less than a majority of the appointed and currently
serving members. When the board is required to take
50 emergency action and ~~it is not possible to convene~~ convening
a meeting of the board in a timely manner is not possible,

2 the board may take any action authorized by telephonic
conference or by any other means authorized by rule.

4 **Sec. B-23. 32 MRSA §88, sub-§2**, as amended by PL 1989, c. 857,
6 §§70 and 71, is further amended to read:

8 **2. Functions.** The board shall perform the following
functions.

10 A. The board shall direct the operations of the emergency
12 medical services' services program. ~~The board shall adopt
rules in accordance with the Maine Administrative Procedure
Act, Title 5, chapter 375, to carry out this chapter.~~

14 B. The board shall ~~hold public hearings on any proposed
changes in the rules allowed for in this chapter. Hearings
held pursuant to this section are subject to~~ adopt rules in
18 accordance with the Maine Administrative Procedure Act,
Title 5, chapter 375 to carry out this chapter. In order to
20 encourage participation ~~in these~~ at rule-making hearings by
22 emergency medical services volunteers, the board shall hold
such hearings ~~as it deems necessary~~ as
24 determined necessary. Each hearing shall must be held in
the evening or at times convenient to the public. At least 2
members of the board shall attend each hearing.

26 C. The board shall grant licenses pursuant to this chapter
28 and the rules promulgated under this chapter.

30 D. The board shall ~~establish~~ specify in rules the
32 ~~conditions under which~~ criteria that must be met as a
precondition to offering an emergency medical services
34 course, refresher course or continuing education course ~~must
be sponsored or offered.~~ The board shall work toward
developing consistent educational programming in terms of
36 course content, course requirements and quality of
instruction.

38 E. The board shall keep records and minutes of its
40 activities and meetings. These records and minutes must be
made easily accessible to the public and be provided
42 expeditiously upon request. The board shall distribute to
all licensed emergency medical services persons a
44 publication listing training and testing opportunities,
meeting schedules of the board and regional councils,
46 proposed rule changes and other information judged by the
board to have merit in improving emergency medical patient
48 care in the State. The board shall create, print and
distribute this publication in the most cost-efficient
50 manner possible. Any paid advertising utilized to
accomplish this purpose may not be solicited by board
52 members or staff and must be included in such a way that

2 endorsement of a product or service by the board can not
3 reasonably be inferred. The board may prepare, publish and
4 disseminate educational and other materials to improve
5 emergency medical patient care.

6 F. The board shall appoint the Director of Emergency
7 Medical Services shall who must be qualified by training or
8 by experience and shall be appointed by the Board of
9 Emergency Medical Services with approval of the
10 commissioner. The director shall serve for an indefinite
11 term, subject to removal for cause by the board with
12 approval of the commissioner. Compensation shall be fixed
13 by the Governor board. The director shall hire, subject to
14 the Personnel Law, staff as required to ensure the proper
15 enforcement, implementation and administration of this
16 chapter. The executive director shall be responsible for
17 the daily operations of the Office of Emergency Medical
18 Services.

20 G. The board, acting as Maine Emergency Medical Services,
21 shall submit to the Commissioner of Human Services Bureau of
22 the Budget its budgetary requirements in the same manner as
23 is provided in Title 5, section 1665, and the commissioner
24 shall, in turn, transmit these requirements to the Bureau of
25 the Budget without any revision, alteration or change. The
26 Department of Human Services shall serve as the fiscal agent
27 for the board and Office of Emergency Medical Services. The
28 board shall serve as its own fiscal agent. The board may
29 act as the public agency of the State for the purpose of
30 accepting funds or other assistance from any source in
31 relation to emergency medical services activities. The
32 board must be included in staff meetings of the Department
33 of Human Services that concern the allocation of federal
34 Preventive Health and Health Services Block Grant funds and
35 other federal block grant funds as appropriate. The board
36 may establish and collect fees, tuition and other charges as
37 determined necessary by the board for the efficient
38 administration of this chapter, to be credited to a separate
39 fund and used for the purposes of this chapter. The board
40 may lease office space, acquire equipment and supplies and
41 arrange for the performance of administrative and other
42 services needed to carry out the purposes of this chapter.

44 H. The board may enter into contracts, subject to
45 provisions of state law, and delegate this authority to the
46 director. The board may also delegate, through rules, to
47 ~~the Office of Emergency Medical Services or the commissioner~~
48 its staff any provision necessary to carry out this chapter,
49 including the process of hearings. ~~The office and~~
50 ~~department staff must have access to all information~~
51 ~~necessary to carry out their responsibilities.~~ Funds
52 appropriated or allocated to the board to be contracted with

2 the regional councils may be disbursed on a sole-source
3 contract basis, according to guidelines established by the
4 board. ~~Funds must be expended in accordance with standard
5 state contract or grant procedures and guidelines where
6 appropriate.~~

8 **Sec. B-24. 32 MRSA §88-A** is enacted to read:

10 **§88-A. Director**

12 1. Duties. In addition to other duties set out in this
13 chapter, the director, as appointed under section 88, has the
14 following duties.

16 A. The director has administrative responsibility for Maine
17 Emergency Medical Services.

18 B. The director shall obtain whatever services are required
19 to transact the business of Maine Emergency Medical Services.

20 C. The director shall oversee all personnel matters and
21 shall employ personnel as required to ensure the proper
22 enforcement, implementation and administration of this
23 chapter. The director shall determine the qualification,
24 duties and compensation of personnel.

26 D. The director shall be responsible for the daily
27 operation of Maine Emergency Medical Services.

30 2. Staff. The staff of the director has the following
31 status, rights and privileges.

32 Employees of Maine Emergency Medical Services are entitled to
33 participate in the Maine State Retirement System and to
34 participate in all medical, dental, health and life insurance
35 benefits and programs offered by the State to state employees in
36 positions of comparable responsibility, seniority and longevity
37 as determined by the agency administering those benefits.

40 **Sec. B-25. 32 MRSA §89, sub-§1**, as amended by PE 1985, c. 730,
42 §§13 and 16, is further amended to read:

44 **1. Regions to be established; regional councils.** The board
45 shall delineate regions within the State ~~for to carry out~~ the
46 purposes of this chapter. The board shall set out conditions
47 under which an organization in each region may be recognized by
48 the board as the regional council for that region. A regional
49 council shall, at least a minimum, provide adequate
50 representation for ambulance and rescue services, emergency room
physicians and nurses, each hospital and the general public. A
regional council shall must be structured to adequately represent

2 each major geographical part of its region. Only one regional
3 council shall may be recognized in any region.

4 **Sec. B-26. 32 MRSA §89, sub-§2, ¶A**, as enacted by PL 1981, c.
5 661, §2, is amended to read:

6 A. ~~The establishment of~~ Establishing a regional medical
7 control committee;

10 **Sec. B-27. 32 MRSA §89, sub-§2, ¶B**, as amended by PL 1989, c.
11 857, §72, is further amended to read:

12 B. ~~The appointment of~~ Appointing, subject to approval by the
13 board, of a regional medical director, who must be a
14 licensed physician and shall serve as an agent of Maine
15 Emergency Medical Services. The regional medical director
16 may delegate in writing to other licensed physicians, who
17 shall similarly serve as agents of Maine Emergency Medical
18 Services, the responsibilities of this position;

20 **Sec. B-28. 32 MRSA §89, sub-§2, ¶D**, as amended by PL 1985, c.
21 730, §§13 and 16, is further amended to read:

22 D. ~~Assisting the board and executive director~~ Maine
23 Emergency Medical Services in carrying on a program of
24 testing emergency medical services' services persons within
25 each region, subject to availability of financial resources
26 for the testing;

30 **Sec. B-29. 32 MRSA §90-A, sub-§§1, 3, 4 and 5**, as enacted by PL
31 1987, c. 273, §8, are amended to read:

32 **1. Disciplinary proceedings and sanctions.** The board or
33 its staff shall investigate a complaint, on the board's own
34 motion or upon receipt of a written complaint filed with the
35 board, regarding noncompliance with or violation of this chapter
36 or of any rules adopted by the board. Investigation may include
37 either an informal conference or a hearing or both before the
38 board or the board's staff to determine whether grounds exist for
39 suspension, revocation or denial of a license or as otherwise
40 deemed necessary by the board to the fulfillment of its
41 responsibilities under this chapter. Hearings shall must be
42 conducted in conformity with the Maine Administrative Procedure
43 Act, Title 5, chapter 375, subchapter IV, to the extent
44 applicable. The board ~~or department~~ may subpoena witnesses,
45 records and documents, including records and documents maintained
46 by a health care facility or other service organization or person
47 related to the delivery of emergency medical services, in any
48 hearing it conducts.

50 **3. Informal conference.** If, in the opinion of the board,
51 the factual basis of the complaint is or may be true and ~~it~~ the

2 complaint is of sufficient gravity to warrant further action, the
4 board or its staff may request an informal conference with the
6 licensee. The board shall provide the licensee with adequate
8 notice of the conference and of the issues to be discussed. The
10 conference shall must be conducted in executive session of the
12 board, unless otherwise requested by the licensee. Statements
14 made at the conference may not be introduced at a any subsequent
formal administrative or judicial hearing unless all parties
consent. The licensee may, without prejudice, refuse to
participate in an informal conference if the licensee prefers to
immediately hold a formal hearing. If the licensee participates
in the informal conference, the licensee waives the right to
object to any participant at the hearing who had participated at
the informal conference.

16 4. **Further action by the board.** If the board finds that
18 the factual basis of the complaint is true and is of sufficient
20 gravity to warrant further action, it the board may take any of
the following actions it deems appropriate.

22 A. ~~With the consent of the licensee, the~~ The board may
24 enter into a consent agreement, with the consent of the
26 licensee, which fixes the period and terms of probation best
28 adapted necessary to protect the public health and safety
and to rehabilitate or educate the licensee. A consent
agreement may be used to terminate a complaint
investigation, if entered into by the board, the licensee
and the Office Department of the Attorney General.

30 B. ~~In consideration for acceptance of~~ If there is a
32 voluntary surrender of the a license, the board may
34 negotiate stipulations, ~~including terms and conditions for~~
36 ~~reinstatement, which~~ necessary to ensure protection of the
38 public health and safety and ~~which serve to rehabilitate or~~
educate the rehabilitation or education of the licensee.
These stipulations shall must be set forth only in a consent
agreement signed by the board, the licensee and the Office
Department of the Attorney General.

40 C. If the board concludes that modification, nonrenewal or
42 nonissuance of the a license is in order, the board shall so
44 notify the applicant-licensee and inform him the
46 applicant-licensee of his the applicant-licensee's right to
48 request an adjudicatory hearing. If the applicant-licensee
50 timely requests such a an adjudicatory hearing in a timely
52 manner, it shall the adjudicatory hearing must be held by
the ~~hearings unit of the department~~ board in accordance with
the Maine Administrative Procedure Act, Title 5, chapter
375, subchapter IV. ~~At the conclusion of the hearing, the~~
~~hearing officer shall forward a written finding of facts and~~
~~recommended decision to the commissioner.~~ Opportunity shall
then be given for the applicant licensee and the board to

2 file--comments--on--the--findings--of--fact--and--recommended
3 decision--to--the--commissioner.---The--commissioner,--after
4 considering--the--findings,--recommendations--and--comments,
5 shall--either--adopt--or--reject--the--recommended--decision--within
6 a--reasonable--period--of--time.---If--the--commissioner--rejects--the
7 recommendation---or---issues---a---modified---decision,---the
8 commissioner's--written--decision--shall--contain--the--specific
9 reasons---for---modifying---or---rejecting---the---recommended
10 decision.---The--commissioner's--decision--shall--be--the
11 department's--final--decision. The board's written decision
12 must be issued within a reasonable period of time, contain
13 the reasons for the board's decision and constitutes the
14 board's final decision. The board may revoke, suspend or
15 refuse to renew any license without proceedings, pursuant
16 to Title 5, section 10004.

17 D. Except in the specific circumstances where the Maine
18 Administrative Procedure Act, Title 5, section 10004 may be
19 invoked, if the board concludes that suspension or
20 revocation of the license is in order, the board shall hold
21 a hearing or file a complaint in the Administrative Court in
22 accordance with Title 4, chapter 25, to commence either full
23 or emergency proceedings.

24 **5. Grounds for discipline.** The board may suspend or revoke
25 a license pursuant to Title 5, section 10004. ~~The following~~
26 ~~shall be grounds for an action either to refuse~~ Refusal ~~to issue~~
27 ~~or renew a license or to modify, suspend or revoke or refuse to~~
28 ~~renew the a license of a person, service or vehicle licensed~~
29 ~~under this chapter may be predicated on the following grounds:~~

30 **A.** ~~The practice of fraud~~ Fraud or deceit in obtaining a
31 license under this chapter or in connection with service
32 rendered within the scope of the license issued;

33 **B.** Habitual intemperance in the use of alcohol or the
34 habitual use of narcotic, hypnotic or other substances, the
35 use of which that has resulted or is likely to result in the
36 licensee performing his duties in a manner which endangers
37 impair the licensee's performance and endanger the health or
38 safety of his the licensee's patients;

39 **C.** A professional diagnosis of a mental or physical
40 condition which that has resulted or is likely to result in
41 the licensee performing his duties affect the licensee's
42 performance in a manner which that endangers the health or
43 safety of his the licensee's patients;

44 **D.** Aiding or abetting the practice of emergency care by a
45 person not duly licensed under this chapter and who
46 represents himself purports to be so;

2 E. ~~Incompetence--in--the~~ Incompetent professional practice
4 ~~for--which--he--is--licensed,--A--licensee--shall--be--deemed~~
~~incompetent--in--the--practice--if--the--licensee--has~~ as evidenced
~~by:~~

6 (1) ~~Engaged--in--conduct--which--evidences--a--lack--of~~
8 ~~ability--or--fitness~~ Demonstrated inability to discharge
10 ~~the--duty--owed--by--the--licensee~~ respond appropriately to
a client, patient or the general public; or

12 (2) ~~Engaged--in--conduct--which--evidences--a--lack--of~~
14 ~~knowledge--or--inability~~ Inability to apply principles
of, skills or knowledge necessary to successfully carry
out the practice for which he the licensee is licensed;

16 F. ~~Unprofessional--conduct,--A--licensee--shall--be--deemed--to~~
18 ~~have--engaged--in--unprofessional--conduct--if--he--violates~~
Violation of any reasonable standard of professional
20 ~~behavior, conduct or practice~~ which has been established in
the practice for which the licensee is licensed;

22 G. Subject to the limitations of Title 5, chapter 341,
24 conviction of a crime which that involves dishonesty or
false statement which that relates directly to the practice
26 for which the licensee is licensed or conviction of any
crime for which incarceration for one year or more may be
28 imposed;

30 H. Any violation of this chapter or any rule adopted by the
board; or

32 I. For other purposes as specified by rules or law.

34 **Sec. B-30. 32 MRSA §91-A**, as enacted by PL 1987, c. 273, §8,
36 is amended to read:

38 **§91-A. Appeals**

40 Any person or organization aggrieved by the decision of the
42 board in modifying or refusing to issue or renew a license or to
waive application of a particular rule may appeal the board's
44 ~~decision to the department's--hearings--unit--for--a--full~~
adjudicatory hearing and for a final decision by the commissioner
46 Superior Court in accordance with the Maine Administrative
Procedure Act, Title 5, chapter 375, subchapter VII. ~~The board's~~
48 ~~decision shall stand until such time as the commissioner issues a~~
~~decision to uphold, modify or overrule the board's decision.~~

50 ~~Any person or organization aggrieved by a final decision of~~
~~the commissioner in refusing to issue or renew a license or to~~
52 ~~waive--application--of--a--particular--rule--may--appeal--the~~
~~commissioner's decision to the Superior Court in accordance with~~

2 the--Maine--Administrative--Procedure--Act,--Title--5,--chapter--375,
subchapter--VII-

4 Sec. B-31. 32 MRSA §92, first ¶, as enacted by PL 1985, c. 730,
§§14 and 16, is amended to read:

6
8 Any reports, information or records provided to the board or
department pursuant to this chapter shall must be provided to the
10 licensee and are confidential insofar as the reports, information
or records identify or permit identification of any patient,
12 provided that the board may disclose any confidential information
as follows:

14 Sec. B-32. 32 MRSA §92, last ¶, as enacted by PL 1985, c. 730,
§§14 and 16, is repealed.

16 Sec. B-33. 32 MRSA §92-A, sub-§1, as enacted by PL 1989, c.
18 288, is amended to read:

20 1. Immunity from suit. Any person who participates in the
activities of any emergency medical services quality assurance
22 committee approved by the Board of Maine Emergency Medical
Services Board is immune from civil liability for undertaking or
24 failing to undertake any act within the scope of ~~the function~~ of
the committee.

26 Sec. B-34. 32 MRSA §93, sub-§§1 and 2, as enacted by PL 1985,
28 c. 730, §§14 and 16, are amended to read:

30 1. Report; information. Making any report or other
information available to ~~the board~~ Maine Emergency Medical
32 Services under this chapter; and

34 2. Assisting. ~~Assisting the board or department~~ Maine
Emergency Medical Services in carrying out any of ~~their~~ its
36 duties.

38 Sec. B-35. 32 MRSA §93-A, as enacted by PL 1987, c. 638, §2,
is amended to read:

40 **§93-A. Immunity for supervision and training**

42
44 1. Emergency medical treatment supervision. No physician
functioning within the medical control system established by the
46 regional medical director and practicing in a hospital to or from
which patients are transported under section 86 or health care
48 practitioner under such a physician's supervision who gives oral
or written instructions to a basic emergency medical services
50 person or an advanced emergency medical technician for the
provision of emergency medical treatment outside the hospital may
52 be civilly liable for negligence as a result of issuing the
instructions, if the instructions were in accordance with the

2 protocol for the patient's reported condition. For the purpose
of aiding in establishing the use of a protocol that ~~will permit~~
4 permits the immunity provided in this subsection, the following
provisions apply:

6 A. The basic emergency medical services person or advanced
emergency medical technician to whom the instructions are
8 given shall document those instructions on the state
ambulance run record; and

10 B. The physician or health care practitioner giving the
12 instructions shall maintain a medical control log
documenting those instructions at the time they were given
14 and shall sign the log.

16 The immunity provided in this subsection extends to the hospital
in which the physician described in this subsection is practicing
18 or the health care practitioner described in this subsection is
being supervised.

20 **2. Emergency medical services persons' training.** Except as
22 otherwise provided in this subsection, no hospital, physician or
health care practitioner providing an emergency medical services
24 course, refresher course or continuing education course approved
by ~~the--Office--of~~ Maine Emergency Medical Services may be
26 vicariously liable for the civil liability of a person enrolled
in the course to a person receiving emergency medical treatment
28 during the course.

30 The immunity provided by this subsection does not apply if the
person enrolled in the course is an employee of the hospital,
32 physician or health care practitioner seeking immunity under this
subsection.

34 **Sec. B-36. 32 MRSA §94,** as enacted by PL 1985, c. 730, §§14
36 and 16, is amended to read:

38 **§94. Sunset**

40 The operations and conduct of ~~the--Board--of~~ Maine Emergency
Medical Services shall must be reviewed in accordance with the
42 Maine Sunset Act, Title 3, chapter 23, no later than June 30,
1989 2001.

44 **Sec. B-37. Transition provisions.**

46 1. Maine Emergency Medical Services is the successor in
48 every way to the powers, duties and functions of the former
Office of Emergency Medical Services.

50 2. All existing rules and procedures in effect, in
52 operation or adopted in or by the former Office of Emergency

2 Medical Services are declared in effect and continue in effect
until rescinded, revised or amended by the proper authority.

4 3. All existing contracts, agreements and compacts
6 currently in effect in the former Office of Emergency Medical
Services continue in effect.

8 4. Any personnel authorized and allocated to the former
10 Office of Emergency Medical Services are transferred to Maine
Emergency Medical Services. The accrued fringe benefits of these
12 personnel, including vacation and sick leave, health and life
insurance and retirement, remain with the transferred personnel.
14 The rights and benefits under current collective bargaining
agreements in effect on the effective date of this Act must be
16 maintained according to applicable labor law principles. All
personnel transferred from the former Office of Emergency Medical
18 Services to Maine Emergency Medical Services shall retain all
seniority rights and privileges and any attendant rights and
20 privileges, as provided in applicable collective bargaining
agreements in effect on the effective date of this Act, with
22 regard to employment in state service for a period of 2 years
from the date of the establishment of Maine Emergency Medical
24 Services. The Bureau of Human Resources within the Department of
Administration shall assist Maine Emergency Medical Services with
26 the orderly implementation of these provisions.

28 5. All records, property and equipment previously belonging
to or allocated for the use of the former Office of Emergency
30 Medical Services becomes on the effective date of this Act the
property of Maine Emergency Medical Services.

32 6. Funds transferred notwithstanding the Maine Revised
Statutes, Title 5, sections 1585 and 1586, all accrued
34 expenditures, assets, liabilities, balances or allocations,
transfers, revenues or other available funds in any account or
36 subdivision of an account of the Department of Human Services and
authorized for use by the Emergency Medical Services Board or
38 Office of Emergency Medical Services must be reallocated to Maine
Emergency Medical Services.

40 **Emergency clause.** In view of the emergency cited in the
42 preamble, Part A of this Act takes effect when approved, and Part
B takes effect on June 1, 1991.
44

46 **FISCAL NOTE**

	1990-91	1991-92
48		
50		
52		
ALLOCATION		
State Alcoholic Beverage Fund	(\$3,000)	(\$3,000)

2 REVENUE

4 General Fund \$12,120 \$12,120

6 Passage of this bill will result in a deallocation from the
8 State Alcoholic Beverage Fund resulting from reduced meeting
10 costs of the State Liquor Commission, and an increase in General
12 Fund revenues as follows: \$3,000 from the reduced allocation to
the State Alcoholic Beverage Fund and \$9,120 from increasing the
license fee for liquor sales representatives from \$10 to \$50.

14 STATEMENT OF FACT

16

PART A

18

20 Section A-1 changes the date from March 31st to no later
22 than February 1st by which agencies scheduled for review by the
Joint Standing Committee on Audit and Program Review must submit
a justification report.

24 Sections A-2 to A-9 continue and reschedule agencies
26 pursuant to the sunset laws and update the review schedule.

28 Section A-10 redefines educational leaves as those having a
30 duration of 30 days or more and authorizes the Educational Leave
Advisory Board to retroactively approve certain educational leave
requests.

32 Sections A-11 and A-12 authorize the Educational Leave
34 Advisory Board to provide special scholarships to deserving
employees and establish a fund into which funds can be deposited
to use for this purpose.

36

38 Section A-13 and A-14 unclassify the position of the
Executive Director of the Maine Commission for Women.

40 Sections A-15 and A-16 mandate that the Maine Technical
42 College System will submit its own prioritized public
improvements budget as a separate part of the Governor's public
improvements budget for the executive branch.

44

46 Section A-17 requires the Director of the Division of Risk
48 Management, Department of Administration, to provide insurance
advice and services to certain commercial applicators of
pesticides, pesticide spray contracting firms and private
applicators.

50

52 Section A-18 mandates that the Maine Technical College
System will submit its own prioritized public improvements budget

2 as a separate part of the Governor's public improvements budget
for the executive branch.

4 Section A-19 designates the appointing authority responsible
for each mandated appointment to the Maine Commission for Women.

6
8 Section A-20 and A-21 authorize the Maine Commission for
Women to establish and fill the position of Executive Director of
the Maine Commission for Women.

10
12 Section A-22 updates 2 statutory references.

14 Section A-23 authorizes the use of nonbrand specific milk
promotions or coupons in conjunction with other products to
provide a reduction in the price of milk to the consumer without
16 conflicting with the minimum price regulation.

18 Sections A-24 and A-56 consolidate statutory language
governing the Maine Dairy Promotion Board and the Maine Dairy and
20 Nutrition Council with other milk-related laws.

22 Sections A-25 to A-27 update statutory language regarding
support of children and spouses in order to expunge references to
24 gender and impose equal burden on married men and women for
spousal support.

26
28 Section A-28 eliminates the current requirement that the
Board of Trustees of the Maine Technical College System must have
a member from the State Board of Education and a member from the
30 Board of Trustees of the University of Maine System and replaces
these 2 members with individuals from the general public.

32
34 Section A-29 reduces the number of required meetings for the
Board of Trustees for the Maine Technical College System from 10
to 6.

36
38 Section A-30 mandates that the Maine Technical College
System will submit its own prioritized public improvements budget
as a separate part of the Governor's public improvement budget
40 for the executive branch.

42 Section A-31 deletes a requirement that the Maine Technical
College System must report cumulative transfers of more than 10%
44 between line categories to the Legislature.

46 Section A-32 authorizes the Board of Trustees of the Maine
Technical College System to set policies that govern the
48 establishment of most campus fees.

50 Section A-33 repeals the current authority of the Board of
Trustees of the Maine Technical College System to appoint senior
52 campus administrators.

2 Section A-34 repeals an inaccurate provision that authorized
the Board of Trustees of the Maine Technical College System as
4 the administrative agency for the United States Job Training
Partnership Act.

6 Section A-35 allows the president of the Maine Technical
College System to develop certain operational policies that are
8 subject to review by the board of trustees.

10 Section A-36 establishes the authority of campus presidents
within the Maine Technical College System to appoint their senior
12 administrative team.

14 Section A-37 repeals the current responsibility of campus
presidents within the Maine Technical College System to nominate
16 their senior administrative team for appointment by the Board of
Trustees.

18 Section A-38 authorizes campus presidents within the Maine
20 Technical College System to establish campus rules relating to
vehicular traffic and parking.

22 Section A-39 repeals a provision that requires the chair of
24 the Board of Trustees of the Maine Technical College System to
present the system's annual report to the Joint Standing
26 Committee on Education. This section also repeals a provision
that specifies a detailed analysis that must be a part of the
28 system's annual report.

30 Section A-40 repeals an outdated provision relating to the
responsibility of the Board of Trustees of the Maine Technical
32 College System for establishing certain requirements for driver
education courses.

34 Section 41-A establishes that the system president may be
36 invited to make an annual address to the Legislature on the
status of the Maine Technical College System. This section also
38 establishes that the Maine Technical College System must
distribute all system-wide strategic plans to members of the
40 Legislature.

42 Section A-42 provides that the 2 public members of the Board
of Pesticides Control must have a demonstrated interest in
44 environmental protection, clarifies board membership and corrects
grammar.

46 Section A-43 adds definitions for "commission" and
48 "director" to the liquor laws.

50 Section A-44 reduces the number of meetings for which State
Liquor Commission members may be compensated annually from 50 to
52 25, except that the chair of the commission may be compensated
for 30 meetings.

2 Sections A-45 and A-46 clarify and delineate the duties of
the Director of Alcoholic Beverages.

4 Section A-47 clarifies the payment methods that may be used
6 to purchase liquor in state and agency liquor stores.

8 Sections A-48 and A-49 clarify that agency liquor stores may
purchase stock directly through the Bureau of Alcoholic Beverages.

10 Section A-50 specifies that the population of a municipality
12 as reported in the 1960 Federal Decennial Census will be used to
determine the number of rooms required for all hotels applying
14 for or renewing a liquor license.

16 Sections A-51 and A-52 increase the annual license fee for
liquor sales representatives.

18 Sections A-53 and A-54 clarify that casual sales of
20 snowmobiles and all-terrain vehicles are subject to the use tax,
as is current practice.

22 Section A-55 clarifies that use tax certificates on
24 watercraft, snowmobiles and all-terrain vehicles filed with the
State Tax Assessor are treated as tax returns for the purposes of
26 the Maine Revised Statutes, Title 36, section 141.

28 Section A-57 amends the monthly filing and remittance date
for the potato tax from the 15th to the last day of the month.

30 Section A-58 authorizes the Maine Potato Board to fund the
32 deficit of the Seed Potato Board for the single fiscal year of
1991.

34 Section A-59 amends the monthly reporting and remittance
36 date for the sardine tax from the 10th to the last day of the
month.

38 Section A-60 amends the monthly reporting and remittance
40 date for the mahogany quahog tax from the 10th to the last day of
the month.

42 Sections A-61 to A-63 distinguish the duties of the Director
44 of the Military Bureau from the duties of the Deputy Adjutant
General in order to ensure adequate administrative and military
46 oversight of the Department of Defense and Veterans' Services in
the event the Adjutant General is unable to act.

48 Section A-64 directs the Maine Emergency Management Agency
50 to provide a report annually to the emergency management
organizations at the county level.

52

2 Section A-65 institutes an annual meeting between each
emergency management organization at the county level and the
Maine Emergency Management Agency.

4
6 Section A-66 deallocates funds from the State Alcoholic
Beverages Fund saved by streamlining State Liquor Commission
operations.

8

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PART B

12

Sections B-1 to B-37 establish Maine Emergency Medical
Services as an entity independent from the Department of Human
Services in order to eliminate administrative redundancy and
improve Maine's emergency medical services delivery system.

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