

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1995

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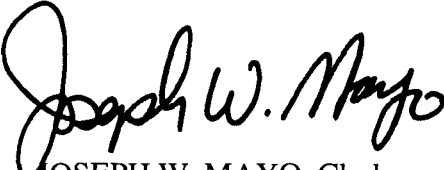
House of Representatives, November 28, 1995

**An Act to Implement the Recommendations of the Productivity  
Realization Task Force.**

(EMERGENCY)

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Submitted by the Governor pursuant to Public Law 1995, chapter 99, Part D.  
Reference to the Committee on Appropriations and Financial Affairs suggested and  
ordered printed.

  
JOSEPH W. MAYO, Clerk





2 Provides for the  
 4 deappropriation of funds from  
 6 the reduction of support  
 8 costs in association with the  
 elimination of positions in  
 accordance with the  
 department's productivity  
 plan.

10 **Administration - Human Resources**

12 Personal Services (2,280) (5,621)

14 Provides for the  
 16 deappropriation of funds  
 18 related to the unfunded  
 liability portion of the  
 retirement rate.

20 **Accounts and Control - Bureau of**

22 Positions - Legislative Count (-4.0) (-4.0)

24 Personal Services (71,076) (127,134)

24 All Other (1,500) (1,500)

26 TOTAL (72,576) (128,634)

28 Provides for the  
 30 deappropriation of funds from  
 32 the elimination of one Clerk  
 34 IV position, one Payroll  
 36 Technician position, one Data  
 38 Control Specialist position  
 40 and one Account Clerk II  
 position along with support  
 costs. The position  
 eliminations are in  
 accordance with the  
 department's productivity  
 plan.

42 **Accounts and Control - Bureau of**

44 Personal Services (4,300) (7,712)

46 Provides for the  
 48 deappropriation of funds  
 50 related to the unfunded  
 liability portion of the  
 retirement rate.

52 **Budget - Bureau of the**

2	Positions - Legislative Count	(-2.0)	(-2.0)
	Personal Services	(80,755)	(83,268)
4	All Other	(3,000)	(1,500)
6	TOTAL	<u>(83,755)</u>	<u>(84,768)</u>

8 Provides for the  
10 deappropriation of funds from  
the elimination of one Budget  
12 Examiner position and one  
Word Processing Operator  
14 position along with All Other  
support costs. The positions  
16 eliminated are in accordance  
with the department's  
productivity plans.

18 **Budget - Bureau of the**

20	Personal Services	(1,444)	
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22 Provides for the  
24 deappropriation of funds  
resulting from undervaluing  
26 savings that were deallotted  
on Financial Order 000329F5  
28 in fiscal year 1995-96.

30 **Budget - Bureau of the**

32	Personal Services	(4,915)	(4,868)
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34 Provides for the  
deappropriation of funds  
36 related to the unfunded  
liability portion of the  
38 retirement rate.

40 **Buildings and Grounds Operations**

42	Positions - Legislative Count	(-13.0)	(-13.0)
	Personal Services	(221,994)	(350,937)
44	All Other	(4,500)	(4,500)
46	TOTAL	<u>(226,494)</u>	<u>(355,437)</u>

48 Provides for the  
deappropriation of funds from  
50 the elimination of 8  
Custodial Worker I positions,  
52 2 Custodial Worker II

2 positions, 2 Custodial Worker  
 3 III positions and one Laborer  
 4 II position along with  
 5 supporting All Other. These  
 6 position eliminations are  
 7 part of the department's  
 8 productivity plan.

10 **Buildings and Grounds Operations**

11 Personal Services (10,001) (19,151)

12 Provides for the  
 13 deappropriation of funds  
 14 related to the unfunded  
 15 liability portion of the  
 16 retirement rate.

18 **Financial and Personnel Services -**  
 19 **Division of**

20 Positions - Legislative Count (-1.0) (-1.0)

21 Personal Services (34,457) (30,724)

22 All Other (1,500) (1,500)

23 TOTAL (35,957) (32,224)

24 Provides for the  
 25 deappropriation of funds from  
 26 the elimination of one  
 27 Accountant I position and  
 28 related support costs. The  
 29 position elimination is in  
 30 accordance with department's  
 31 productivity plan.

32 **Financial and Personnel Services -**  
 33 **Division of**

34 Personal Services 3,045

35 Provides for the  
 36 appropriation of funds in  
 37 order to correct the  
 38 over-calculation of  
 39 retirement savings related to  
 40 the elimination of one  
 41 Accountant I position.

42 **Financial and Personnel Services -**  
 43 **Division of**

44

2	Personal Services	(1,900)	(2,057)
4	Provides for the		
6	deappropriation of funds		
8	related to the unfunded		
	liability portion of the		
	retirement rate.		
10	<b>Public Improvements - Planning -</b>		
	<b>Construction - Administration</b>		
12	Positions - Legislative Count	(-2.0)	(-2.0)
14	Personal Services	(36,823)	(62,001)
	All Other	(1,500)	(1,500)
16	TOTAL	<u>(38,323)</u>	<u>(63,501)</u>
18	Provides for the		
20	deappropriation of funds from		
22	the elimination of one Clerk		
24	Typist III position and one		
	Accountant II position and		
	related support costs.		
26	<b>Public Improvements - Planning -</b>		
	<b>Construction - Administration</b>		
28	All Other	(1,500)	(1,500)
30	Provides for the		
32	deappropriation of funds from		
34	the reduction of All Other		
36	costs in addition to the		
	amount originally identified		
	through productivity		
	reductions.		
38	<b>Public Improvements - Planning -</b>		
	<b>Construction - Administration</b>		
40	Personal Services	(2,005)	(3,992)
42	Provides for the		
44	deappropriation of funds		
46	related to the unfunded		
48	liability portion of the		
	retirement rate.		
50	<b>Purchases - Division of</b>		
52	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(20,596)	(32,322)



2	All Other	(1,500)	(1,500)
4	TOTAL	<u>(22,096)</u>	<u>(33,822)</u>
6	Provides for the		
8	deappropriation of funds from		
10	the elimination of one		
12	Assistant Buyer position. The		
	position elimination is in		
	accordance with the		
	department's productivity		
	plan.		
14	<b>Purchases - Division of</b>		
16	Personal Services	(1,260)	(1,923)
18	Provides for the		
20	deappropriation of funds		
22	related to the unfunded		
	liability portion of the		
	retirement rate.		
24	<b>Executive Branch Departments and</b>		
26	<b>Independent Agencies - Statewide</b>		
28	Personal Services	572,175	1,078,872
30	Provides for the		
32	appropriation of funds for		
34	the unfunded liability		
	portion of the Personal		
	Services savings achieved		
	through productivity plans.		
36	<b>Executive Branch Departments and</b>		
38	<b>Independent Agencies - Statewide</b>		
40	Personal Services	152,950	514,917
42	Provides for the		
44	appropriation of funds for		
46	the retiree health insurance		
	portion of the Personal		
	Services savings achieved		
	through productivity plans.		
48	<b>Executive Branch Departments and</b>		
50	<b>Independent Agencies - Statewide</b>		
52	All Other	(835,540)	(143,240)

2 Provides for the  
 4 deappropriation of funds  
 6 transferred to the Department  
 of Human Services for  
 equipment and technology  
 upgrades.

8 **Executive Branch Departments and  
 Independent Agencies - Statewide**

10	Personal Services	7,923,978	14,363,143
12	All Other	535,605	(2,090,428)
14	Capital Expenditures		(58,600)
16	TOTAL	<u>8,459,583</u>	<u>12,214,115</u>

18 Provides for the  
 20 appropriation of funds  
 identified as productivity  
 savings under the provisions  
 of Public Law 1995, chapter  
 22 99, Part D.

24 **Taxation - Bureau of**

26	Positions - Legislative Count	(-47.0)	(-47.0)
28	Positions - Other Count	(-5.0)	(-5.0)
	Personal Services	(1,036,234)	(1,731,530)

30 Provides for the  
 32 deappropriation of funds from  
 the elimination of 2 Account  
 Clerk I positions, 2 Clerk II  
 34 positions, 5 Clerk III  
 positions, 2 Clerk IV  
 36 positions, one Clerk Typist I  
 position, 6 Clerk Typist II  
 38 positions, 2 Clerk Typist III  
 positions, one Computer  
 40 Programmer position, one Data  
 Entry Specialist position, 3  
 42 Data Entry Operator  
 positions, 10 seasonal Data  
 44 Entry Operator positions, one  
 Data Control Specialist  
 46 position, one District Tax  
 Audit Manager position, 3  
 48 Principal Revenue Agent  
 positions, one Property  
 50 Appraiser I position, 2  
 Revenue Agent positions, one  
 52 Receptionist position, 2

2 Senior Tax Examiner  
 3 positions, one Special  
 4 Investigator position, one  
 5 Taxation Division Assistant  
 6 Executive position, one Tax  
 7 Enforcement Officer position,  
 8 3 Tax Examiner positions, 2  
 9 Tax Section Manager positions  
 10 and 3 Taxpayer Assistance  
 11 Specialist

12 **Taxation - Bureau of**

13 Personal Services (22,154)

14 Provides for the  
 15 deappropriation of funds  
 16 resulting from undervaluing  
 17 vacancy savings deallotted by  
 18 Financial Order 000329F5 in  
 19 fiscal year 1995-96.

22

23 **Taxation - Bureau of**

24 Personal Services (47,149) (107,072)

26

27 Provides for the  
 28 deappropriation of funds  
 29 related to the unfunded  
 30 liability portion of the  
 31 retirement rate.

32

33 **DEPARTMENT OF ADMINISTRATIVE AND  
 34 FINANCIAL SERVICES**

35 **TOTAL** 6,647,576 10,927,194

36

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

39 **Administration - Agriculture**

40  
 41 Positions - Legislative Count (-2.5) (-2.5)  
 42 Personal Services (60,635) (122,161)  
 43 All Other (38,800) (66,600)  
 44 Capital Expenditures (12,740) (23,740)  
 45  
 46 **TOTAL** (112,175) (212,501)

48

49 Provides for the  
 50 deappropriation of funds  
 51 through the transfer of one  
 52 Clerk Typist III position and

1 one part-time Department  
 2 Information Systems Manager  
 3 position to the Office of  
 4 Planning, Policy, Legislation  
 5 and Information Services;  
 6 class exchanges of one  
 7 Director of Special Projects  
 8 position for 1/2 of a  
 9 split-funded Planning and  
 10 Research Associate II  
 11 position in the Office of  
 12 Agricultural, Natural and  
 13 Rural Resources; transfer of  
 14 information services, pull  
 15 events, and agricultural  
 16 bargaining board activities  
 17 to the Office of Planning,  
 18 Policy, Legislation and  
 19 Information Services and  
 20 transfers agricultural shop  
 21 building maintenance  
 22 activities to Marketing  
 23 Services - Agriculture.  
 24

25 **Office of Agricultural, Natural  
 26 and Rural Resources**

28	Positions - Legislative Count	(5.0)	(5.0)
	Personal Services	131,422	251,860
30	All Other	21,941	112,910
32	TOTAL	<u>153,363</u>	<u>364,770</u>

34 Provides for the  
 35 appropriation of funds for  
 36 the class exchange of one  
 37 Director, Bureau of  
 38 Production position to one  
 39 Director of Agricultural,  
 40 Natural and Rural Resources  
 41 position, and the  
 42 establishment of one State  
 43 Soil Scientist position, one  
 44 Administrative Secretary  
 45 position, one Agricultural  
 46 Compliance Inspector position  
 47 and one Planning and Research  
 48 Associate II position.  
 49 Provides associated All Other  
 50 funds in accordance with the  
 51 approved restructuring plan  
 52 and continues annual grants

2 to the Soil and Water  
Conservation Commission.

4 **Agricultural Production**

6	Positions - Legislative Count	(-4.5)	(-4.5)
	Positions - Other Count	(1.0)	(1.0)
8	Personal Services	(114,493)	(221,891)
	All Other	(41,600)	(143,700)
10			
12	TOTAL	<hr/> (156,093)	<hr/> (365,591)

14 Provides for the  
deappropriation of funds for  
16 the class exchange of one  
Director, Bureau of  
Agricultural Production  
18 position for one Director,  
Office of Agricultural,  
20 Natural and Rural Resources  
position in the Office of  
22 Agricultural, Natural and  
Rural Resources; reclassifies  
24 one Director Production  
Development to Business  
26 Development Specialist  
position in the Division of  
28 Production and Marketing  
Development; transfers one  
30 Secretary position and one  
Agricultural Development  
32 Agent position to the  
Division of Production and  
34 Marketing Development;  
transfers one Administrative  
36 Secretary position and one  
Agricultural Compliance  
38 Inspector position to the  
Office of Agricultural,  
40 Natural and Rural Resources;  
transfers one State  
42 Horticulturist position and  
1/2 of a split-funded  
44 Director Plant Industry  
position to the Division of  
46 Plant Industry; and  
reclassifies 2 Veterinarian  
48 Supervisor positions to 2  
Veterinarian positions.  
50 Transfers associated All  
Other and Capital funds in

2 accordance with the approved  
restructuring.

4 **Agricultural and Rural  
Resource Development**

6	Positions - Legislative Count	(-0.5)	(-0.5)
8	Personal Services	(14,524)	(25,497)
	All Other	(1,624)	(3,264)
10		<hr/>	<hr/>
12	TOTAL	(16,148)	(28,761)

14 Provides for the  
deappropriation of funds  
16 through the transfer of 1/2  
of a split-funded Planning  
and Research Associate II  
18 position and associated All  
Other funds to the Office of  
20 Agricultural, Natural and  
Rural Resources.

22 **Public Services - Agriculture**

24	Positions - Legislative Count	(-27.0)	(-27.0)
26	Personal Services	(577,271)	(1,119,002)
	All Other	(2,200)	(11,200)
28		<hr/>	<hr/>
30	TOTAL	(579,471)	(1,130,202)

32 Provides for the  
deappropriation of funds from  
the elimination of one Clerk  
34 Stenographer III position,  
one Supervisor Dairy  
36 Inspector position and one  
Consumer Foods Supervisor  
38 position; class exchanges one  
Director, Bureau of Public  
40 Service position for one  
Director, Office of Planning,  
42 Policy, Legislation and  
Information Services position  
44 in the Office of Planning,  
Policy, Legislation and  
46 Information Services; class  
exchanges one Clerk Typist  
48 III position for 1/2 of a  
split-funded Clerk Typist II  
50 position in Marketing  
Services - Agriculture; class  
52 exchanges one Director of

2 Inspection position for one  
 2 Director of Production and  
 4 Marketing Development  
 4 position in the Division of  
 6 Production and Marketing  
 6 Development; and transfers 3  
 8 Dairy Inspector positions to  
 8 Agricultural Production.  
 10 Transfers 8 Weights and  
 10 Measures Inspector positions,  
 12 one Weights and Measures  
 12 Supervisor position, one  
 14 Metrologist position and 8  
 14 Inspector Consumer Foods  
 16 positions to Marketing  
 16 Services - Agriculture.

18 **Harness Racing Commission**

20	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(20,000)	(44,300)
22	All Other	(650)	(1,300)
24	TOTAL	<hr/> (20,650)	<hr/> (45,600)

26 Provides for the  
 28 deappropriation of funds  
 28 through the transfer of one  
 30 seasonal Veterinarian  
 30 position to Agricultural  
 32 Production and related All  
 32 Other.

34 **Marketing Services - Agriculture**

36	Positions - Legislative Count	(12.5)	(12.5)
	Positions - Other Count	(-2.0)	(-2.0)
38	Personal Services	255,178	414,668
	All Other	(16,100)	(28,000)
40	TOTAL	<hr/> 239,078	<hr/> 386,668

42 Provides for the  
 44 appropriation of funds from  
 44 the elimination of 2 seasonal  
 46 Clerk Typist I positions, one  
 46 Clerk Stenographer III  
 48 position, one Quality  
 48 Compliance Inspector  
 50 position, one Produce  
 50 Inspector Manager position;  
 52 transfers one Planning and

2 Research Associate I position  
to the Office of Planning,  
Policy, Legislation and  
4 Information Services;  
transfers one Planning and  
6 Research Associate II  
position to the Division of  
8 Production and Marketing  
Development; reclassifies one  
10 Director of Market  
Development position to one  
12 Business Development  
Specialist position  
14 transferred to the Division  
of Production and Marketing  
16 Development; and class  
exchanges one Agricultural  
18 Quality Assurance Assistant  
Director position for one  
20 Quality Assurance Program  
Manager position. Transfers  
22 in 1/2 of a split-funded  
Clerk Typist II position, 8  
24 Weights and Measures  
Inspector positions, one  
26 Weights and  
Measures Supervisor position,  
28 one Metrologist position and  
8 Inspector Consumer Foods  
30 positions from the Bureau of  
Public Service.

32 **Division of Plant Industry**

34	Positions - Legislative Count	(1.5)	(1.5)
36	Personal Services	47,745	94,426
	All Other	18,700	37,900
38			
	TOTAL	<u>66,445</u>	<u>132,326</u>

40 Provides for the  
42 appropriation of funds for  
1/2 of a split-funded  
44 Director Plant Industry  
position and one State  
46 Horticulturist position.  
Provides All Other and  
48 Capital funds in accordance  
with the approved  
50 restructuring plan.

52 **Office of Planning, Policy,**



**Legislation and Information  
Services**

2			
4	Positions - Legislative Count	(4.0)	(4.0)
	Personal Services	106,784	204,417
6	All Other	41,000	70,800
	Capital Expenditures	12,740	23,740
8			
	TOTAL	<u>160,524</u>	<u>298,957</u>

10 Provides for the  
 12 appropriation of funds for  
 14 one Director Office of  
 16 Planning, Policy, Legislation  
 18 and Information Services  
 20 position, class exchanged  
 22 from one Director Bureau of  
 24 Public Services position, 1/2  
 26 of a split-funded Department  
 28 Information Systems Manager  
 position, 1/2 of a  
 split-funded Senior Planner  
 position, one Clerk Typist  
 III position and one Planning  
 and Research Associate I  
 position and related All  
 Other and Capital costs.

**Division of Production and  
Marketing Development**

32	Positions - Legislative Count	(6.0)	(6.0)
	Personal Services	155,510	306,062
34	All Other	33,590	61,780
36			
	TOTAL	<u>189,100</u>	<u>367,842</u>

38 Provides for the  
 40 appropriation of funds for  
 42 one Director, Division of  
 44 Production and Marketing  
 46 Development position class  
 48 exchanged from one Director  
 of Inspections position, 2  
 Business Development  
 Specialist positions class  
 50 exchanged from one Director  
 52 Production Development and  
 one Director Market  
 Development position,  
 respectively, one Secretary  
 position, one Agricultural



2 appropriation of funds  
 2 through class exchange for  
 4 1/2 of a split-funded  
 4 Information System Specialist  
 6 position, the upgrade of one  
 6 Information Systems Manager  
 8 position from half-time to  
 8 full-time; the elimination of  
 10 one Clerk Stenographer III  
 10 position; the transfer of one  
 12 Programmer Analyst position  
 12 and one Forest Information  
 14 Center Manager position from  
 14 the Policy Planning and  
 16 Information program, General  
 16 Fund and the transfer of one  
 18 Forest Fire Plans and  
 18 Training Coordinator  
 20 position, one Storekeeper II  
 20 position; and one Supervisor  
 22 Radio Communications position  
 22 and 3 Communications  
 24 Technician positions from the  
 24 Forest Fire Control program,  
 26 General Fund.

26  
 28 **Forest Fire Control -  
 Division of**

30	Positions - Legislative Count	(-11.5)	(-11.5)
	Positions - Other Count	(-3.0)	(-3.0)
32	Personal Services	(229,307)	(513,752)
	All Other	(10,181)	(19,355)
34	TOTAL	<hr/>	<hr/>
		(239,488)	(533,107)

36 Provides for the  
 38 deappropriation of funds from  
 38 the elimination of one Forest  
 40 Ranger IV position, one  
 40 Forest Ranger III position,  
 42 one Clerk Typist II position,  
 42 one Radio Mechanic position,  
 44 one Clerk II position, 5  
 44 Laborer I positions, one  
 46 Laborer II position, one  
 46 Storekeeper II position and  
 48 the transfer of one Forest  
 48 Fire Plans and Training  
 50 Coordinator position, one  
 50 Storekeeper II position, one  
 52 Supervisor for Radio

2            Communications position and 3  
 3            Communications Technician  
 4            positions to the  
 5            Administrative Services -  
 6            Conservation program, General  
             Fund.

8            **Forest Management, Utilization  
 and Marketing**

10	Positions - Legislative Count	(-3.0)	(-3.0)
12	Personal Services	(73,399)	(156,583)
14	All Other	(8,339)	(8,339)
	TOTAL	<u>(81,738)</u>	<u>(164,922)</u>

16            Provides for the  
 18            deappropriation of funds from  
 19            the elimination of one  
 20            Director Forest Management  
 21            and Utilization position, one  
 22            Forester II position and one  
 23            Forester I position and  
 24            associated All Other costs.

26            **Geological Survey**

28	Positions - Legislative Count	(-1.0)	(-1.0)
30	Personal Services	(30,180)	(58,954)
32	All Other	(1,500)	(1,500)
	TOTAL	<u>(31,680)</u>	<u>(60,454)</u>

34            Provides for deappropriation  
 35            of funds from the elimination  
 36            of one Resource Administrator  
 37            position and associated All  
 38            Other costs.

40            **Insect and Disease Management**

42	Positions - Legislative Count		(-1.0)
44	Personal Services		(22,728)

46            Provides for the  
 47            deappropriation of funds from  
 48            the elimination of one  
 49            Entomologist Technician  
 50            position at the end of the  
 51            first quarter in fiscal year  
 52            1996-97.

**Land Use Regulation Commission**

2			
	Positions - Legislative Count	(-3.0)	(-3.0)
4	Personal Services	(69,228)	(118,064)
	All Other	(1,500)	(1,500)
6			
	TOTAL	<u>(70,728)</u>	<u>(119,564)</u>

8  
 10 Provides for deappropriation  
 of funds from elimination of  
 12 one Planning and Research  
 Associate II position, one  
 14 Environmental Specialist II  
 position and one Word  
 16 Processing Operator position  
 and associated All Other  
 18 costs, and for the upgrade of  
 one LURC Division Supervisor  
 20 position to a LURC Division  
 Manager position.

**Parks - General Operations**

22			
24	Positions - Legislative Count	(-2.5)	(-2.5)
	Positions - Other Count	(-6.5)	(-6.5)
26	Personal Services	(200,927)	(251,431)
	All Other	23,271	27,003
28			
	TOTAL	<u>(177,656)</u>	<u>(224,428)</u>

30 Provides for the  
 32 deappropriation of funds from  
 the elimination of one  
 34 Historic Site Specialist  
 position, 2 Park Manager II  
 36 positions, 4 State Park  
 Regional Supervisor  
 38 positions, 2 State Park  
 Assistant Regional Supervisor  
 40 positions, one Clerk  
 Stenographer III position, 5  
 42 Maintenance Mechanic  
 positions, 3 Assistant Park  
 44 Ranger positions, 4 Park  
 Receptionist positions, 3  
 46 Clerk Typist III positions,  
 and 3 Laborer I positions and  
 48 class exchanges for one  
 Engineering Technician IV  
 50 position, one Assistant  
 Regional Parks Manager  
 52 position, one Regional Parks

2           Manager    position,    2  
 2           Maintenance    Mechanic  
 4           positions, 2 Assistant Park  
 4           Ranger positions, 2 Clerk  
 6           Typist II positions and one  
 6           Planning    and    Research  
 8           Associate II position; and  
 8           for the appropriation of  
 10          funds from the transfer in of  
 10          one Director Real Property  
 12          Management position from the  
 12          Engineering and Realty  
 14          program, General Fund.

14                   **Policy Planning and Information**

16	Positions - Legislative Count	(-3.0)	(-3.0)
18	Personal Services	(70,066)	(139,203)
18	All Other	(4,833)	(4,716)
20			
20	TOTAL	<u>(74,899)</u>	<u>(143,919)</u>

22                   Provides    for    the  
 24           deappropriation of funds from  
 24           the elimination of one Clerk  
 26           Typist III position and the  
 26           transfer of one Programmer  
 28           Analyst position and one  
 28           Manager Forest Information  
 30           Center position to the  
 30           Administrative Services -  
 32           Conservation program, General  
 32           Fund.

34                   **Engineering and Realty**

36	Positions - Legislative Count	(-1.0)	(-1.0)
38	Personal Services	(27,563)	(59,838)
38	All Other	(2,007)	(5,739)
40			
40	TOTAL	<u>(29,570)</u>	<u>(65,577)</u>

42                   Provides    for    the  
 44           deappropriation of funds  
 44           through the transfer of one  
 46           Director of Real Property  
 46           Management position and  
 48           associated All Other costs to  
 48           the Parks - General  
 50           Operations program.

52                   **DEPARTMENT OF CONSERVATION**

2	<b>TOTAL</b>	(566,378)	(909,396)
4	<b>CORRECTIONS, DEPARTMENT OF</b>		
6	<b>Administration - Corrections</b>		
8	Positions - Legislative Count	(4.0)	(7.5)
8	Personal Services	82,531	333,358
10	All Other	4,350	
12	<b>TOTAL</b>	<hr/> 86,881	<hr/> 333,358
14	Provides for the		
16	appropriation of funds		
18	through the elimination of		
20	one Clerk Stenographer III		
22	position, one Secretary		
24	position and one Correctional		
26	Classification Coordinator		
28	position in fiscal year		
30	1995-96 and fiscal year		
32	1996-97 and reducing the		
34	hours of one Affirmative		
36	Action Coordinator position		
38	in fiscal year 1996-97 from		
40	40 hours to 20 hours per		
42	week. Three positions are		
44	established in fiscal year		
46	1995-96 and fiscal year		
48	1996-97 and 3 additional		
50	positions are established in		
52	fiscal year 1996-97 through		
	class exchange. Funds are		
	provided to reflect the		
	transfer of 4 positions in		
	fiscal year 1995-96 and		
	fiscal year 1996-97 and one		
	additional position in fiscal		
	year 1996-97 from other		
	departmental programs.		
	Positions are on file with		
	the Bureau of the Budget. All		
	Other funds are provided to		
	implement voice mail.		
46	<b>Administration - Corrections</b>		
48	Positions - Legislative Count	(-1.0)	(-1.0)
50	Personal Services	(44,423)	(44,427)
52	All Other	(1,500)	
	<b>TOTAL</b>	<hr/> (45,923)	<hr/> (44,427)

2 Provides for the  
4 deappropriation of funds from  
6 the elimination of one  
8 Community Correctional  
10 Services Coordinator position  
12 deallotted by Financial Order  
14 000329F5 in fiscal year  
16 1995-96.

18 **Bangor Pre-Release Center**

20 Personal Services (4,743)

22 Provides for the  
24 deappropriation of funds  
26 through a transfer to the  
28 department's departmentwide  
30 account to control and  
32 monitor the expenditure of  
34 funds for unscheduled  
36 emergency overtime.

38 **Bangor Pre-Release Center**

40 Positions - Legislative Count (1.0) (1.0)  
42 Personal Services (15,181) (22,321)

44 Provides for the  
46 deappropriation of funds  
48 through the transfer of one  
50 Correctional Officer II  
52 position from the Charleston  
54 Correctional Facility program  
56 and savings resulting from  
58 moving from 10-hour to 8-hour  
60 shifts.

62 **Central Maine Pre-Release Center**

64 Personal Services (9,865)

66 Provides for the  
68 deappropriation of funds  
70 through a transfer to the  
72 department's departmentwide  
74 account to control and  
76 monitor the expenditure of  
78 funds for unscheduled  
80 emergency overtime.

82 **Central Maine Pre-Release Center**



2	Positions - Legislative Count	(2.0)	(2.0)
	Personal Services	21,441	52,148
4			
6	Provides for the		
8	appropriation of funds		
10	through the transfer of one		
12	Correctional Officer I		
14	position and one Correctional		
	Officer II position from the		
	Correctional Center program,		
	and savings resulting from		
	moving from 10-hour to 8-hour		
	shifts.		
16	<b>Charleston Correctional Facility</b>		
18	Personal Services		(15,328)
20	Provides for the		
22	deappropriation of funds		
24	through a transfer to the		
26	department's departmentwide		
28	account to control and		
	monitor the expenditure of		
	funds for unscheduled		
	emergency overtime.		
30	<b>Charleston Correctional Facility</b>		
32	Positions - Legislative Count	(-4.0)	(-4.0)
	Personal Services	(144,860)	(146,404)
	All Other	(6,000)	
34			
	TOTAL	(150,860)	(146,404)
36			
38	Provides for the		
40	deappropriation of funds from		
42	the elimination of one		
44	Correctional Trades		
46	Instructor position, one		
48	Vocational Trades Instructor		
	position, one Clerk Typist		
	III position and one		
	Correctional Officer III		
	position deallotted by		
	Financial Order 000329F5 in		
	fiscal year 1995-96.		
50	<b>Charleston Correctional Facility</b>		
52	Positions - Legislative Count	(-30.0)	(-30.0)

2	Personal Services	(368,796)	(1,195,011)
	All Other	(27,062)	(80,394)
4	Capital Expenditures		(16,400)
6	TOTAL	<u>(395,858)</u>	<u>(1,291,805)</u>
8	Provides for the		
10	deappropriation of funds due		
12	to the downsizing of the		
14	Charleston Correctional		
16	Facility, the elimination of		
18	positions, moving from		
20	10-hour to 8-hour shifts, the		
22	transfer of one Correctional		
24	Officer II position to Bangor		
26	Pre-Release Center and one		
28	Correctional Maintenance		
30	Mechanic position and one		
32	Vocational Trades Instructor		
34	position to the		
36	Administration - Corrections		
38	program. Positions are on		
40	file with the Bureau of the		
42	Budget. Funds are provided		
44	to establish, through class		
46	exchange, one Correctional		
48	Trades Instructor position in		
50	fiscal year 1995-96 and		
52	fiscal year 1996-97 and one		
	additional Correctional		
	Trades Instructor position in		
	fiscal year 1996-97.		
	<b>Correctional Services</b>		
36	Positions - Legislative Count	(-1.0)	(-1.0)
38	Personal Services	(9,720)	(30,915)
40	Provides for the		
42	deappropriation of funds		
44	through the transfer of one		
46	Clerk Stenographer II		
48	position to the Maine Youth		
50	Center program.		
52	<b>Correctional Center</b>		
48	Positions - Legislative Count	(-1.0)	(-1.0)
50	Personal Services	(27,737)	(27,468)
52	All Other	(1,500)	
54	TOTAL	<u>(29,237)</u>	<u>(27,468)</u>

2 Provides for the  
 4 deappropriation of funds from  
 the elimination of one  
 6 Account Clerk I position  
 deallotted by Financial Order  
 000329F5 in fiscal year  
 8 1995-96.

10 **Correctional Center**

12 Personal Services (155,473)

14 Provides for the  
 16 deappropriation of funds  
 through a transfer to the  
 department's departmentwide  
 18 account to control and  
 monitor the expenditure of  
 20 funds for unscheduled  
 emergency overtime.

22 **Correctional Center**

24	Positions - Legislative Count	(-69.0)	(-69.0)
26	Personal Services	(786,848)	(2,437,362)
28	All Other	(125,150)	(244,875)
30	TOTAL	<u>(911,998)</u>	<u>(2,682,237)</u>

30 Provides for the  
 32 deappropriation of funds due  
 to the downsizing of the  
 34 Maine Correctional Center,  
 from the elimination of  
 36 positions, the transfer of  
 one Correctional Officer I  
 38 position to Other Special  
 Revenue funds, the transfer  
 40 of one Correctional Officer I  
 position and one Correctional  
 42 Officer II position to the  
 Central Maine Pre-Release  
 44 program, and moving from  
 10-hour to 8-hour shifts.  
 46 Positions are on file with  
 the Bureau of the Budget.  
 48 Funds are provided for the  
 reclassification of one  
 50 Correctional Caseworker  
 position to a Psychiatric  
 52 Social Worker position and

2 one Correctional Officer II  
position to a Correctional  
4 Officer III position.

6 **Departmentwide**

8 Personal Services 436,407 440,368

10 Provides for the  
12 appropriation of funds to  
offset the deappropriation  
14 relating to vacant positions  
in Public Law 1995, chapter  
16 368, due to the deallotment  
of those funds by Financial  
18 Order 000329F5 in fiscal year  
1995-96 in each affected  
20 account.

22 **Departmentwide**

24 Personal Services 547,097

26 Provides for the  
28 appropriation of funds  
through a transfer from  
30 departmental accounts to  
control and monitor the  
32 expenditure of funds for  
unscheduled emergency  
overtime.

34 **Departmentwide**

36 Personal Services 20,000

38 Provides for the  
40 appropriation of funds for  
overtime costs related to the  
42 relocation of inmates to  
accomplish downsizing of  
44 adult institutions.

46 **Downeast Correctional Facility**

48 Personal Services (29,739)

50 Provides for the  
deappropriation of funds  
52 through a transfer to the  
department's departmentwide

2 account to control and  
 3 monitor the expenditure of  
 4 funds for unscheduled  
 5 emergency overtime.

6 **Downeast Correctional Facility**

8	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(42,227)	(42,650)
10	All Other	(1,500)	
12	TOTAL	<u>(43,727)</u>	<u>(42,650)</u>

14 Provides for the  
 15 deappropriation of funds from  
 16 the elimination of one  
 17 Training Center Manager  
 18 position deallotted by  
 19 Financial Order 000329F5 in  
 20 fiscal year 1995-96.

22 **Downeast Correctional Facility**

24	Positions - Legislative Count	(4.0)	(5.0)
	Personal Services	22,426	101,842
26	All Other	20,150	34,875
28	TOTAL	<u>42,576</u>	<u>136,717</u>

30 Provides for the  
 31 appropriation of funds to  
 32 establish, through class  
 33 exchange, one Correctional  
 34 Officer III position, one  
 35 Correctional Cook position  
 36 and 2 Correctional  
 37 Maintenance Mechanic  
 38 positions in fiscal year  
 39 1995-96 and fiscal year  
 40 1996-97 and one Training  
 41 Center Manager position in  
 42 fiscal year 1996-97. Also  
 43 reflects savings resulting  
 44 from moving from 10-hour to  
 45 8-hour shifts. All Other  
 46 funds are provided due to an  
 47 increase in the prisoner  
 48 population.

50 **Food - Charleston Correctional**  
 51 **Facility**

52

2	All Other	(16,047)	(31,667)
4	Provides for the		
6	deappropriation of funds from		
	food savings.		
	<b>Food - Maine Correctional Center</b>		
8	All Other	(35,000)	(127,590)
10	Provides for the		
12	deappropriation of funds from		
14	food savings and through the		
16	transfer of funds to the Food		
18	- Central Maine Pre-Release		
20	Center program, General Fund		
22	to reflect the food costs for		
	that program in a separate		
	account.		
	<b>Food - Central Maine Pre-Release</b>		
	<b>Center</b>		
24	All Other		52,590
26	Provides for the		
28	appropriation of funds		
30	through the transfer of funds		
32	from the Food-Maine		
34	Correctional Center program,		
	General Fund to reflect the		
	food costs for the Central		
	Maine Pre-Release Center in a		
	separate account.		
36	<b>Probation and Parole</b>		
38	Positions - Legislative Count	(-2.0)	(-3.0)
40	Personal Services	(104,203)	(136,050)
42	All Other	64,185	15,150
44	TOTAL	<u>(40,018)</u>	<u>(120,900)</u>
46	Provides for the		
48	deappropriation of funds from		
50	the elimination of one		
52	Director of Probation and		
	Parole position, the transfer		
	of one Account Clerk I		
	position in fiscal year		
	1995-96 and fiscal year		
	1996-97 and one		

2 Administrative Secretary  
 3 position to the  
 4 Administration - Corrections  
 5 program, General Fund in  
 6 fiscal year 1996-97 and  
 7 salary savings from keeping  
 8 two Probation Officer  
 9 positions vacant until April  
 10 1, 1996. Funds are provided  
 11 for the reclassification of 2  
 12 Assistant Director of  
 13 Probation and Parole  
 14 positions to Regional  
 15 Correctional Administrator  
 16 positions in fiscal year  
 17 1996-97. All Other funds are  
 18 provided for space  
 19 renovations and communication  
 20 technology such as voice mail.

21 **State Prison**

22	Positions - Legislative Count	(-3.0)	(-3.0)
23	Personal Services	(89,890)	(89,564)
24	All Other	(4,500)	
25			
26	TOTAL	<u>(94,390)</u>	<u>(89,564)</u>

27 Provides for the  
 28 deappropriation of funds from  
 29 the elimination of one Guard  
 30 Sergeant position and 2 Clerk  
 31 Typist II positions  
 32 deallotted by Financial Order  
 33 000329F5 in fiscal year  
 34 1995-96.

35 **State Prison**

36	Personal Services	(276,188)
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37 Provides for the  
 38 deappropriation of funds  
 39 through a transfer to the  
 40 department's departmentwide  
 41 account to control and  
 42 monitor the expenditure of  
 43 funds for unscheduled  
 44 emergency overtime.

45 **State Prison**

46

2	Positions - Legislative Count	(-15.0)	(-14.0)
	Personal Services	(279,523)	(683,820)
	All Other	(9,000)	(18,000)
4			
	TOTAL	(288,523)	(701,820)

6  
8 Provides for the  
10 deappropriation of funds from  
12 the elimination of 7 Guard  
14 positions, one Correctional  
16 Caseworker position, one  
18 Guard Captain position, one  
20 Deputy Warden position, one  
22 Librarian position and one  
24 Clerk Typist II position; the  
26 transfer of one Guard  
28 position to Other Special  
30 Revenue funds, one Wood  
32 Products Manager position to  
34 Prison Industries funds and  
one Information System  
Support Specialist position  
to the Administration -  
Corrections program; the  
reclassification of 4 Guard  
positions to Guard Sergeant  
positions, moving from  
10-hour to 8-hour shifts, and  
in fiscal year 1996-97 the  
establishment of one  
Correctional Trades  
Instructor position through  
class exchange.

36 **Warren Correctional Facility**

38 Personal Services (29,119)

40 Provides for the  
42 deappropriation of funds  
44 through a transfer to the  
46 department's departmentwide  
account to control and  
monitor the expenditure of  
funds for unscheduled  
emergency overtime.

48 **Warren Correctional Facility**

50	Positions - Legislative Count	(-5.0)	(-5.0)
52	Personal Services	(169,539)	(308,489)



2	All Other	(3,750)	(7,500)
4	TOTAL	<u>(173,289)</u>	<u>(315,989)</u>
6	Provides for the		
8	deappropriation of funds from		
10	the elimination of one		
12	Secretary position, 4 Guard		
	positions, moving from		
	10-hour to 8-hour shifts, and		
	through reductions in All		
	Other expenses.		
14	<b>Youth Center - Maine</b>		
16	Positions - Legislative Count	(-5.0)	(-5.0)
18	Personal Services	(212,799)	(215,356)
20	All Other	(7,500)	
22	TOTAL	<u>(220,299)</u>	<u>(215,356)</u>
24	Provides for the		
26	deappropriation of funds from		
28	the elimination of one		
30	Correctional Cook position,		
32	one Correctional Caseworker		
34	position, one		
	Librarian/Teacher position,		
	one Teacher position and one		
	Psychologist I position		
	deallotted by Financial Order		
	000329F5 in fiscal year		
	1995-96.		
36	<b>Youth Center - Maine</b>		
38	Personal Services		(26,642)
40	Provides for the		
42	deappropriation of funds		
44	through a transfer to the		
46	department's departmentwide		
	account to control and		
	monitor the expenditure of		
	funds for unscheduled		
	emergency overtime.		
48	<b>Youth Center - Maine</b>		
50	Positions - Legislative Count	(-2.0)	(-11.0)
52	Personal Services	618,590	(397,752)
	All Other	(8,250)	1,816,297

2	TOTAL	610,340	1,418,545
4	Provides for the		
6	appropriation of funds from		
8	the elimination of 3		
10	positions in fiscal year		
12	1995-96 and fiscal year		
14	1996-97 and 9 additional		
16	positions in fiscal year		
18	1996-97 and through		
20	reductions in All Other		
22	expenses. Positions are on		
24	file with the Bureau of the		
26	Budget. Funds are provided		
28	for unbudgeted overtime costs		
	in fiscal year 1995-96 and		
	the transfer of one Clerk		
	Stenographer II position from		
	the Correctional Services		
	program in both fiscal		
	years. All Other funds are		
	provided in fiscal year		
	1996-97 for mental health		
	programming and as match to		
	cover the cost of outsourcing		
	a major portion of the Maine		
	Youth Center program.		
	<b>DEPARTMENT OF CORRECTIONS</b>		
30	<b>TOTAL</b>	<u>(1,252,425)</u>	<u>(3,457,387)</u>
32	<b>DEFENSE AND VETERANS' SERVICES,</b>		
34	<b>DEPARTMENT OF</b>		
36	<b>Administration - Defense and</b>		
	<b>Veterans' Services</b>		
38	Positions - Legislative Count	(-3.5)	(-3.5)
40	Personal Services	(75,840)	(149,257)
42	Provides for the		
44	deappropriation of funds		
46	through the transfer of one		
48	Personnel Specialist position		
50	and one Accountant III		
52	position; and for the		
	elimination of one Director		
	of Administrative Services		
	position, and one part-time		
	Accountant I position by		
	consolidating the		
	administrative services		

2 within the Department of  
 Defense and Veterans'  
 4 Services and the Department  
 of Public Safety.

6 **Administration - Maine Emergency  
 Management Agency**

8			
10	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(21,806)	(20,620)
	All Other	(751)	(751)
12		<hr/>	<hr/>
14	TOTAL	(22,557)	(21,371)

16 Provides for the  
 deappropriation of funds from  
 the elimination of one vacant  
 18 Emergency Management  
 Operations Officer position.

20 **Dam Safety Program**

22			
24	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(50,730)	(47,718)

26 Provides for the  
 deappropriation of funds from  
 the elimination of one Civil  
 28 Engineer II position.

30 **Military Training and Operations**

32			
34	Positions - Legislative Count	(-2.0)	(-2.0)
	Personal Services	(60,972)	(54,410)
	All Other	(3,000)	(3,000)
36		<hr/>	<hr/>
38	TOTAL	(63,972)	(57,410)

40 Provides for the  
 deappropriation of funds from  
 the elimination of one Clerk  
 42 Typist III position and one  
 Maintenance Mechanic position.

44 **DEPARTMENT OF DEFENSE AND  
 46 VETERANS' SERVICES**

48	TOTAL	<hr/>	<hr/>
		(213,099)	(275,756)

50 **ECONOMIC AND COMMUNITY DEVELOPMENT,  
 DEPARTMENT OF**

52 **Administration - Economic and**

**Community Development**

2			
	Positions - Legislative Count	(-2.0)	(-2.0)
4	Personal Services	(42,657)	(82,985)
	All Other	(3,000)	(3,000)
6			
8	Provides for the		
	deappropriation of funds from		
10	the elimination of one		
	Information Systems Support		
12	Specialist II position, one		
	Personnel Specialist position		
14	and All Other savings, as		
	part of the Productivity		
16	Realization Task Force		
	administration cluster plan.		

**DEPARTMENT OF ECONOMIC AND  
COMMUNITY DEVELOPMENT**

20	<b>TOTAL</b>	<u>(45,657)</u>	<u>(85,985)</u>
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**EDUCATION, DEPARTMENT OF**

**Administrative Office of the Commissioner**

26	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(28,894)	(32,833)
28	All Other	(962)	(962)
30	<b>TOTAL</b>	<u>(29,856)</u>	<u>(33,795)</u>

32 Provides for the  
34 deappropriation of funds from  
the elimination of one vacant  
36 Administrative Secretary  
position and related All  
Other.

**Administrative Services Unit**

40	Positions - Legislative Count	(-1.0)	(-1.0)
42	Personal Services	(61,180)	(55,115)
44	All Other	(789)	(789)
46	<b>TOTAL</b>	<u>(61,969)</u>	<u>(55,904)</u>

48 Provides for the  
deappropriation of funds from  
the elimination of one vacant  
50 Personnel Manager position  
and related All Other.

52

**Blind and Visually Impaired -  
Division for the**

4	Positions - Legislative Count	(-1.5)	(-1.5)
	Personal Services	(66,046)	(60,773)
6	All Other	(3,658)	(3,658)
8	TOTAL	<hr/> (69,704)	<hr/> (64,431)

10 Provides for the  
12 deappropriation of funds from  
14 the elimination of one vacant  
16 part-time Visual Handicapped  
18 Child Counselor position and  
one vacant Rehabilitation  
Counselor II position and  
related All Other.

**Division of Finance**

20	Positions - Legislative Count	(-1.0)	(-1.0)
22	Personal Services	(34,296)	(32,209)
24	All Other	(620)	(620)
26	TOTAL	<hr/> (34,916)	<hr/> (32,829)

28 Provides for the  
30 deappropriation of funds from  
the elimination of one vacant  
Accountant II position and  
related All Other.

**Governor Baxter School for the Deaf**

34	Positions - Legislative Count	(-3.0)	(-3.0)
36	Personal Services	(114,747)	(107,607)
38	All Other	(1,500)	(1,500)
40	TOTAL	<hr/> (116,247)	<hr/> (109,107)

42 Provides for the  
44 deappropriation of funds from  
the elimination of one vacant  
Program Manager Deaf  
46 position, one vacant Teacher  
Deaf position and one vacant  
48 Building Custodian position  
and related All Other.

**Division of Higher Education**

52	Positions - Legislative Count	(-1.0)	(-1.0)
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2	Personal Services	(58,835)	(56,041)
	All Other	(933)	(933)
4	<b>TOTAL</b>	<u>(59,768)</u>	<u>(56,974)</u>
6	Provides for the		
8	deappropriation of funds from		
10	the elimination of one vacant		
	Education Specialist III		
12	position and related All		
	Other.		
	<b>Rehabilitation Services</b>		
14			
	Positions - Legislative Count	(-1.0)	(-1.0)
16	Personal Services	(35,473)	(36,789)
	All Other	(1,500)	(1,500)
18	<b>TOTAL</b>	<u>(36,973)</u>	<u>(38,289)</u>
20			
	Provides for the		
22	deappropriation of funds from		
24	the elimination of one vacant		
	Rehabilitation Counselor II		
26	position and related All		
	Other.		
28	<b>DEPARTMENT OF EDUCATION</b>		
	<b>TOTAL</b>	<u>(409,433)</u>	<u>(391,329)</u>
30			
	<b>EXECUTIVE DEPARTMENT</b>		
32			
	<b>Driver Education and Evaluation</b>		
34	<b>Program - Substance Abuse</b>		
36			
	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(24,954)	(25,557)
38	All Other	(1,279)	(1,279)
40	<b>TOTAL</b>	<u>(26,233)</u>	<u>(26,836)</u>
42			
	Provides for the		
44	deappropriation of funds from		
	the elimination of one Clerk		
46	Typist II position and		
	related All Other.		
48	<b>Planning Office</b>		
50			
	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(32,009)	(36,337)
52	All Other	(1,500)	(1,500)

2	TOTAL	(33,509)	(37,837)
4	Provides for the		
6	deappropriation of funds from		
8	the elimination of one		
10	Accountant I position as part		
12	of the administrative cluster		
	recommended by the		
	Productivity Realization Task		
	Force.		
	<b>Office of Substance Abuse</b>		
14	Positions - Legislative Count	(-1.0)	(-1.0)
16	Personal Services	(29,403)	(29,058)
18	All Other	(1,500)	(1,500)
	TOTAL	(30,903)	(30,558)
20	Provides for the		
22	deappropriation of funds from		
24	the elimination of one Clerk		
26	Typist II position and		
	related All Other.		
	<b>EXECUTIVE DEPARTMENT</b>		
28	TOTAL	(90,645)	(95,231)
30	<b>HUMAN SERVICES, DEPARTMENT OF</b>		
32	<b>Administration - Human Services</b>		
34	All Other	50,000	
36	Provides for the		
38	appropriation of funds for		
40	air quality repairs for 221		
	State Street.		
	<b>Administration - Human Services</b>		
42	Positions - Legislative Count	(-6.5)	(-6.5)
44	Personal Services	(210,256)	(258,641)
46	All Other	(9,750)	(12,000)
	TOTAL	(220,006)	(270,641)
48	Provides for the		
50	deappropriation of funds from		
52	the elimination of 2 Clerk		
	Typist II positions, one		

2 Clerk III position, one  
 3 part-time Account Clerk I  
 4 position, one Accountant I  
 5 position, one Auditor I  
 6 position and one Staff  
 7 Development Specialist IV  
 8 position and related All  
 9 Other.

10 **Administration - Human Services**

12	All Other	30,000	60,000
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14 Provides for the  
 15 appropriation of funds for  
 16 the partial outsourcing of  
 17 data entry.

18 **Administration - Regional -**  
 19 **Human Services**

22	Positions - Legislative Count	(-4.0)	(-4.0)
	Personal Services	(97,837)	(103,044)
24	All Other	(6,000)	(6,000)
26	TOTAL	<u>(103,837)</u>	<u>(109,044)</u>

28 Provides for the  
 29 deappropriation of funds from  
 30 the elimination of one Human  
 31 Services Aide II position,  
 32 one Clerk Typist II position,  
 33 one Stores Clerk position,  
 34 and one Switchboard Operator  
 35 position and related All  
 36 Other.

38 **Administration - Regional -**  
 39 **Human Services**

40	All Other		72,500
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42 Provides for the  
 43 appropriation of funds for a  
 44 new telephone system in the  
 45 Portland Office.

48 **Administration - Regional -**  
 49 **Human Services**

50	All Other		118,800
----	-----------	--	---------

52



2 Provides for the  
 3 appropriation of funds for  
 4 voice mail in the regional  
 5 offices.

6 **Administration - Income Maintenance**

8	Positions - Legislative Count	(-9.0)	(-9.0)
	Personal Services	(244,346)	(286,514)
10	All Other	(12,750)	(13,500)
12	TOTAL	<u>(257,096)</u>	<u>(300,014)</u>

14 Provides for the  
 15 deappropriation of funds from  
 16 the elimination of one Income  
 17 Maintenance Specialist  
 18 position, one Social Services  
 19 Program Specialist II  
 20 position, one Clerk Typist  
 21 III position, 5 Clerk Typist  
 22 II positions, one Counsel  
 23 position, and related All  
 24 Other.

26 **Administration - Income Maintenance**

28	All Other	358,000	1,642,000
----	-----------	---------	-----------

30 Provides for appropriation of  
 31 funds to automate the client  
 32 eligibility system in  
 33 accordance with the  
 34 recommendation of the  
 35 Productivity Realization Task  
 36 Force.

38 **Administration - Income Maintenance**

40	All Other	64,409	149,287
----	-----------	--------	---------

42 Provides for the  
 43 appropriation of funds to  
 44 centralize and combine  
 45 disability determinations in  
 46 Aid to Families with  
 47 Dependent Children and  
 48 Medicaid in accordance with  
 49 the recommendation of the  
 50 Productivity Realization Task  
 51 Force.

52

**Administration - Social Services**

2			
	Positions - Legislative Count	(-13.0)	(-16.0)
4	Personal Services	(432,018)	(640,273)
	All Other	(14,250)	(24,000)
6			
	TOTAL	<u>(446,268)</u>	<u>(664,273)</u>

8  
10 Provides for the  
12 deappropriation of funds from  
14 the elimination of one Clerk  
16 Typist II position, one  
18 Management Analyst I  
20 position, 2 Community Care  
22 Worker positions, 4 Social  
24 Services Program Specialist  
26 II positions, 2 Social  
28 Services Program Specialist I  
positions, one Account Clerk  
II position, one Clerk Typist  
III position, one Director,  
Administrative Services, and  
related All Other. In  
addition, one Clerk  
Stenographer II position and  
2 Clerk Typist II positions  
will be eliminated in fiscal  
year 1996-97.

**Administration - Social Services**

32	All Other		180,000
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34 Provides for the  
36 appropriation of funds for a  
reengineering study.

**Administration - Social Services**

40	All Other	459,300	524,700
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42 Provides for the  
44 appropriation of funds for  
46 the Maine Automated Child  
Welfare Information System  
(MACWIS).

**Aid to Families with  
Dependent Children**

50	All Other	(793,284)	(131,631)
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52

2	Provides for the		
	deappropriation of funds due		
4	to increased child support		
	collections.		
6	<b>Aid to Families with</b>		
	<b>Dependent Children</b>		
8			
10	All Other	(125,000)	(500,000)
12	Provides for the		
	deappropriation of funds due		
14	to the Child Support		
	Enforcement Task Force.		
16	<b>Aid to Families with</b>		
	<b>Dependent Children</b>		
18			
20	All Other	(350,000)	(350,000)
22	Provides for the		
	deappropriation of funds due		
24	to increased federal child		
	support collections		
26	incentives.		
28	<b>Aid to Families with</b>		
	<b>Dependent Children</b>		
30	All Other		(33,000)
32	Provides for the		
	deappropriation of funds for		
34	contracting legal services to		
	appeal Social Security Income		
36	(SSI) decisions.		
38	<b>Child Welfare Services</b>		
40	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(39,124)	(39,911)
42	All Other	(1,500)	(1,500)
44	TOTAL	(40,624)	(41,411)
46	Provides for the		
	deappropriation of funds from		
48	the elimination of one Social		
	Services Program Specialist I		
50	position and related All		
	Other.		
52			

2	<b>Departmentwide</b>		
4	Personal Services	1,800,000	1,800,000
6	Provides for the		
8	appropriation of funds to		
	offset the deappropriation in		
	Public Law 1995, chapter 368.		
10	<b>Departmentwide - TQM</b>		
12	All Other	(20,000)	
14	Provides for the		
16	deappropriation of funds due		
18	to the elimination of a Total		
20	Quality Management training		
	contract with the Department		
	of Human Services training		
	unit.		
22	<b>Elder and Adult Services -</b>		
24	<b>Bureau of</b>		
26	All Other	(15,000)	(15,000)
28	Provides for the		
30	deappropriation of funds		
32	through standardization of		
	visitor and guardian ad litem		
	fees for public guardianship.		
34	<b>Elder and Adult Services -</b>		
36	<b>Bureau of</b>		
38	All Other		50,000
40	Provides for the		
42	appropriation of funds to		
	purchase software for adult		
	protective services case		
	management.		
44	<b>Elder and Adult Services -</b>		
46	<b>Bureau of</b>		
48	Positions - Legislative Count	(-8.0)	(-8.0)
50	Personal Services	(241,122)	(344,874)
52	All Other	(9,750)	(13,500)
	<b>TOTAL</b>	<u>(250,872)</u>	<u>(358,374)</u>

2 Provides for the  
deappropriation of funds from  
4 the elimination of 2 Social  
Service Manager II positions,  
6 3 Human Services Caseworker  
Supervisor positions, 2  
8 full-time and one part-time  
Clerk Typist II positions,  
10 one part-time Social Service  
Program Specialist II  
12 position and related All  
Other.

14 **Elder and Adult Services -**  
15 **Bureau of**

16 All Other (10,000) (20,000)

18 Provides for the  
20 deappropriation of funds from  
the transfer of costs, for  
22 managing estates of wards, to  
those estates.

24 **Elder and Adult Services -**  
25 **Bureau of**

28 Capital Expenditures 75,000

30 Provides for the  
32 appropriation of funds to  
purchase laptop computers for  
adult protective services  
34 caseworkers.

36 **Health - Bureau of**

38 All Other (30,000) (30,000)

40 Provides for the  
42 deappropriation of funds to  
eliminate rollover of  
contract funds.

44 **Health - Bureau of**

46 All Other (40,000) (80,000)

48 Provides for the  
50 deappropriation of funds for  
tuberculosis treatment cost  
52 reduction.

2	<b>Health - Bureau of</b>		
4	Positions - Legislative Count	(-5.0)	(-5.5)
	Personal Services	(206,411)	(228,516)
6	All Other	(8,175)	(8,850)
8	TOTAL	<hr/>	<hr/>
		(214,586)	(237,366)

10 Provides for the  
12 deappropriation of funds from  
14 the elimination of one  
16 8-hours per week Public  
18 Health Nurse II position, one  
20 full-time and one part-time  
22 Sanitary Engineer III  
24 position, 2 Clerk Typist II  
26 positions, one Stores Clerk  
28 position and related All  
Other. One Assistant Director  
Health Engineering position  
will be reduced from  
full-time to part-time  
status. One part-time  
Sanitary Engineer III is  
eliminated in fiscal year  
1996-97.

30 **Health Planning and Development**

30	Positions - Legislative Count	(-3.0)	(-3.0)
32	Personal Services	(98,862)	(127,585)
	All Other	(3,750)	(4,500)
34	TOTAL	<hr/>	<hr/>
		(102,612)	(132,085)

36 Provides for the  
38 deappropriation of funds from  
40 the elimination of one  
42 Director, Division of  
44 Planning position, one  
46 Planning and Research  
Associate II position and one  
Clerk Typist III position and  
related All Other.

48 **Income Maintenance - Regional**

48	Positions - Legislative Count	(-28.0)	(-28.0)
50	Personal Services	(941,187)	(1,104,663)
	All Other	(36,750)	(42,000)
52		<hr/>	<hr/>

2	TOTAL	(977,937)	(1,146,663)
4	Provides for the		
6	deappropriation of funds from		
8	the elimination of one Clerk		
10	IV position, 6 Income		
12	Maintenance Supervisor		
14	positions, 10 Income		
16	Maintenance Specialist		
	positions, one Income		
	Regional Manager position, 3		
	Human Services Aide III		
	positions, 6 Clerk Typist II		
	positions, one Management		
	Analyst I position and		
	related All Other.		
18	<b>Medical Care Administration</b>		
20	All Other	(34,500)	(138,000)
22	Provides for the		
24	deappropriation of funds for		
	the PrimeCare contract.		
26	<b>Medical Care Administration</b>		
28	Positions - Legislative Count	(-10.5)	(-10.5)
	Personal Services	(297,517)	(346,581)
30	All Other	(13,500)	(15,750)
32	TOTAL	<u>(311,017)</u>	<u>(362,331)</u>
34	Provides for the		
36	deappropriation of funds from		
38	the elimination of one Health		
40	Services Consultant position,		
42	3 Clerk Typist II positions,		
44	one Provider Relations		
46	Specialist position, 2		
48	Medical Claims Evaluator		
	positions, 2 Human Services		
	Aide III positions, one		
	part-time Clerk Typist I		
	position, one Comprehensive		
	Health Planner I position and		
	related All Other.		
50	<b>Medical Care Administration</b>		
52	All Other	18,240	18,240

2 Provides for the  
appropriation of funds for  
4 imaging of documents for  
storage.

6 **Medical Care Administration**

8 All Other (15,200) (30,400)

10 Provides for the  
12 deappropriation of funds due  
to imaging of documents for  
14 storage.

16 **Social Services - Regional**

18 All Other 142,800

20 Provides for the  
appropriation of funds for  
22 the Regional Caseworkers to  
be equipped with cellular  
24 phones in accordance with the  
recommendation of the  
26 Productivity Realization Task  
Force.

28 **Social Services - Regional**

30 All Other (30,000) (60,000)

32 Provides for the  
34 deappropriation of funds for  
reorganization of standby and  
after-hours coverage.

36 **Social Services - Regional**

38	Positions - Legislative Count	(-20.0)	(-23.5)
40	Personal Services	(405,011)	(634,572)
42	All Other	(21,750)	(36,000)
44	TOTAL	<hr/> (426,761)	<hr/> (670,572)

46 Provides for the  
deappropriation of funds from  
48 the elimination of 2 Clerk IV  
positions, 15 Clerk Typist II  
50 positions, one Clerk II  
position, 2 Clerk Typist III  
52 positions and related All  
Other. In addition, another



2 3.5 Clerk Typist II positions  
will be eliminated in fiscal  
year 1996-97.

4

**Special Children's Services**

6

7	Positions - Legislative Count	(-0.5)	(-0.5)
8	Personal Services	(41,541)	(43,893)
	All Other	(1,500)	(1,500)
10		<hr/>	<hr/>
12	TOTAL	(43,041)	(45,393)

12

14 Provides for the  
deappropriation of funds from  
the elimination of one  
16 part-time Public Health  
Physician position and  
18 related All Other.

20 **State Supplement to Federal  
Supplemental Security  
22 Income**

24 All Other (154,000) (1,052,500)

26 Provides for the  
deappropriation of funds for  
28 the transfer of  
administration of  
30 Supplemental Security Income  
from federal contract to the  
32 Bureau of Family Independence.

34 **Welfare Employment, Education  
and Training**

36

Personal Services (1,711) (1,685)

38

40 Provides for the  
deappropriation of funds from  
the redlining of 3 Human  
42 Services Caseworker positions.

44 **DEPARTMENT OF HUMAN SERVICES  
TOTAL**

46

(2,233,403) (1,947,056)

**LABOR, DEPARTMENT OF**

48

**Regulation and Enforcement**

50

52 Positions - Legislative Count (-2.0) (-2.0)  
Personal Services (63,832) (64,180)

2	All Other	(2,000)	(3,000)
4	Provides for the		
6	deappropriation of funds from		
8	the elimination of one Labor		
10	Safety Inspector position and		
12	one Safety Compliance		
	Specialist position and		
	associated All Other		
	deallotted by Financial Order		
	000329F5 in fiscal year		
	1995-96.		
14	<b>DEPARTMENT OF LABOR</b>		
	<b>TOTAL</b>	<u>(65,832)</u>	<u>(67,180)</u>
16			
18	<b>MARINE RESOURCES, DEPARTMENT OF</b>		
	<b>Administration - Marine Resources</b>		
20			
22	Positions - Legislative Count	(1.0)	(1.0)
	Personal Services	30,059	59,345
	All Other	5,900	11,800
24		<u>35,959</u>	<u>71,145</u>
26	<b>TOTAL</b>		
28	Provides for the		
30	appropriation of funds for		
32	the transfer of one Director,		
	Marketing Marine Resources		
	position from the Bureau of		
	Marine Development.		
34	<b>Marine Development - Bureau of</b>		
36			
	Positions - Legislative Count	(-2.0)	(-2.0)
	Personal Services	(11,676)	(77,553)
38			
40	Provides for the		
42	deappropriation of funds from		
44	the elimination of one		
46	Seafood Technician Supervisor		
48	position and one Clerk Typist		
50	III position; 3 class		
52	exchanges, one Planning and		
	Research Associate position		
	exchanged for one Policy		
	Development Specialist		
	position; one Scientist II		
	position exchanged for one		
	Policy Development Specialist		
	position; and one Seafood		

2 Technologist position  
 exchanged for one Senior  
 4 Seafood Technologist  
 position; and one upgrade  
 from one Microbiologist II  
 6 position to one  
 Microbiologist Supervisor  
 8 position; all as part of a  
 reorganization of the  
 10 department.

12 **Marine Development - Bureau of**

14	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(30,059)	(59,345)
16	All Other	(5,900)	(11,800)
18	TOTAL	<u>(35,959)</u>	<u>(71,145)</u>

20 Provides for the  
 deappropriation of funds  
 22 through the transfer of one  
 Director, Marketing Marine  
 24 Resources position to the  
 Bureau of Administration.

26 **Marine Development - Bureau of**

28	Positions - Legislative Count	(-18.0)	(-18.0)
30	Personal Services	(499,162)	(783,763)
	All Other	(234,454)	(424,392)
32	Capital Expenditures	(23,619)	(49,619)
34	TOTAL	<u>(757,235)</u>	<u>(1,257,774)</u>

36 Provides for the  
 deappropriation of funds for  
 38 the transfer of 2 Marine  
 Resource Scientist IV  
 40 positions, 2 Marine Resource  
 Specialist II positions, one  
 42 Microbiologist I position,  
 one Clerk Stenographer III  
 44 position, 2 Seafood  
 Technologist positions, 3  
 46 Marine Resource Specialist I  
 positions, 4 Marine Resource  
 48 Technician positions, one  
 Microbiologist II position,  
 50 one Marine Resource Scientist  
 II position and one Marine  
 52 Resource Scientist I position

2 to the Bureau of Marine  
Sciences.

4 **Marine Patrol - Bureau of**

6	Positions - Legislative Count	(-0.5)	(-0.5)
	Personal Services	(92)	(12,347)

8  
10 Provides for the  
12 deappropriation of funds from  
14 the elimination of one Clerk  
Typist III position as part  
of the reorganization of the  
department.

16 **Marine Sciences - Bureau of**

18	Positions - Legislative Count	(-4.0)	(-4.0)
	Personal Services	(59,453)	(152,860)

20  
22 Provides for the  
24 deappropriation of funds from  
the elimination of one Marine  
26 Resource Scientist I  
position, one Marine Resource  
28 Technician position, one  
Clerk Typist II position and  
30 one Computer Programmer  
position as part of a  
reorganization of the  
department.

32 **Marine Sciences - Bureau of**

34	Positions - Legislative Count	(18.0)	(18.0)
36	Personal Services	499,162	783,763
	All Other	234,454	424,392
38	Capital Expenditures	23,619	49,619
40	TOTAL	<hr/> 757,235	<hr/> 1,257,774

42 Provides for the  
44 appropriation of funds for  
the transfer of 2 Marine  
46 Resource Scientist IV  
positions, 2 Marine Resource  
48 Specialist II positions, one  
Microbiologist I position,  
50 one Clerk Stenographer III  
position, 2 Seafood  
52 Technologist positions, 3  
Marine Resource Specialist I

2	positions, 4 Marine Resource Technician positions, one Microbiologist II position, one Marine Resource Scientist II position and one Marine Resource Scientist I position from the Bureau of Marine Development.		
10	<b>DEPARTMENT OF MARINE RESOURCES</b>		
	<b>TOTAL</b>	(71,221)	(242,760)
12	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
14	<b>Administration - Public Safety</b>		
16			
18	Positions - Legislative Count	(2.0)	(2.0)
	Personal Services	52,606	105,093
20	Provides for the appropriation of funds for the consolidation of administrative services for the Departments of Defense and Veterans' Services and Public Safety through the transfer of one Personnel Specialist position and one 1/2-time Accountant III position to the center from the Department of Defense and Veterans' Services, and the establishment of one 1/2-time Financial Analyst position.		
36	<b>DEPARTMENT OF PUBLIC SAFETY</b>		
	<b>TOTAL</b>	52,606	105,093
38	<b>TRANSPORTATION, DEPARTMENT OF</b>		
40	<b>Administration - Aeronautics</b>		
42			
44	Positions - Legislative Count	(-0.5)	(-0.5)
	Personal Services	(13,533)	(13,698)
46	Provides for the deappropriation of funds from the elimination of one Clerk Typist II position, which is 50% funded from Aeronautics - Administration and 50% funded		

2	from the Augusta State Airport.		
4	<b>Administration - Aeronautics</b>		
6	All Other	(57,270)	(58,610)
8	Provides for the		
10	deappropriation of funds from		
12	the reduction of Personal Services costs at the Augusta State Airport.		
14	<b>Administration - Ports and Marine Transportation</b>		
16	All Other	(21,537)	(22,149)
18	Provides for the		
20	deappropriation of funds from		
22	the reduction of Personal Services costs at the Island Ferry Service.		
24	<b>Railroad Assistance Program</b>		
26	Positions - Legislative Count	(-1.0)	(-1.0)
28	Personal Services	(22,430)	(45,330)
30	Provides for the		
32	deappropriation of funds from		
34	the elimination of one Railroad Inspector position, effective January 1, 1996.		
36	<b>DEPARTMENT OF TRANSPORTATION</b>		
38	<b>TOTAL</b>	<u>(114,770)</u>	<u>(139,787)</u>
40	<b>SECTION A-1</b>		
42	<b>TOTAL APPROPRIATIONS</b>	<u>1,519,191</u>	<u>3,101,974</u>

42        **Sec. A-2. Allocation.** The following funds are allocated from  
44 the Highway Fund for the fiscal years ending June 30, 1996 and  
June 30, 1997 to carry out the purposes of this Part.

46		<b>1995-96</b>	<b>1996-97</b>
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48        **ADMINISTRATIVE AND FINANCIAL SERVICES,**  
50        **DEPARTMENT OF**

52        **Executive Branch Departments and  
Independent Agencies - Statewide**

2	Personal Services	117,914	123,375
4	Provides for the allocation		
6	of funds for the unfunded		
8	liability portion of the		
10	Personal Services savings		
12	achieved through productivity		
14	plans.		
	<b>Executive Branch Departments and</b>		
	<b>Independent Agencies - Statewide</b>		
14	Personal Services	30,473	59,275
16	Provides for the allocation		
18	of funds for the retiree		
20	health insurance portion of		
22	the Personal Services savings		
24	achieved through productivity		
26	plans.		
	<b>Transportation Building Maintenance</b>		
24	Positions - Legislative Count	(-4.0)	(-4.0)
26	Personal Services	(42,425)	(106,078)
28	Provides for the deallocation		
30	of funds from the elimination		
32	of one Custodial Worker I		
34	position, 2 Custodial Worker		
36	II positions and one		
38	Custodial Worker III		
40	position. These position		
42	eliminations are in		
44	accordance with the		
46	department's productivity		
48	plan.		
	<b>Transportation Building Maintenance</b>		
42	Personal Services	(15,052)	
44	Provides for the additional		
46	deallocation of funds as a		
48	result of charging separation		
50	costs to a vacant position.		
	<b>Transportation Building Maintenance</b>		
50	Personal Services	(3,117)	(6,264)
52			

2 Provides for the deallocation  
of funds related to the  
4 unfunded liability portion of  
the retirement rate.

6 **DEPARTMENT OF ADMINISTRATIVE AND**  
**FINANCIAL SERVICES**  
8 **TOTAL** 87,793 70,308

10 **PUBLIC SAFETY, DEPARTMENT OF**

12 **Administration - Public Safety**

14 Positions - Legislative Count (-1.0) (-1.0)  
16 Personal Services (13,543) (12,284)

18 Provides for the  
establishment of an  
20 Administrative Services  
Center for the Department of  
22 Defense and Veterans'  
Services and the Department  
of Public Safety, the  
24 deallocation of funds for one  
Clerk II and one 1/2-time  
26 Chief Accountant position and  
the establishment of one  
28 1/2-time Financial Analyst  
position.

30 **DEPARTMENT OF PUBLIC SAFETY**  
32 **TOTAL** (13,543) (12,284)

34 **SECTION A-2**  
**TOTAL ALLOCATIONS** 74,250 58,024

38 **Sec. A-3. Allocation.** The following funds are allocated from  
the Federal Expenditure Fund for the fiscal years ending June 30,  
1996 and June 30, 1997 to carry out the purposes of this Part.

40 **1995-96** **1996-97**

42 **ADMINISTRATIVE AND FINANCIAL**  
44 **SERVICES, DEPARTMENT OF**

46 **Executive Branch Departments and**  
**Independent Agencies - Statewide**

48 Personal Services 213,780 266,095

50 Provides for the allocation



2 of funds for the unfunded  
 3 liability portion of the  
 4 Personal Services savings  
 5 achieved through productivity  
 6 plans.

7 **Executive Branch Departments and**  
 8 **Independent Agencies - Statewide**

10 Personal Services 54,946 127,412

12 Provides for the allocation  
 13 of funds for the retiree  
 14 health insurance portion of  
 15 the Personal Services savings  
 16 achieved through productivity  
 17 plans.

18 **DEPARTMENT OF ADMINISTRATIVE AND**  
 19 **FINANCIAL SERVICES**  
 20 **TOTAL**

268,726 393,507

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

24 **Agricultural Production**

28 Positions - Other Count (-0.5) (-0.5)  
 29 Personal Services (9,831) (20,267)  
 30 All Other (47,838) (67,310)  
 31 Capital Expenditures (15,000) (20,000)

32 **TOTAL** (72,669) (107,577)

34 Provides for the deallocation  
 35 of funds for the transfer of  
 36 one part-time Planning and  
 37 Research Associate I position  
 38 to the Division of Production  
 39 and Marketing Development  
 40 with support funds.

42 **Food Assistance Program**

44 Positions - Other Count (-0.5) (-0.5)  
 45 Personal Services (11,011) (25,016)

48 Provides for the deallocation  
 49 of funds from the elimination  
 50 of 1/2 of a split-funded  
 51 Planning and Research  
 52 Associate II position; class

2 exchanging one part-time  
 3 Clerk Typist III position to  
 4 1/2 of a split-funded Clerk  
 5 Typist II position; and class  
 6 exchanging one Director  
 7 Surplus Food position to one  
 8 Planner II position.

9 **Marketing Services - Agriculture**

10	Positions - Other Count	(-3.0)	(-3.0)
11	Personal Services	(60,450)	(72,608)

12  
 13 Provides for the deallocation  
 14 of funds from the elimination  
 15 of 3 Egg/Poultry Processing  
 16 Inspector positions.

17 **Pesticides Control - Board of**

18	Positions - Other Count	(-1.0)	(-1.0)
19	Personal Services	(15,000)	(30,000)

20  
 21 Provides for the deallocation  
 22 of funds from elimination of  
 23 one Clerk Typist II position.

24 **Division of Production and  
 25 Marketing Development**

26	Positions - Other Count	(0.5)	(0.5)
27	Personal Services	9,831	20,267
28	All Other	47,838	67,310
29	Capital Expenditures	15,000	20,000

30	TOTAL	<u>72,669</u>	<u>107,577</u>
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31  
 32 Provides for the allocation  
 33 of funds for the transfer in  
 34 of one part-time Planning and  
 35 Research Associate I position  
 36 from Agricultural Production  
 37 with support funds.

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

40	TOTAL	<u>(86,461)</u>	<u>(127,624)</u>
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41 **CONSERVATION, DEPARTMENT OF**

42 **Insect and Disease Management**

43

2	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	(6,569)	(6,832)
4	Provides for the deallocation		
6	of funds from the elimination		
	of one part-time Custodial		
8	Worker I position.		
	<b>Parks - General Operations</b>		
10			
	Positions - Other Count	(-1.0)	(-1.0)
12	Personal Services	(24,510)	(47,878)
14	Provides for the deallocation		
16	of funds from the elimination		
	of one Community Recreation		
18	Specialist position.		
	<b>DEPARTMENT OF CONSERVATION</b>		
20	<b>TOTAL</b>	<u>(31,079)</u>	<u>(54,710)</u>
22	<b>HUMAN SERVICES, DEPARTMENT OF</b>		
24	<b>Administration - Human Services</b>		
26	Positions - Other Count	(-13.0)	(-13.0)
	Personal Services	(273,161)	(403,880)
28	All Other	(15,000)	(19,500)
30	<b>TOTAL</b>	<u>(288,161)</u>	<u>(423,380)</u>
32	Provides for the deallocation		
34	of funds from the elimination		
	of one Account Clerk II		
36	position, 6 Data Entry		
	Specialist positions, one		
38	Stores Clerk position, 2		
	Auditor II positions, one		
40	Accountant III position, one		
	Clerk Typist II position and		
42	one Lead Data Entry		
	Specialist position and		
44	related All Other deallotted		
	by Financial Order 000329F5		
46	in fiscal year 1995-96.		
	<b>Administration - Regional -</b>		
48	<b>Human Services</b>		
50	Positions - Other Count	(-5.0)	(-5.0)
	Personal Services	(86,559)	(129,688)
52	All Other	(6,000)	(7,500)

2	TOTAL	(92,559)	(137,188)
4	Provides for the deallocation		
6	of funds from the elimination		
8	of 2 Clerk Typist II		
10	positions, 2 Account Clerk I		
12	positions and one Post Office		
	Clerk position and related		
	All Other deallotted by		
	Financial Order 000329F5 in		
	fiscal year 1995-96.		
14	<b>Administration - Income Maintenance</b>		
16	Positions - Other Count	(-25.0)	(-25.0)
18	Personal Services	(645,551)	(823,513)
20	All Other	(33,000)	(37,500)
22	TOTAL	(678,551)	(861,013)
24	Provides for the deallocation		
26	of funds from the elimination		
28	of one Income Maintenance		
30	Program Supervisor position,		
32	one Human Services Aide III		
34	position, 3 Income		
36	Maintenance Specialist		
38	positions, 11 Clerk Typist II		
40	positions, one Hearings		
	Examiner position, one		
	Support Enforcement District		
	Supervisor position, one		
	Support Enforcement Program		
	Manager position, 4 Clerk		
	Typist III positions, one		
	Clerk II position and one		
	Social Services Program		
	Specialist II position and		
	related All Other.		
42	<b>Child Welfare Services</b>		
44	Positions - Other Count	(-1.0)	(-1.0)
46	Personal Services	(51,271)	(51,972)
48	All Other	(1,500)	(1,500)
50	TOTAL	(52,771)	(53,472)
52	Provides for the deallocation		
	of funds from the elimination		
	of one Social Services		

2	Supervisor position and related All Other.		
4	<b>Elder and Adult Services - Bureau of</b>		
6	Positions - Other Count	(-1.0)	(-1.0)
8	Personal Services	(20,273)	(57,293)
	All Other	(750)	(1,500)
10		<hr/>	<hr/>
	TOTAL	(21,023)	(58,793)
12			
14	Provides for the deallocation of funds from the elimination of one Social Services 16 Program Specialist II 18 position and related All Other.		
20	<b>Income Maintenance - Regional</b>		
22	Positions - Other Count	(-26.0)	(-26.0)
	Personal Services	(634,407)	(931,228)
24	All Other	(32,250)	(39,000)
26		<hr/>	<hr/>
	TOTAL	(666,657)	(970,228)
28			
30	Provides for the deallocation of funds from the elimination of 4 Income Maintenance 32 Supervisor positions, one 34 Clerk IV position, 4 36 Disability Claims Examiner 38 positions, 7 Clerk Typist II 40 positions, 5 Income Maintenance Specialist positions, 4 Human Services Aide III positions and one Staff Development Specialist IV position.		
42	<b>Medical Care Administration</b>		
44	Positions - Other Count	(-11.0)	(-11.0)
	Personal Services	(372,130)	(378,960)
46	All Other	(16,500)	(16,500)
48		<hr/>	<hr/>
	TOTAL	(388,630)	(395,460)
50			
52	Provides for the deallocation of funds from the elimination of 3 Clerk Typist II		

2 positions, one part-time  
 Comprehensive Health Planner  
 4 I position, one full-time and  
 one part-time Provider  
 Relations Specialist  
 6 position, one Information  
 Systems Support Technician  
 8 position, one Medical Claims  
 Evaluator position, one  
 10 Accountant II position, one  
 Microbiologist II position,  
 12 one Health Services  
 Consultant position and one  
 14 Medical Social Worker  
 Consultant position and  
 16 related All Other.

18 **Welfare Employment, Education  
 and Training**

20	Positions - Other Count	(-4.0)	(-4.0)
22	Personal Services	(75,455)	(76,085)
	All Other	(3,750)	(4,500)
24		<hr/>	<hr/>
26	TOTAL	(79,205)	(80,585)

28 Provides for the deallocation  
 of funds from the redlining  
 of one Human Services  
 30 Caseworker position and the  
 elimination of one Clerk  
 32 Typist II position, one Clerk  
 Stenographer II position, one  
 34 Planning and Research  
 Associate I position, one  
 36 Social Services Program  
 Specialist II position and  
 38 related All Other.

40	<b>DEPARTMENT OF HUMAN SERVICES</b>		
	<b>TOTAL</b>	<hr/>	<hr/>
42		(2,267,557)	(2,980,119)

44 **MARINE RESOURCES, DEPARTMENT OF**

46 **Marine Development - Bureau of**

46	Positions - Other Count	(-3.0)	(-3.0)
48	Personal Services	(51,841)	(127,805)

50 Provides for the deallocation  
 of funds from the elimination  
 52 of 3 Natural Science Educator

2 positions as part of the  
3 reorganization of the  
4 department.

5 **Marine Development - Bureau of**

6	Positions - Other Count	(-15.0)	(-15.0)
8	Personal Services	(303,574)	(635,701)
	All Other	(41,176)	(137,825)
10	Capital Expenditures		(33,850)
12	TOTAL	<hr/>	<hr/>
		(344,750)	(807,376)

14 Provides for the deallocation  
15 of funds for the transfer of  
16 one Clerk Typist III  
17 position, one Planning and  
18 Research Associate II  
19 position, one Senior Planner  
20 position, one Education  
21 Specialist III position, 2  
22 Marine Resource Technician  
23 positions, one Marine  
24 Resource Scientist I  
25 position, one Marine Resource  
26 Scientist II position, one  
27 Marine Resource Scientist IV  
28 position and 6 Conservation  
29 Aide positions to the Bureau  
30 of Marine Sciences as part of  
31 the department's  
32 reorganization.

33 **Marine Patrol - Bureau of**

36	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(18,097)	(36,194)

38 Provides for the deallocation  
39 of funds for the transfer of  
40 one Marine Resource  
41 Specialist I position to the  
42 Bureau of Marine Sciences.

43 **Marine Sciences - Bureau of**

46	Positions - Other Count	(-1.5)	(-1.5)
48	Personal Services	(19,337)	(39,418)

50 Provides for the deallocation  
51 of funds from the elimination  
52 of one Word Processing

2 Operator position and one  
 3 Laborer I position as part of  
 4 a reorganization of the  
 department.

6 **Marine Sciences - Bureau of**

8	Positions - Other Count	(16.0)	(16.0)
	Personal Services	321,671	671,895
10	All Other	41,176	137,825
	Capital Expenditures		33,850
12			
14	TOTAL	<u>362,847</u>	<u>843,570</u>

16 Provides for the deallocation  
 of funds for the transfer of  
 18 one Clerk Typist III  
 position, one Planning and  
 20 Research Associate II  
 position, one Senior Planner  
 22 position, one Education  
 Specialist III position, 2  
 24 Marine Resource Technician  
 positions, one Marine  
 26 Resource Scientist I  
 position, one Marine Resource  
 28 Scientist II position, one  
 Marine Resource Scientist IV  
 30 position, and 6 Conservation  
 Aide positions and one Marine  
 32 Resource Specialist I  
 position to the Bureau of  
 Marine Sciences as part of  
 34 the department's  
 reorganization.

36	<b>DEPARTMENT OF MARINE RESOURCES</b>		
38	<b>TOTAL</b>	<u>(71,178)</u>	<u>(167,223)</u>

40 **PUBLIC SAFETY, DEPARTMENT OF**

42 **Administration - Public Safety**

44	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	(18,666)	(23,556)
46	Capital Expenditures	18,666	

48 Provides for the deallocation  
 of funds for one 1/2-time  
 50 Chief Accountant position as  
 part of the consolidation of  
 52 administrative services for



2 the Department of Defense and  
 4 Veterans' Services and the  
 6 Department of Public Safety  
 and provides for the purchase  
 of computer equipment for the  
 service center.

8	<b>DEPARTMENT OF PUBLIC SAFETY</b>		
	<b>TOTAL</b>	-0-	(23,556)
10			
	<b>SECTION A-3</b>		
12	<b>TOTAL ALLOCATIONS</b>	(2,187,549)	(2,959,725)

14 **Sec. A-4. Allocation.** The following funds are allocated from  
 16 Other Special Revenue funds for the fiscal years ending June 30,  
 1996 and June 30, 1997 to carry out the purposes of this Part.

18		<b>1995-96</b>	<b>1996-97</b>
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20 **ADMINISTRATIVE AND FINANCIAL**  
 22 **SERVICES, DEPARTMENT OF**

24 **Financial and Personnel**  
**Services - Division of**

26	Positions - Other Count	(-4.0)	(-4.0)
	Personal Services	(43,291)	(140,743)

28 Provides for the deallocation  
 30 of funds from the elimination  
 32 of one Business Manager II  
 34 position, 2 Account Clerk II  
 positions and one Account  
 36 Clerk I position. These  
 position eliminations are in  
 accordance with the  
 department's productivity  
 38 plan.

40 **Financial and Personnel**  
**Services - Division of**

42	Personal Services	(3,174)	(8,647)
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44 Provides for the deallocation  
 46 of funds related to the  
 unfunded liability portion of  
 48 the retirement rate.

50 **Executive Branch Departments and**  
**Independent Agencies - Statewide**

52

2	Personal Services	94,517	151,304
4	Provides for the allocation		
6	of funds for the unfunded		
8	liability portion of the		
	Personal Services savings		
	achieved through productivity		
	plans.		
10	<b>Executive Branch Departments and</b>		
12	<b>Independent Agencies - Statewide</b>		
14	Personal Services	24,233	72,607
16	Provides for the allocation		
18	of funds for the retiree		
20	health insurance portion of		
	the Personal Services savings		
	achieved through productivity		
	plans.		
22	<b>DEPARTMENT OF ADMINISTRATIVE</b>		
24	<b>AND FINANCIAL SERVICES</b>		
	<b>TOTAL</b>	<u>72,285</u>	<u>74,521</u>
26	<b>AGRICULTURE, FOOD AND RURAL</b>		
28	<b>RESOURCES, DEPARTMENT OF</b>		
30	<b>Agricultural Production</b>		
32	Positions - Other Count	(2.5)	(2.5)
34	Personal Services	72,713	145,740
36	All Other	85,000	175,000
38	<b>TOTAL</b>	<u>157,713</u>	<u>320,740</u>
40	Provides for the allocation		
42	of funds from the transfer in		
44	of one part-time Clerk Typist		
46	II position, one Account		
48	Clerk II position, 8 State		
	Humane Agent positions and 2		
	District Humane Agent		
	positions from the Bureau of		
	Public Services and from the		
	elimination of one District		
	Humane Agent position.		
50	<b>Agricultural Production</b>		
52	Personal Services	(6,029)	(6,523)

2 Provides for the deallocation  
of funds from the elimination  
4 of one intermittent Clerk  
Stenographer II position.

6 **Agricultural Production**

8	Positions - Other Count	(-2.0)	(-2.0)
	Personal Services	(76,696)	(80,636)

10 Provides for the deallocation  
12 of funds from the elimination  
of one full-time Clerk Typist  
14 II position and one  
intermittent Clerk Typist II  
16 position, one Certified Seed  
Specialist position, one  
18 intermittent Entomologist I  
position and 2 seasonal Seed  
20 Potato Inspector positions.

22 **Public Services - Agriculture**

24	Positions - Other Count	(-4.0)	(-4.0)
	Personal Services	(110,882)	(189,893)
26	All Other	(85,000)	(175,000)
28	TOTAL	<hr/> (195,882)	<hr/> (364,893)

30 Provides for the deallocation  
of funds from the elimination  
32 of one part-time Clerk Typist  
II position and the transfer  
34 to Agricultural Production of  
one part-time Clerk Typist II  
36 position, one Account Clerk  
II position, 8 State Humane  
38 Agent positions and 2  
District Humane Agent  
40 positions.

42 **Dairy Promotions Board**

44	Personal Services	(991)	1,888
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46 Provides for the allocation  
of funds to class exchange  
48 one Executive Director Maine  
Dairy and Nutrition Council  
50 position to one Program  
Manager position.  
52

2	<b>Harness Racing Commission</b>		
4	All Other	(50,550)	(202,200)
6	Provides for the deallocation of funds from a transfer of All Other funds to the Division of Production and Marketing Development.		
10	<b>Marketing Services - Agriculture</b>		
12	Positions - Other Count	(-7.5)	(-7.5)
14	Personal Services	(135,990)	(270,307)
16	Provides for the deallocation of funds from the elimination of one Assistant to the Commissioner position, 3 intermittent Produce Inspector Aide positions, one seasonal Produce Inspector I position and 7 Produce Inspector II positions.		
20			
22			
24			
26	<b>Milk Commission</b>		
28	Positions - Other Count	(-1.5)	(-1.5)
30	Personal Services	(32,338)	(52,288)
32	Provides for the deallocation of funds from class exchange of one Executive Secretary Maine Milk Commission position to 1/2 of a split-funded Senior Planner position and the elimination of one Secretary position.		
34			
36			
38			
40	<b>Pesticides Control - Board of</b>		
42	Personal Services	(4,949)	(4,716)
44	Provides for the deallocation of funds from the elimination of one seasonal Conservation Aide position.		
46			
48			
50	<b>Division of Production and Marketing Development</b>		
52	All Other	50,550	202,200

2	Provides for the allocation		
	of funds from a transfer of		
4	All Other from the Harness		
	Racing Commission.		
6			
8	<b>DEPARTMENT OF AGRICULTURE, FOOD AND</b>		
	<b>RURAL RESOURCES</b>		
	<b>TOTAL</b>	<u>(295,162)</u>	<u>(456,735)</u>
10			
12	<b>CONSERVATION, DEPARTMENT OF</b>		
	<b>Administrative Services - Conservation</b>		
14			
	Positions - Other Count	(0.5)	(0.5)
16	Personal Services	8,656	18,269
	All Other	(8,656)	(18,269)
18			
	<b>TOTAL</b>	<u>-0-</u>	<u>-0-</u>
20			
22	Provides for the allocation		
	of funds through a		
24	line-category transfer for		
	the establishment of 1/2 of a		
26	split-funded Information		
	Systems Specialist position.		
28	This position is split-funded		
	with the General Fund.		
30	<b>Boating Facilities Fund</b>		
32			
	Positions - Other Count	(-7.5)	(-7.5)
	Personal Services	(115,903)	(336,638)
34	All Other	100,000	175,000
36			
	<b>TOTAL</b>	<u>(15,903)</u>	<u>(161,638)</u>
38			
40	Provides for the deallocation		
	of funds from the elimination		
42	of one Civil Engineer III		
	position, 2 Engineering		
44	Technician IV positions, one		
	Engineering Technician III		
46	position, one Park Ranger		
	position, one Assistant Park		
48	Ranger position, one		
	Navigational Aides Assistant		
50	position and one Outdoor		
	Recreation Planner position.		
52	<b>Land Management and Planning</b>		

2	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(16,338)	(58,302)
4	Provides for the deallocation		
6	of funds from the elimination		
8	of one Clerk Typist II		
10	position and one Forester II		
	position and through a class		
	exchange establishes one		
	Forester I position.		
12	<b>Land Management and Planning</b>		
14	Personal Services	(7,099)	(13,868)
16	Provides for the deallocation		
18	of funds from the elimination		
20	of 1/2 of a split-funded		
	Forester II position.		
22	<b>Land Use Regulation Commission</b>		
24	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	(18,704)	(19,051)
26	Provides for the deallocation		
28	of funds from the elimination		
30	of one part-time		
	Environmental Specialist II		
	position.		
32	<b>Off-Road Recreational Vehicles Program</b>		
34	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	(3,854)	(13,966)
36	Provides for the deallocation		
38	of funds from the elimination		
40	of one part-time Clerk Typist		
	II position.		
42	<b>DEPARTMENT OF CONSERVATION</b>		
	<b>TOTAL</b>	<u>(61,898)</u>	<u>(266,825)</u>
44	<b>CORRECTIONS, DEPARTMENT OF</b>		
46	<b>Correctional Center</b>		
48	Positions - Other Count	(1.0)	(1.0)
50	Personal Services	22,809	36,250
52	Provides for the allocation		

2	of funds for the transfer of		
	one Correctional Officer I		
4	position from the		
	Correctional Center Program,		
	General Fund.		
6			
	<b>State Prison</b>		
8			
	Positions - Other Count	(1.0)	(1.0)
10	Personal Services	22,619	32,931
12			
	Provides for the allocation		
14	of funds through the transfer		
	of one Guard position from		
16	the State Prison Program,		
	General Fund.		
18	<b>DEPARTMENT OF CORRECTIONS</b>		
	<b>TOTAL</b>	<u>45,428</u>	<u>69,181</u>
20			
	<b>HUMAN SERVICES, DEPARTMENT OF</b>		
22			
	<b>Administration - Income Maintenance</b>		
24			
	Positions - Other Count	(-6.0)	(-6.0)
26	Personal Services	(106,815)	(262,210)
	All Other	(5,250)	(9,000)
28			
	Provides for the deallocation		
30	of funds from the elimination		
	of one Income Maintenance		
32	Supervisor position, 3 Income		
	Maintenance Specialist		
34	positions, one Human Services		
	Chief Hearings Officer		
36	position and one Legal		
	Secretary position and		
38	related All Other.		
40	<b>DEPARTMENT OF HUMAN SERVICES</b>		
	<b>TOTAL</b>	<u>(112,065)</u>	<u>(271,210)</u>
42			
	<b>MARINE RESOURCES, DEPARTMENT OF</b>		
44			
	<b>Marine Development - Bureau of</b>		
46			
	Positions - Other Count	(-0.5)	(-0.5)
48	Personal Services	(822)	(14,014)
50			
	Provides for the deallocation		
52	of funds from the elimination		
	of one seasonal Conservation		

2	Aide position as part of a reorganization of the department.		
4			
6	<b>DEPARTMENT OF MARINE RESOURCES</b>		
6	<b>TOTAL</b>	(822)	(14,014)
8	<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
10			
12	<b>Administrative Services - Professional and Financial Regulation</b>		
14	Positions - Other Count	(-1.0)	(-1.0)
16	Personal Services	(4,397)	2,467
16	All Other	(16,015)	(26,529)
18	<b>TOTAL</b>	(20,412)	(24,062)
20	Provides for the deallocation of funds from the elimination of one Information Systems Support Technician position and one Data Control Specialist position; the transfer of one Managing Examiner position from the Bureau of Insurance and from not seeking the reclassification of one Senior Administrative Secretary position to one Administrative Assistant position approved in Public Law 1995, chapter 368, Part AA.		
22			
24			
26			
28			
30			
32			
34			
36			
38	<b>Banking - Bureau of</b>		
40	Positions - Other Count	(-5.0)	(-6.0)
42	Personal Services	(166,581)	(229,224)
42	All Other	(14,750)	(23,300)
44	<b>TOTAL</b>	(181,331)	(252,524)
46	Provides for the deallocation of funds through the elimination of 2 Principal Bank Examiner positions, one Senior Bank Examiner position, one Bank Examiner position and one Clerk Typist		
48			
50			
52			



2 III position. Elimination of  
 4 one Planning and Research  
 6 Assistant position in fiscal  
 8 year 1996-97 only and the  
 class exchange of one Senior  
 Consumer Credit Examiner  
 position for one Staff  
 Attorney position.

10 **Dental Examiners - Board of**

12	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	2,084	(10,819)
14	Provides for the deallocation		
16	of funds to eliminate one		
18	part-time Clerk Typist II		
	position.		

20 **Insurance - Bureau of**

22	Positions - Other Count	(-5.0)	(-5.0)
	Personal Services	(135,075)	(230,957)
24	All Other	(25,306)	(27,481)
26	TOTAL	<hr/>	<hr/>
		(160,381)	(258,438)

28 Provides for the deallocation  
 30 of funds from the downgrade  
 32 of one Director, Insurance  
 34 Consumer/Licensing position,  
 36 the elimination of one  
 38 Licensing Division Supervisor  
 40 position, one Market Conduct  
 42 Examiner position, 2 Clerk  
 44 Typist II positions and the  
 46 transfer of one Managing  
 48 Examiner position to the  
 50 Bureau of Administrative  
 52 Services, the  
 reclassification of 2 Clerk  
 Stenographer III positions to  
 Assistant Analyst positions  
 and by not seeking the  
 reclassifications approved in  
 Public Law 1995, chapter 368,  
 Part AA and the downgrade of  
 one Consumer Assistant  
 Supervisor position to one  
 Insurance Complaint  
 Supervisor position.

**Licensing and Enforcement**

2			
	Positions - Other Count	(-3.0)	(-4.0)
4	Personal Services	(38,919)	(104,913)
	All Other	(25,295)	(28,655)
6			
	TOTAL	<u>(64,214)</u>	<u>(133,568)</u>

8  
 10 Provides for the deallocation  
 of funds from the elimination  
 12 of 2 Clerk Typist II  
 positions and one Compliance  
 Case Coordinator position,  
 14 the establishment of one  
 Director position, the  
 16 reclassification of one  
 Account Clerk I position to  
 18 one Account Clerk II  
 position, the downgrade of  
 20 one Regulatory Board  
 Administrator position and  
 22 the elimination of one Clerk  
 Typist III position and by  
 24 not seeking the  
 reclassifications approved in  
 26 Public Law 1995, chapter 368,  
 Part AA. In addition, 2 Clerk  
 28 Typist II positions will be  
 eliminated in fiscal year  
 30 1996-97.

**Real Estate Commission**

32			
	Positions - Other Count	(-1.0)	(-1.0)
34	Personal Services	(23,191)	(45,279)
	All Other	(13,339)	(14,164)
36			
	TOTAL	<u>(36,530)</u>	<u>(59,443)</u>

40 Provides for the deallocation  
 of funds from the elimination  
 42 of one Clerk Typist III  
 position and by not seeking  
 44 reclassifications approved in  
 Public Law 1995, chapter 368,  
 46 Part AA.

**DEPARTMENT OF PROFESSIONAL AND  
 FINANCIAL REGULATION**

48			
50	TOTAL	<u>(460,784)</u>	<u>(738,854)</u>

**SECTION A-4**



2	Personal Services	(11,120)	(24,965)
4	Provides for the deallocation		
6	of funds related to the		
	unfunded liability portion of		
	the retirement rate.		
8	<b>DEPARTMENT OF ADMINISTRATIVE AND</b>		
	<b>FINANCIAL SERVICES</b>		
10	<b>TOTAL</b>	<u>(201,483)</u>	<u>(415,363)</u>
12	<b>SECTION A-5</b>		
14	<b>TOTAL ALLOCATIONS</b>	<u>(201,483)</u>	<u>(415,363)</u>
16	<b>Sec. A-6. Allocation.</b> The following funds are allocated from		
18	the Telecommunication Fund for the fiscal years ending June 30,		
	1996 and June 30, 1997 to carry out the purposes of this Part.		
20		<b>1995-96</b>	<b>1996-97</b>
22	<b>ADMINISTRATIVE AND FINANCIAL</b>		
	<b>SERVICES, DEPARTMENT OF</b>		
24	<b>Intergovernmental Telecommunications</b>		
	<b>Fund</b>		
26	Positions - Legislative Count	(-1.0)	(-1.0)
28	Personal Services	(49,737)	(47,366)
30	All Other	(1,500)	(1,500)
32	<b>TOTAL</b>	<u>(51,237)</u>	<u>(48,866)</u>
34	Provides for the deallocation		
36	of funds from the elimination		
	of one Technical Support		
	Specialist position.		
38	<b>Intergovernmental Telecommunications</b>		
	<b>Fund</b>		
40	Personal Services	3,417	
42	Provides for the allocation		
44	of funds due to the		
46	overestimation of savings		
48	from the elimination of one		
	vacant Technical Support		
	Specialist position.		
50	<b>Intergovernmental Telecommunications</b>		
52	<b>Fund</b>		

2 Personal Services (2,800) (2,850)  
 4 Provides for the deallocation  
 6 of funds related to the  
 unfunded liability portion of  
 the retirement rate.

8 **DEPARTMENT OF ADMINISTRATIVE AND**  
**FINANCIAL SERVICES**  
 10 **TOTAL** (50,620) (51,716)

12 **SECTION A-6**  
 14 **TOTAL ALLOCATIONS** (50,620) (51,716)

16 **Sec. A-7. Allocation.** The following funds are allocated from  
 the Data Processing Fund for the fiscal years ending June 30,  
 1996 and June 30, 1997 to carry out the purposes of this Part.

	1995-96	1996-97
20 <b>ADMINISTRATIVE AND FINANCIAL</b>		
22 <b>SERVICES, DEPARTMENT OF</b>		
24 <b>Data Processing Services</b>		
26 Positions - Other Count	(-11.0)	(-11.0)
28 Personal Services	(435,935)	(444,323)
30 All Other	(16,500)	(16,500)
32 <b>TOTAL</b>	(452,435)	(460,823)

32 Provides for the deallocation  
 34 of funds from the elimination  
 of 4 Computer Operator  
 36 positions, one Computer  
 Programmer position, one Data  
 38 Processing Division Manager  
 position, one Management  
 Analyst I position, one  
 40 Senior Computer Operator  
 position, one Senior  
 42 Technical Support Specialist  
 position, one Systems  
 44 Programmer position and one  
 Systems Team Leader position  
 46 and related All Other.

48 **Data Processing Services**

50 Personal Services	(26,500)	(27,000)
----------------------	----------	----------

52 Provides for the deallocation

2 of funds related to the  
unfunded liability portion of  
the retirement rate.

4

6 **DEPARTMENT OF ADMINISTRATIVE AND  
FINANCIAL SERVICES**  
8 **TOTAL**

(478,935) (487,823)

8

10 **SECTION A-7**

**TOTAL ALLOCATIONS**

(478,935) (487,823)

10

12

**Sec. A-8. Allocation.** The following funds are allocated from  
the Workers' Compensation Management Fund for the fiscal years  
ending June 30, 1996 and June 30, 1997 to carry out the purposes  
of this Part.

14

16

**1995-96 1996-97**

18

20 **ADMINISTRATIVE AND FINANCIAL  
SERVICES, DEPARTMENT OF**

20

22 **Workers' Compensation Management  
Fund Program**

22

24

Positions - Other Count (-5.0) (-5.0)  
Personal Services (130,029) (179,502)

26

28

Provides for the deallocation  
of funds from the elimination  
of one Clerk Typist II  
position, 2 Return-to-work  
Coordinator positions, one  
Workers' Compensation Aide  
position and one Workers'  
Compensation Claims  
Technician position. These  
position eliminations are in  
accordance with the  
department's productivity  
plans.

30

32

34

36

38

40

42 **Workers' Compensation Management  
Fund Program**

42

44

Personal Services (4,152) (13,035)

46

Provides for the deallocation  
of funds related to the  
unfunded liability portion of  
the retirement rate.

48

50

52

**DEPARTMENT OF ADMINISTRATIVE AND**

2	<b>FINANCIAL SERVICES</b>		
	<b>TOTAL</b>	(134,181)	(192,537)
4	<b>SECTION A-8</b>		
	<b>TOTAL ALLOCATIONS</b>	(134,181)	(192,537)
6			
8	<b>Sec. A-9. Allocation.</b> The following funds are allocated from		
10	the Central Motor Pool Fund for the fiscal years ending June 30,		
	1996 and June 30, 1997 to carry out the purposes of this Part.		
12		<b>1995-96</b>	<b>1996-97</b>
14	<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
16	<b>Central Motor Pool</b>		
18	Positions - Other Count	(-0.5)	(-0.5)
20	Personal Services	(6,265)	(6,265)
22	Provides for the deallocation of funds from the elimination of one part-time Clerk II position. The position elimination is in accordance with the department's productivity plan.		
28	<b>Central Motor Pool</b>		
30	Personal Services	(375)	(375)
32	Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.		
38	<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
40	<b>TOTAL</b>	(6,640)	(6,640)
42	<b>SECTION A-9</b>		
44	<b>TOTAL ALLOCATIONS</b>	(6,640)	(6,640)
46	<b>Sec. A-10. Allocation.</b> The following funds are allocated from		
48	the Internal Services Fund - Statewide for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.		
50		<b>1995-96</b>	<b>1996-97</b>

2           **ADMINISTRATIVE AND FINANCIAL**  
 2           **SERVICES, DEPARTMENT OF**

4           **Executive Branch Departments and**  
 4           **Independent Agencies - Statewide**

6                           Personal Services                           56,161                           81,225

8                           Provides for the allocation  
 10                           of funds for the unfunded  
 12                           liability portion of the  
 14                           Personal Services savings  
                           achieved through productivity  
                           plans.

16           **Executive Branch Departments and**  
 16           **Independent Agencies - Statewide**

18                           Personal Services                           16,385                           37,510

20                           Provides for the allocation  
 22                           of funds for the retiree  
 24                           health insurance portion of  
 26                           the Personal Services savings  
                           achieved through productivity  
                           plans.

28           **DEPARTMENT OF ADMINISTRATIVE AND**  
 28           **FINANCIAL SERVICES**

30 <b>TOTAL</b>	72,546	118,735
32 <b>SECTION A-10</b>		
34 <b>TOTAL ALLOCATIONS</b>	72,546	118,735

36           **Sec. A-11. Allocation.** The following funds are allocated from  
 36           the Potato Marketing Fund for the fiscal years ending June 30,  
 38           1996 and June 30, 1997 to carry out the purposes of this Part.

	<b>1995-96</b>	<b>1996-97</b>
40 <b>AGRICULTURE, FOOD AND RURAL</b>		
42 <b>RESOURCES, DEPARTMENT OF</b>		
44 <b>Potato Market Improvement Fund</b>		
46                           Positions - Other Count	(-1.0)	(-1.0)
48                           Personal Services	(24,128)	(25,318)
50                           Provides for the deallocation 50                           of funds from the elimination 52                           of one Clerk Typist II position.		



2 DEPARTMENT OF AGRICULTURE, FOOD  
 AND RURAL RESOURCES  
 4 TOTAL (24,128) (25,318)

6 SECTION A-11  
 TOTAL ALLOCATIONS (24,128) (25,318)

8  
 10 Sec. A-12. Allocation. The following funds are allocated from  
 the Island Ferry Services Fund for the fiscal years ending June  
 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

12  
 14 1995-96 1996-97

16 TRANSPORTATION, DEPARTMENT OF

18 Island Ferry Service

18 Positions - Other Count (-1.0) (-1.0)  
 20 Personal Services (23,262) (24,227)

22 Provides for the deallocation  
 of funds from the elimination  
 24 of one Clerk Typist I  
 position.

26 DEPARTMENT OF TRANSPORTATION  
 28 TOTAL (23,262) (24,227)

30 SECTION A-12  
 TOTAL ALLOCATIONS (23,262) (24,227)

32  
 34 Sec. A-13. Allocation. The following funds are allocated from  
 the Augusta State Airport Fund for the fiscal years ending June  
 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

36  
 38 1995-96 1996-97

40 TRANSPORTATION, DEPARTMENT OF

42 Augusta State Airport

42 Positions - Other Count (-2.5) (-2.5)  
 44 Personal Services (61,877) (64,134)

46 Provides for the deallocation  
 of funds from the elimination  
 48 of one Laborer II position,  
 one Airport Custodian  
 50 position and one Clerk Typist

2 II position that is 50%  
 3 funded from airport  
 4 administration and 50% funded  
 5 from the Augusta State  
 6 Airport Fund.

8	<b>DEPARTMENT OF TRANSPORTATION</b>		
	<b>TOTAL</b>	(61,877)	(64,134)
10	<b>SECTION A-13</b>		
	<b>TOTAL ALLOCATIONS</b>	(61,877)	(64,134)

12 **Sec. A-14. Allocation.** The following funds are allocated from  
 13 the Alcoholic Beverage Fund for the fiscal years ending June 30,  
 14 1996 and June 30, 1997 to carry out the purposes of this Part.

16		<b>1995-96</b>	<b>1996-97</b>
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18 **ADMINISTRATIVE AND FINANCIAL**  
 19 **SERVICES, DEPARTMENT OF**

21 **Alcoholic Beverages - General**  
 22 **Operation**

24	Positions - Legislative Count	(-11.0)	(-11.0)
26	Personal Services	(456,529)	(511,439)
	All Other	(13,500)	(13,500)

28 Provides for the deallocation  
 29 of funds from the elimination  
 30 of 7 Retail Store Clerk  
 31 positions, one Retail Store  
 32 Manager I position, one  
 33 Assistant Manager Retail  
 34 Store position, one Heavy  
 35 Equipment Operator position,  
 36 one Master Carpenter position  
 37 and 27 intermittent Retail  
 38 Store Clerk positions. These  
 39 position eliminations are in  
 40 accordance with the  
 41 department's productivity  
 42 plan.

44 **Alcoholic Beverages - General**  
 45 **Operation**

48	Personal Services	(28,000)	(31,000)
----	-------------------	----------	----------

50 Provides for the deallocation  
 of funds related to the

2 unfunded liability portion of  
the retirement rate.

4 **DEPARTMENT OF ADMINISTRATIVE AND  
FINANCIAL SERVICES**

6 **TOTAL** (498,029) (555,939)

8 **SECTION A-14**

10 **TOTAL ALLOCATIONS** (498,029) (555,939)

12 **Sec. A-15. Allocation.** The following funds are allocated from  
the Prison Industries Fund for the fiscal years ending June 30,  
1996 and June 30, 1997 to carry out the purposes of this Part.

14 **1995-96** **1996-97**

16 **CORRECTIONS, DEPARTMENT OF**

18 **State Prison**

20 Positions - Other Count (1.0) (1.0)  
22 Personal Services 16,272 36,658

24 Provides for the allocation  
26 of funds for the transfer of  
one Wood Products Manager  
28 position from the General  
Fund State Prison program.

30 **DEPARTMENT OF CORRECTIONS**

32 **TOTAL** 16,272 36,658

34 **SECTION A-15**

**TOTAL ALLOCATIONS** 16,272 36,658

36 **Sec. A-16. Allocation.** The following funds are allocated from  
38 the Seed Potato Board Fund for the fiscal years ending June 30,  
1996 and June 30, 1997 to carry out the purposes of this Part.

40 **1995-96** **1996-97**

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

44 **Seed Potato Board**

46 Positions - Other Count (-3.0) (-3.0)  
48 Personal Services (114,386) (136,264)

50 Provides for the deallocation  
52 of funds from the elimination  
of one Clerk Typist III

2 position, 11 intermittent  
 3 Laborer I positions and 2  
 4 Agricultural Worker I  
 5 positions.

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

8 **TOTAL** (114,386) (136,264)

10 **SECTION A-16**

11 **TOTAL ALLOCATIONS** (114,386) (136,264)

12 **Sec. A-17. Allocation.** The following funds are allocated from  
 14 the State Lottery Fund for the fiscal years ending June 30, 1996  
 15 and June 30, 1997 to carry out the purposes of this Part.

16 **1995-96** **1996-97**

18 **ADMINISTRATIVE AND FINANCIAL SERVICES,  
 19 DEPARTMENT OF**

22 **Lottery Operations**

24 Positions - Legislative Count (-1.0) (-1.0)

25 Personal Services (30,885) (32,791)

26 All Other (1,500) (1,500)

28 **TOTAL** (32,385) (34,291)

30 Provides for the deallocation  
 31 of funds from the elimination  
 32 of one Account Clerk II  
 33 position. The position  
 34 elimination is in accordance  
 35 with the department's  
 36 productivity plan.

38 **Lottery Operations**

40 Personal Services (2,000) (2,017)

42 Provides for the deallocation  
 43 of funds related to the  
 44 unfunded liability portion of  
 45 the retirement rate.

46 **DEPARTMENT OF ADMINISTRATIVE AND  
 47 FINANCIAL SERVICES**

48 **TOTAL** (34,385) (36,308)

50 **SECTION A-17**

52 **TOTAL ALLOCATIONS** (34,385) (36,308)

2           **Sec. A-18. Allocation.** The following funds are allocated from  
 4 Statewide - Enterprise Funds for the fiscal years ending June 30,  
 1996 and June 30, 1997 to carry out the purposes of this Part.

	<b>1995-96</b>	<b>1996-97</b>
<p>8           <b>ADMINISTRATIVE AND FINANCIAL</b>            10 <b>SERVICES, DEPARTMENT OF</b></p>		
<p>12           <b>Executive Branch Departments and</b>  <b>Independent Agencies - Statewide</b></p>		
14           Personal Services	40,566	43,691
16           Provides for the allocation 18 of funds for the unfunded 20 liability portion of the 22 Personal Services savings 24 achieved through productivity 26 plans.		
<p>28           <b>Executive Branch Departments and</b>  <b>Independent Agencies - Statewide</b></p>		
30           Personal Services	12,004	23,355
32           Provides for the allocation 34 of funds for the retiree 36 health insurance portion of 38 the Personal Services savings 40 achieved through productivity 42 plans.		
<p>44           <b>DEPARTMENT OF ADMINISTRATIVE AND</b>  <b>FINANCIAL SERVICES</b></p>		
46 <b>TOTAL</b>	52,570	67,046
<p>48           <b>SECTION A-18</b></p>		
50 <b>TOTAL ALLOCATIONS</b>	\$52,570	\$67,046

**PART B**

44           **Sec. B-1. Supplemental appropriations from General Fund.** There  
 46 are appropriated from the General Fund for the fiscal years  
 48 ending June 30, 1996 and June 30, 1997 to the departments listed,  
 the following sums.

	<b>1995-96</b>	<b>1996-97</b>
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2           **AGRICULTURE, FOOD AND RURAL**  
 2           **RESOURCES, DEPARTMENT OF**

4           **Administration - Agriculture**

6	Positions - Legislative Count	(-7.0)	(-8.0)
	Personal Services	(\$144,134)	(\$345,592)
8	All Other	108,774	222,193
10	<b>TOTAL</b>	<u>(35,360)</u>	<u>(123,399)</u>

12           Provides for the  
 14           deappropriation of funds  
 14           through the transfer of one  
 16           Personnel Specialist  
 16           position, one Personnel  
 18           Assistant position, one Chief  
 18           Accountant position, 2  
 20           Accountant II positions, one  
 20           Accountant I position, one  
 22           Account Clerk II position to  
 22           the Administrative Services  
 24           Center program, Other Special  
 24           Revenue in the Department of  
 26           Environmental Protection in  
 26           fiscal years 1995-96 and  
 28           1996-97; and the transfer of  
 28           one Personnel Officer  
 30           position in fiscal year  
 30           1996-97 to the same program  
 32           and fund and provides for the  
 32           appropriation of All Other  
 34           funds to pay for services  
 34           received from the  
 36           Administrative Services  
 36           Center.

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

40	<b>TOTAL</b>	<u>(35,360)</u>	<u>(123,399)</u>
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42           **CONSERVATION, DEPARTMENT OF**  
 44           **Administrative Services - Conservation**

46	Positions - Legislative Count	(-6.5)	(-7.5)
48	Personal Services	(121,009)	(304,197)
50	All Other	111,963	260,806
52	<b>TOTAL</b>	<u>(9,046)</u>	<u>(43,391)</u>

2 Provides for the  
 3 deappropriation of funds from  
 4 the transfer of one  
 5 Accountant III position, 1/2  
 6 of a split-funded Account  
 7 Clerk II position, one  
 8 Account Clerk II position,  
 9 one Payroll Supervisor  
 10 position, one Personnel  
 11 Specialist position, one  
 12 Personnel Assistant position  
 13 and one Storekeeper II  
 14 position to the  
 15 Administrative Services  
 16 Center program, Other Special  
 17 Revenue in fiscal years  
 18 1995-96 and 1996-97 and one  
 19 Personnel Manager position to  
 20 the same program in fiscal  
 21 year 1996-97, and increases  
 22 All Other to pay for services  
 23 of the Administrative  
 24 Services Center.

**Parks - General Operations**

26 Personal Services (3,965) (4,430)

28 Provides for the  
 29 deappropriation of funds  
 30 through the elimination of  
 31 one Director, Parks and  
 32 Recreation position and the  
 33 establishment of one  
 34 split-funded Director, Parks  
 35 and Lands position and one  
 36 split-funded Deputy Director,  
 37 Parks and Lands position.

40 **DEPARTMENT OF CONSERVATION**  
 41 **TOTAL** (13,011) (47,821)

**44 CORRECTIONS, DEPARTMENT OF**

**46 Probation and Parole**

48 Positions - Legislative Count (-8.0)  
 49 Personal Services (192,593)  
 50 All Other 38,830 (6,583)  
 51 **TOTAL** 38,830 (199,176)

2 Provides for the  
 4 deappropriation of funds from  
 the elimination of 3  
 6 full-time, 2 part-time and 2  
 1/2 job-share Clerk Typist II  
 8 positions, one full-time and  
 2 part-time Clerk  
 10 Stenographer II positions and  
 one Clerk Stenographer III  
 12 position and the termination  
 of some office space leases.  
 Funds are provided for  
 14 increased use of technology  
 through the lease-purchase of  
 16 computer equipment and  
 software.

18 **State Prison**

20	Positions - Legislative Count	(-10.0)	(-10.0)
22	Personal Services	(126,538)	(356,065)
	All Other	28,500	57,000
24		<hr/>	<hr/>
26	TOTAL	(98,038)	(299,065)

28 Provides for the  
 deappropriation of funds from  
 the elimination of 10 Guard  
 30 positions and through  
 reductions in All Other  
 32 expenses. Also provides funds  
 to lease-purchase an  
 34 electronic intrusion system  
 for the Maine State Prison.

36 **Youth Center - Maine**

38	All Other	250,000	
----	-----------	---------	--

40 Provides for the  
 42 appropriation of funds to  
 construct a fence on the  
 44 grounds of the Maine Youth  
 Center.

46	<b>DEPARTMENT OF CORRECTIONS</b>		
48	<b>TOTAL</b>	<hr/>	<hr/>
		190,792	(498,241)

50 **ENVIRONMENTAL PROTECTION,**  
 52 **DEPARTMENT OF**





2 one Account Clerk II position  
 4 to the Administrative  
 6 Services Center program,  
 8 Other Special Revenue in the  
 Department of Environmental  
 Protection and for All Other  
 funds to pay for the services  
 of the Administrative  
 Services Center.

10 **DEPARTMENT OF CONSERVATION**  
 12 **TOTAL** \_\_\_\_\_ \_\_\_\_\_  
-0- -0-

14 **ENVIRONMENTAL PROTECTION,**  
 16 **DEPARTMENT OF**  
 18 **Administration - Environmental**  
**Protection**

20	Positions - Other Count	(-6.0)	(-7.0)
22	Personal Services	(89,728)	(222,947)
24	All Other	109,404	212,794
26	<b>TOTAL</b>	19,676	(10,153)

28 Provides for the deallocation  
 of funds through the transfer  
 30 of 2 Accountant II positions,  
 one Accountant I position,  
 32 one Account Clerk II  
 position, one Clerk III  
 34 position and one Payroll  
 Supervisor position to the  
 Administrative Services  
 36 Center program in fiscal  
 years 1995-96 and 1996-97,  
 38 the transfer of one  
 Accountant III position to  
 40 the same program for fiscal  
 year 1996-97 only and the  
 42 transfer of one Personnel  
 Assistant position to the  
 44 Administration -  
 Environmental Protection  
 46 program, Other Special  
 Revenue. Also the transfer of  
 48 one Regional Director  
 position from the General  
 50 Fund of this program and  
 related All Other for the  
 52 cost of services from the



2 of one seasonal Clerk I  
 3 position, 2 Accountant I  
 4 positions, one part-time  
 5 Account Clerk II position and  
 6 one Property Officer position  
 7 to the Administrative  
 8 Services Center program,  
 9 Other Special Revenue in the  
 10 Department of Environmental  
 11 Protection and allocates  
 12 funds for the All Other costs  
 13 of services from the  
 14 Administrative Services  
 15 Center.

**16 Land Management and Planning**

18 Personal Services 6,036 11,512

20 Provides for the allocation  
 21 of funds for the  
 22 establishment of 1/2 of a  
 23 split-funded Director, Parks  
 24 and Lands position and 1/2 of  
 25 a split-funded Deputy  
 26 Director, Parks and Lands  
 27 position, the elimination of  
 28 the Director, Public Lands  
 29 position and the upgrade of  
 30 one Chief Planner position to  
 31 one Director, Division of  
 32 Planning position.

**34 DEPARTMENT OF CONSERVATION**  
**35 TOTAL** 6,036 11,512

**38 ENVIRONMENTAL PROTECTION,**  
**39 DEPARTMENT OF**

**40 Administration - Environmental**  
**41 Protection**

44 Positions - Other Count (-4.0) (-5.0)  
 45 Personal Services (28,421) (106,133)  
 46 All Other 109,404 239,960  
 47 TOTAL 80,983 133,827

50 Provides for the allocation  
 51 of funds through the transfer  
 52 out of 7 positions in fiscal

2 year 1995-96 and 8 positions  
 in fiscal year 1996-97 to the  
 Administrative Services  
 4 Center program, Other Special  
 Revenue and the transfer in  
 6 of 2 positions from the  
 Administration -  
 8 Environmental Protection  
 program, General Fund and one  
 10 Personnel Assistant position  
 to be reorganized to an  
 12 Administrative Secretary  
 position from the  
 14 Administration -  
 Environmental Protection  
 16 program, Federal Expenditure  
 Fund and the downgrade of one  
 18 additional position. Position  
 detail on file in the Bureau  
 20 of the Budget. All Other  
 funds are for the cost of  
 22 services from the  
 Administrative Services  
 24 Center.

**26 Administrative Services Center**

28	Positions - Other Count	(33.0)	(37.0)
	Personal Services	617,790	1,452,160
30	All Other	55,000	84,000
	Capital Expenditures	10,000	
32			
	TOTAL	<u>682,790</u>	<u>1,536,160</u>

34 Provides for the allocation  
 36 of funds through the transfer  
 of 32 positions in fiscal  
 38 year 1995-96 and 36 positions  
 in fiscal year 1996-97 to the  
 40 newly established  
 Administrative Services  
 42 Center program and  
 establishes one Director,  
 44 Administrative Services  
 Center position to provide  
 46 administrative support  
 services to the Department of  
 48 Agriculture, Food and Rural  
 Resources, the Department of  
 50 Conservation and the  
 Department of Environmental  
 52 Protection. Positions are

2 transferred from the 3  
 departments and are on file  
 4 in the Bureau of the Budget.  
 All Other funds are provided  
 6 for operating expenses of the  
 Administrative Services  
 Center.

8

**Administrative Services Center**

10

Positions - Other Count	(-13.0)	(-13.0)
Personal Services	(145,179)	(426,007)

12

14

Provides for the deallocation  
 of funds from the elimination  
 16 of 3 Account Clerk II  
 positions, one Accountant I  
 18 position, 4 Accountant II  
 positions, one Clerk I  
 20 position, one 1/2-time Clerk  
 I position, one Clerk III  
 22 position, one 1/2-time Clerk  
 Typist II position, one  
 24 Storekeeper II position, one  
 Management Analyst I position  
 26 and one Conservation Aide  
 position. Position detail is  
 28 on file in the Bureau of the  
 Budget. All position  
 30 eliminations are associated  
 with the creation of the  
 32 Administrative Services  
 Center.

34

**DEPARTMENT OF ENVIRONMENTAL  
 36 PROTECTION  
 TOTAL**

618,594	1,243,980
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38

**40 SECTION B-3  
 TOTAL ALLOCATIONS**

617,327	1,240,886
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42

**Sec. B-4. Allocation.** The following funds are allocated from  
 44 the Workers' Compensation Management Fund for the fiscal years  
 ending June 30, 1996 and June 30, 1997 to carry out the purposes  
 46 of this Part.

48

<b>1995-96</b>	<b>1996-97</b>
----------------	----------------

**50 ADMINISTRATIVE AND FINANCIAL  
 52 SERVICES, DEPARTMENT OF**

2	<b>Workers' Compensation Management Fund Program</b>		
4	Positions - Other Count	(-1.0)	(-1.0)
6	Personal Services	(12,192)	(37,378)
8	Provides for the deallocation of funds from the elimination of one Public Health Nurse I position. This position elimination is in accordance with the department's productivity plan.		
16	<b>Workers' Compensation Management Fund Program</b>		
18	Personal Services	(750)	(2,200)
20	Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.		
26	<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL</b>	<u>(12,942)</u>	<u>(39,578)</u>
30	<b>SECTION B-4 TOTAL ALLOCATIONS</b>	<u>(\$12,942)</u>	<u>(\$39,578)</u>

34 **PART C**

36 **Sec. C-1. 5 MRSA §933**, as amended by PL 1991, c. 671, Pt. O, §§1 to 3, is repealed and the following enacted in its place:

38 **§933. Department of Agriculture, Food and Rural Resources**

40 **1. Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Agriculture, Food and Rural Resources. Notwithstanding any other provisions of law, these positions and their successor positions are subject to this chapter:

46 A. Deputy Commissioner;

48 B. Director, Office of Planning, Policy, Legislative and Information services;

2           C. Director, Office of Agricultural, Natural and Rural  
3           Resources;

4           D. Director, Division of Plant Industry;

6           E. Director, Division of Animal Health and Industry;

8           F. Director, Division of Marketing and Production  
9           Development; and

10           G. Director, Division of Quality Assurance and Regulations.

12           **Sec. C-2. 5 MRSA §12004-G, sub-§30**, as enacted by PL 1987, c.  
14           786, §5, is repealed.

16           **Sec. C-3. 5 MRSA §12004-H, sub-§§3 and 4**, as amended by PL  
18           1991, c. 376, §26, are repealed.

20           **Sec. C-4. 5 MRSA §12004-H, sub-§7**, as enacted by PL 1987, c.  
22           786, §5, is repealed.

24           **Sec. C-5. 5 MRSA §12004-I, sub-§2-B**, as enacted by PL 1991, c.  
26           779, §2, is repealed.

28           **Sec. C-6. 5 MRSA §12004-I, sub-§6-E** is enacted to read:

30 <b><u>6-E.</u></b>	<u>Maine Dairy</u>	<u>Expenses</u>	<u>7 MRSA</u>
32 <u>Economic</u>	<u>Promotion</u>	<u>Only</u>	<u>\$2992</u>
34 <u>Development</u>	<u>Advisory Board</u>		

36           **Sec. C-7. 5 MRSA 12004-I, sub-§7-C** is enacted to read:

38 <b><u>7-C.</u></b>	<u>Maine Dairy</u>	<u>Expenses</u>	<u>7 MRSA</u>
40 <u>Education</u>	<u>and Nutrition</u>	<u>Only</u>	<u>\$2998</u>
	<u>Advisory</u>		
	<u>Council</u>		

42           **Sec. C-8. 5 MRSA §12004-I, sub-§68-A** is enacted to read:

44 <b><u>68-A.</u></b>	<u>State</u>	<u>Expenses</u>	<u>12 MRSA</u>
46 <u>Natural</u>	<u>Conservation</u>	<u>Only</u>	<u>§51-A</u>
48 <u>Resources</u>	<u>District</u>		
	<u>Advisory</u>		
	<u>Council</u>		

50           **Sec. C-9. 7 MRSA §1**, as amended by PL 1991, c. 837, Pt. A,  
52           §12, is further amended to read:

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

The Department of Agriculture, Food and Rural Resources, is  
established and is maintained for the improvement of agriculture



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

25 **Sec. C-10. 7 MRSA §2, 3rd ¶,** as amended by PL 1989, c. 878,  
26 Pt. B, §7, is further amended to read:

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

37 **Sec. C-11. 7 MRSA §5,** as amended by PL 1979, c. 731, §9, is  
38 further amended to read:

39 **§5. Deputies; associates; directors**

40 The commissioner may appoint and fix the compensation of  
41 such those deputies, associates and, bureau directors as, office  
42 directors and division directors that in his the commissioner's  
43 judgment are required to assist him, and to enable him the  
44 commissioner to carry out all laws, the execution of which is  
45 entrusted to him the commissioner. These deputies, associates  
46 and, bureau directors, office directors and division directors  
47 shall hold office during the pleasure of the commissioner.

52

2           **Sec. C-12. 7 MRSA §2991, sub-§1**, as enacted by PL 1991, c.  
376, §28, is repealed.

4           **Sec. C-13. 7 MRSA §2991, sub-§4-A** is enacted to read:

6           **4-A. Department.** "Department" means the Department of  
Agriculture, Food and Rural Resources.

8           **Sec. C-14. 7 MRSA §2992**, as amended by PL 1993, c. 689, §1,  
10 is further amended to read:

12           **§2992. Maine Dairy Promotion Advisory Board**

14           The Maine Dairy Promotion Advisory Board, as established by  
16 Title 5, section ~~12004-H~~ 12004-I, subsection 3 ~~6-E~~, is within the  
18 department. The board consists of ~~the following 5 members:--the~~  
~~Commissioner of Agriculture,--Food--and--Rural--Resources,--or--the~~  
~~commissioner's--designee,--who--shall--serve--ex--officio,--and 4~~  
19 producers.

20           The ~~produceer~~ members must be appointed by the commissioner  
22 on recommendation of the various producer associations,  
24 individuals or unorganized groups of producers in the State. The  
26 4 ~~produceer~~ members must include 2 producers selling milk on the  
28 Maine market and 2 producers selling milk on the Boston market,  
Federal Milk Marketing Order No. 1. ~~Produceer--members~~ Members  
selling in the same market may not belong to the same  
agricultural cooperative or sell their milk to the same dealer.

30           The first 4 members appointed to the board as reconstituted  
32 in this section shall serve one-year, 2-year, 3-year and 4-year  
34 terms respectively. The members appointed thereafter shall serve  
36 consecutive 4-year terms. In case of a vacancy caused by death,  
resignation or otherwise, the commissioner shall fill the vacancy  
for the unexpired period of the term.

38           The appointed members are entitled to compensation according  
40 to Title 5, chapter 379.

42           The members of the board shall elect a chair.

44           ~~The board shall appoint an executive director who is the~~  
~~board's chief administrative officer and serves at the pleasure~~  
~~of the board.--The executive director shall employ, as the board~~  
~~directs,--additional--staff--who--serve--at--the--pleasure--of--the~~  
~~executive director.--The staff of the board is not subject to the~~  
~~Civil Service Law.--The salary paid to the executive director and~~  
~~other staff of the board must be fixed by the board, subject to~~  
~~the approval of the Governor.--The board may delegate to its~~  
~~staff the power to execute the board's policies and programs,~~  
52 ~~subject to the board's oversight.~~

2           **Sec. C-15. 7 MRSA §2993**, as amended by PL 1993, c. 689, §2,  
is further amended to read:

4           **§2993. Powers and duties**

6           ~~The board is created to~~ The department, in carrying out its  
8 duties under this chapter, shall promote the prosperity and  
welfare of this State and of the dairy industry of the State by  
10 fostering promotional, educational, advertising and research  
programs of the dairy industry. The ~~board~~ department has the  
12 following powers and duties. The ~~board~~ department:

14           **1. Contracts and agreements.** May make or enter into  
contracts or agreements with any local, state, federal or private  
16 agency, department, firm, corporation or association for the  
purposes defined in this chapter. The contracts or agreements  
18 may include, without limitation, those relating to the lease or  
purchase of office space, facilities, property, equipment and  
20 supplies as the ~~board~~ department determines necessary for its  
purposes. ~~The board may delegate to its executive director the~~  
22 ~~power to enter into the contracts or agreements, subject to the~~  
~~board's oversight;~~

24           **1-A. Staff.** May employ a director and other temporary or  
26 permanent employees as it may require;

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

42           ~~**3. Books and records.** Shall keep books, records and~~  
~~accounts of all its activities, which must be open to inspection~~  
44 ~~and audit by the State at all times. The State Auditor shall~~  
~~conduct an annual audit of the financial records of the board and~~  
46 ~~report the results of the audit to the board, the commissioner,~~  
~~the Treasurer of State and the Legislature. All books and~~  
48 ~~records of the board must be open to public inspection in~~  
~~accordance with Title 1, chapter 13, except that records and~~  
50 ~~meetings of the board may by vote be closed to the public when~~  
~~public disclosure of the subject matter of the records or~~



2 selling in the same market may not belong to the same  
agricultural cooperative or sell their milk to the same dealer.

4 The first 4 members appointed to the council as  
reconstituted in this section shall serve one-year, 2-year,  
6 3-year and 4-year terms respectively. All subsequent  
appointments to the council as reconstituted in this section must  
8 be for 4-year terms. A person may not be appointed to more than  
2 consecutive 4-year terms. In case of a vacancy caused by  
10 death, resignation or otherwise, the vacancy must be filled by  
the commissioner for the unexpired period of the term.

12 The members of the council shall elect a chair.

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

22 **Sec. C-19. 7 MRSA §2998-A**, as enacted by PL 1993, c. 689,  
§4, is repealed and the following enacted in its place:

24 **§2998-A. Staffing**

26 The department may employ a director and other temporary or  
28 permanent employees as it may require.

30 **Sec. C-20. 7 MRSA §2999, sub-§1**, as enacted by PL 1993, c.  
689, §5, is amended to read:

32 **1. Contracts and agreements.** May make or enter into  
34 contracts or agreements with any local, state, federal or private  
agency, department, firm, corporation or association for the  
36 purposes defined in this chapter. The contracts or agreements  
may include, without limitation, those relating to the lease or  
38 purchase of office space, facilities, property, equipment or  
supplies the ~~council~~ department determines necessary for its  
40 purposes. ~~The council may delegate to its executive director the  
power to enter into the contracts or agreements, subject to the  
42 council's oversight;~~

44 **Sec. C-21. 7 MRSA §2999, sub-§3**, as enacted by PL 1993, c.  
689, §5, is repealed.

46 **Sec. C-22. 7 MRSA §2999, sub-§4**, as enacted by PL 1993, c.  
48 689, §5, is amended to read:

50 **4. Annual report.** Shall prepare an annual report that must  
include a summary of all receipts and expenditures, including  
52 expenditures for specific programs; and a description of the

2 various programs operated, contracted or sponsored by the ~~council~~  
3 department under this chapter; and a directory of current council  
4 ~~members, including their affiliation and term of office; and~~

4 **Sec. C-23. 7 MRSA §3901**, as enacted by PL 1987, c. 383, §3,  
6 is amended to read:

8 **§3901. Animal Welfare Act**

10 This chapter ~~shall be~~ is known and may be cited as the  
11 "Animal Welfare Board Act."

12 **Sec. C-24. 7 MRSA §3903-A**, as enacted by PL 1991, c. 779,  
14 §4, is repealed.

16 **Sec. C-25. 7 MRSA §3904**, as amended by PL 1991, c. 779, §5,  
is repealed.

18 **Sec. C-26. 7 MRSA §3905**, as amended by PL 1991, c. 779, §6,  
20 is repealed.

22 **Sec. C-27. 7 MRSA §3906-A**, as enacted by PL 1991, c. 779,  
§8, is repealed.

24 **Sec. C-28. 7 MRSA §3906-B, sub-§5**, as enacted by PL 1991, c.  
26 779, §9, is repealed.

28 **Sec. C-29. 7 MRSA §3906-B, sub-§9**, as amended by PL 1993, c.  
30 468, §3, is further amended to read:

32 **9. Employees.** The commissioner shall employ personnel,  
33 subject to the Civil Service Law, as necessary to assist in  
34 enforcing this Part and in carrying out the duties and  
35 responsibilities of the department. The commissioner, in  
36 consultation with the ~~board~~ Animal Welfare Advisory Committee,  
37 shall employ, subject to the Civil Service Law, one full-time  
38 humane agent to assist the ~~board~~ commissioner in carrying out ~~its~~  
39 the commissioner's duties and responsibilities. The commissioner  
40 may not hire as a state humane agent a person who has been  
41 convicted of a criminal violation under Title 17, chapter 42 or  
42 has been adjudicated of a civil violation for cruelty to animals  
under chapter 739.

44 **Sec. C-30. 7 MRSA §3906-B, sub-§§11 to 15** are enacted to read:

46 **11. Cruelty to animals.** The commissioner, in cooperation  
47 with animal control officers, shall investigate complaints of  
48 cruelty to animals and enforce cruelty-to-animal laws in  
49 accordance with chapter 739 and Title 17, chapter 42. The  
50 Attorney General and the district attorneys shall assist the  
commissioner with the commissioner's enforcement responsibilities.

2           12. Intermittent agents. The commissioner shall appoint  
intermittent humane agents as necessary to assist the  
4 commissioner in carrying out the commissioner's duties and  
responsibilities. The commissioner shall train and coordinate  
6 efforts of intermittent agents. These intermittent agents are  
unclassified employees whose training, compensation and hours of  
8 employment are determined by the commissioner.

10           13. Spaying and neutering fund. The commissioner may  
accept funds from any private or public source for the purpose of  
12 subsidizing spaying and neutering. The commissioner shall  
deposit all funds accepted for this purpose into a separate,  
14 nonlapsing spaying and neutering account. The commissioner shall  
establish guidelines for payments and make payments from the  
16 fund. All payments from the fund must be used to subsidize  
spaying and neutering of dogs and cats.

18           14. Information. The commissioner may obtain, develop or  
20 disseminate any information useful or convenient for carrying out  
any purpose or power of the commissioner.

22           15. Annual report. The commissioner shall report the  
24 activities of the commissioner annually by March 1st to the joint  
standing committee of the Legislature having jurisdiction over  
26 agricultural matters. This report must include a summary of  
cases of cruelty to animals investigated by the commissioner and  
28 an account of deposits into and payments from the spaying and  
neutering fund.

30           **Sec. C-31. 7 MRSA §3906-C, sub-§1,** as enacted by PL 1991, c.  
32 779, §10, is amended to read:

34           **1. Membership.** The committee consists of 6 <sup>8</sup> members  
appointed by the Governor and ~~subject to review by the joint~~  
36 ~~standing committee of the Legislature having jurisdiction over~~  
~~agricultural matters and confirmation by the Legislature.~~ The  
38 Governor shall appoint members as follows:

- 40           A. One municipal clerk;
- 42           B. One animal control officer;
- 44           C. One member representing licensed animal shelters;
- 46           D. One member representing licensed boarding or breeding  
kennels;
- 48           E. One member representing licensed pet shops; and
- 50           F. One member representing humane societies.;
- 52

2           G. One member who is or has been a veterinarian licensed to  
3           practice in the State; and

4           H. One member who represents the interests of the public in  
5           animal welfare, generally.

6  
7           In making the appointment of the veterinarian member, the  
8           Governor shall consider nominations made by the Maine Veterinary  
9           Medical Association.

10           **Sec. C-32. 8 MRSA §284, sub-§2**, as enacted by PL 1993, c. 388,  
11           §10, is amended to read:

12           **2. Membership.** The board consists of 9 members, to be  
13           appointed by the ~~commission~~ Commissioner of Agriculture, Food and  
14           Rural Resources as follows:

15           A. One person recommended by a statewide association of  
16           harness horse trainers, drivers and other persons active in  
17           the conduct of harness racing in the State;

18           B. One person representing agricultural fairs;

19           C. Two persons representing commercial tracks in this  
20           State, provided that not more than one person per track is  
21           appointed;

22           D. Two members of the public who demonstrate knowledge and  
23           support of the harness racing industry;

24           E. One member of the commission; and

25           F. Two persons recommended by the statewide association of  
26           standard horse breeders and owners.

27           One-third of the initial appointments must be for a one-year  
28           term; 1/3 for a 2-year term and the final 3rd for a 3-year term.  
29           Subsequent appointments must be made for 3-year terms. Board  
30           members shall annually elect a chair from among the membership by  
31           majority vote.

32           **Sec. C-33. 12 MRSA §3, sub-§1**, as amended by PL 1969, c. 477,  
33           §1, is repealed.

34           **Sec. C-34. 12 MRSA §3, sub-§1-A** is enacted to read:

35           **1-A. Department.** "Department" means the Department of  
36           Agriculture, Food and Rural Resources.

37           **Sec. C-35. 12 MRSA c. 1, sub-c. II** is amended by repealing the  
38           subchapter headnote and enacting the following in its place:

39



SUBCHAPTER II

SOIL AND WATER CONSERVATION

2  
4  
6       **Sec. C-36. 12 MRSA §51**, as amended by PL 1991, c. 837, Pt. A, §28, is repealed.

8       **Sec. C-37. 12 MRSA §51-A** is enacted to read:

10       **§51-A. Advisory council established**

12       The State Conservation District Advisory Council, as established by Title 5, section 12004-I, subsection 68-A, advises the commissioner on matters affecting the operations and responsibilities of soil and water conservation districts. The State Conservation District Advisory Council consists of one representative from each of the soil and water conservation districts. The president and vice-president of the Maine Association of Conservation Districts and the State Conservationist of the United States Department of Agriculture, Natural Resources Conservation Service shall serve as ex-officio, nonvoting members. The president and vice-president of the Maine Association of Conservation Districts shall also serve as chair and vice-chair. The advisory council shall:

26       **1. Formulation of budget.** Consult with the commissioner regarding the formulation of that part of the department's budget that pertains to the operations of the soil and water conservation districts, which must be separately identified as a major budget area within the department's budget;

32       **2. Procedures for election of supervisors.** Advise the Department of Agriculture, Food and Rural Resources on the appointment of soil and water conservation district supervisors and on procedures for the election of supervisors. Should the need arise, the advisory council shall also advise the department regarding the formation or discontinuance of soil and water conservation districts;

40       **3. Consult in areas of expertise.** Regularly consult with the Department of Agriculture, Food and Rural Resources on matters in which the soil and water conservation districts have individual or collective expertise, including agriculture, forestry, water quality, economic and community development and the protection of landowner rights. The department shall assist the advisory council and individual soil and water conservation districts in the furtherance of constructive working relationships with other natural resource agencies of State Government; and

50       **4. Distribution of grant money.** Advise the department on procedures for the distribution of federal, state or private

52

2 grant money that passes through the department and is intended  
3 for the work of soil and water conservation districts.

4 **Sec. C-38. 12 MRSA §52**, as amended by PL 1991, c. 837, Pt. A,  
5 §29, is further amended to read:

6 **§52. Legal services; executive director; delegation of powers**

7  
8 The ~~commission~~ department may call upon the Attorney General  
9 for the legal services it requires. ~~With the approval of the~~  
10 ~~Commissioner of Agriculture, Feed and Rural Resources--it~~ The  
11 department may employ an executive director and other temporary  
12 or permanent employees as it may require. It has authority to  
13 delegate ~~to any of its members, or~~ to any agent or employee, the  
14 powers and duties as it determines proper.

15  
16 **Sec. C-39. 12 MRSA §53**, as amended by PL 1991, c. 837, Pt. A,  
17 §30, is repealed.

18  
19 **Sec. C-40. 12 MRSA §54, sub-§4**, as amended by PL 1969, c. 477,  
20 §1, is further amended to read:

21  
22 **4. United States and state agencies.** To secure the  
23 cooperation and assistance of the United States and any of its  
24 agencies, and of agencies of this State, in the work of such  
25 districts, and in carrying out the functions of the commission  
26 under this chapter; to accept grants, services and materials, ~~and~~  
27 ~~to borrow money from the United States or from any corporation or~~  
28 ~~agency of the United States or from the State of Maine or any of~~  
29 ~~its subdivisions or from any other source, but in no event shall~~  
30 ~~the faith and credit of the State of Maine or any county or other~~  
31 ~~political subdivision thereof be pledged by the commission for~~  
32 ~~the repayment of any indebtedness~~ from any source;

33  
34 **Sec. C-41. 12 MRSA §54, sub-§8**, as amended by PL 1967, c. 494,  
35 §11, is further amended to read:

36  
37 **8. Options; purchases.** To In addition to any powers  
38 conferred by Title 7, section 19, to obtain options upon and to  
39 acquire by purchase, exchange, lease, gift, grant, bequest,  
40 devise or otherwise any property or rights or interests therein;  
41 to maintain, administer and improve any properties acquired; to  
42 receive income from such properties and to expend such income in  
43 carrying out the purposes and provisions of this chapter; and to  
44 sell, lease, or otherwise dispose of any of its real or personal  
45 property or interests therein, in furtherance of the purpose and  
46 provisions of this chapter, including the conveyance, with or  
47 without consideration, of lands or interests therein to soil and  
48 water conservation districts for use in carrying out their  
49 authorized purposes;

2           **Sec. C-42. 12 MRSA §102, first ¶**, as amended by PL 1969, c.  
477, §1, is further amended to read:

4           The governing body of the district ~~shall consist~~ consists of  
5 supervisors, elected or appointed. The 2 supervisors appointed  
6 by the ~~commission shall~~ department must be persons who are by  
7 training and experience qualified to perform the services ~~which~~  
8 that will be required of them in the performance of their duties.  
9 In appointing supervisors, the ~~state commission~~ department shall  
10 take into consideration the ~~recommendations of the representative~~  
11 ~~of the state commission from the area in which the district is~~  
12 ~~located, as well as representation of~~ the various interests of  
13 the district such as agricultural, woodland, wildlife,  
14 recreation, community and area development.

16           **Sec. C-43. 36 MRSA §4603, sub-§1**, as amended by PL 1989, c.  
503, Pt. B, §170, is further amended to read:

18           **1. Establishment.** The Maine Potato Board, ~~as established~~  
19 ~~by Title 5, section 12004-H, subsection 7,~~ is ~~within the~~  
20 ~~Department of Agriculture, Feed and Rural Resources~~ a body  
21 corporate and politic and an incorporated public instrumentality  
22 of the State and the exercise of powers conferred by this Part is  
23 determined to be the performance of essential government  
24 functions. For the purposes of the budget, accounts and control,  
25 purchasing or other provisions of Title 5, Part 4, the board may  
26 not be construed to be a state agency. The board ~~shall consist~~  
27 consists of 11 members who, following the transition period  
28 provided for in subsection 11, ~~shall~~ must be elected in  
29 accordance with the procedures set forth in this chapter and such  
30 additional procedures as the board may prescribe by rulemaking.  
31 Subject to such staggered terms as the board may provide by rule,  
32 board members shall serve 2-year terms, provided that a board  
33 member may continue to serve until a successor is duly elected  
34 and qualified and that board members may not serve more than 3  
35 consecutive terms.

38           **Sec. C-44. 36 MRSA §4603, sub-§9**, as corrected by RR 1993, c.  
1, §108, is amended to read:

40           **9. Staff.** The board shall appoint an executive director  
41 who is the board's chief administrative officer and who serves at  
42 the pleasure of the board. The executive director shall employ  
43 such additional staff as the board directs and the staff ~~shall~~  
44 serve ~~serves~~ at the pleasure of the executive director. Staff of  
45 the board is not subject to the Civil Service Law. The salary  
46 paid to the executive director and other staff of the board must  
47 be fixed by the board, ~~subject to the approval of the Governor.~~  
48 The board may delegate to its staff the power to execute the  
49 board's policies and programs, subject to regular oversight of  
50 the board. After March 1, 1996, employees of the board may not  
51 be considered to be state employees for any purpose. For the

2 purposes of the Maine Tort Claims Act, the board is a  
3 "governmental entity" and its employees are "employees" as those  
4 terms are defined in Title 14, section 8102.

5 **Sec. C-45. 36 MRSA §4603, sub-§10**, as enacted by PL 1985, c.  
6 753, §§14 and 15, is amended to read:

7 **10. Compensation.** Board members and members of executive  
8 councils may be ~~reimbursed for travel expenses necessary to their~~  
9 ~~official business in accordance with state procedures.~~ Board  
10 ~~members shall also receive a per diem allotment for attendance at~~  
11 ~~board meetings as provided in Title 5, chapter 379~~ compensated  
12 and reimbursed for expenses in accordance with such guidelines as  
13 the board may establish.

14  
15 **Sec. C-46. 36 MRSA §4604, sub-§§1, 3 and 4**, as enacted by PL  
16 1985, c. 753, §§14 and 15, are amended to read:

17  
18 **1. Bylaws.** The board may, ~~in accordance with the Maine~~  
19 ~~Administrative Procedure Act, Title 5, chapter 375,~~ adopt rules  
20 and bylaws to govern its functions and those of the assemblies  
21 and executive councils provided for in this chapter.

22  
23 **3. Contracts.** The board may, ~~subject to laws and~~  
24 ~~procedures generally applicable to state agencies,~~ enter into  
25 contracts and agreements with private and public entities which  
26 that the board finds are in furtherance of its legislative  
27 purposes. The contracts and agreements may include, without  
28 limitation, those relating to the lease or purchase of office  
29 space, facilities, property, equipment and supplies as the board  
30 deems considers necessary for its purposes. The board may  
31 delegate to its executive director the power to enter into the  
32 contracts and agreements, subject to the board's oversight.

33  
34 **4. Funding; accounts.** In addition to the money received by  
35 the board pursuant to section 4606, the board may receive and  
36 expend funds from any source, public or private, which that it  
37 deems considers necessary to carry out its legislative purposes.  
38 ~~All money received from any source shall be placed in a~~  
39 ~~nonlapsing, separate account or accounts, to be expended for the~~  
40 ~~purposes.~~

41  
42 **Sec. C-47. 36 MRSA §4606**, as amended by PL 1991, c. 376, §59,  
43 is further amended to read:

44  
45 **§4606. Transfers of money received**

46  
47 Money received by the Treasurer of State under this chapter,  
48 including all receipts of taxes levied under section 4605, must  
49 be appropriated transferred to the board in its capacity as an  
50 independent agency on a monthly basis and used for ~~the following~~  
51 purposes: all activities of the board authorized under this

chapter. The board shall pay a sum to the State Tax Assessor representing the cost incurred by the State in collecting the taxes.

~~1. -- Collection. -- For the collection of the tax provided for in this chapter and the enforcement of this chapter; and~~

~~2. -- Board's activities. -- For all activities of the board authorized under this chapter.~~

Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, may be appropriated and used for a one-time only transfer of funds to the Seed Potato Board, established by Title 7, chapter 403, equal to the Seed Potato Board's budget deficit for the fiscal year ending June 30, 1991 or \$40,000, whichever is less.

**Sec. C-48. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

	1995-96	1996-97
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Maine Potato Board</b>		
Positions - Other Count	(-6.0)	(-6.0)
Personal Services	(\$90,000)	(\$279,921)
All Other	(220,000)	(884,366)
<b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES</b>		
<b>TOTAL</b>	<u>(\$310,000)</u>	<u>(\$1,164,287)</u>
<b>MAINE POTATO BOARD</b>		
<b>Potato Board</b>		
All Other	\$310,000	\$1,164,287
<b>MAINE POTATO BOARD</b>		
<b>TOTAL</b>	<u>\$310,000</u>	<u>\$1,164,287</u>

**Sec. C-49. Transition provisions; State Soil and Water Conservation Commission.**

**1. Successor in powers.** The Department of Agriculture, Food and Rural Resources is the successor in every way to the powers, duties and functions of the State Soil and Water Conservation Commission set forth in the Maine Revised Statutes, Title 12, chapters 1 and 3.

2           **2. Rules.** All existing rules and procedures in effect, in  
3 operation or adopted by the commission relating to the exercise  
4 of its powers, duties and functions under Title 12, chapters 1  
5 and 3 are declared to be in effect and continue to be in effect  
6 until rescinded, revised or amended by the Department of  
7 Agriculture, Food and Rural Resources.

8  
9           **3. Obligations.** All existing contracts, agreements and  
10 compacts of the commission relating to Title 12, chapters 1 and 3  
11 continue in effect and all obligations and rights of the  
12 commission become the obligations and rights of the Department of  
13 Agriculture, Food and Rural Resources.

14  
15           **4. Property.** All records, property and equipment in the  
16 possession of the commission that pertain to or were allocated or  
17 assigned for the commission's use in carrying out the  
18 responsibilities under Title 12, chapters 1 and 3 become the  
19 records, property and equipment of the Department of Agriculture,  
20 Food and Rural Resources.

21           **Sec. C-50. Transition provisions; Maine Potato Board.** The  
22 following provisions apply to the Maine Potato Board on March 1,  
23 1996.

24  
25           **1. Funds transferred.** All funds held by the Treasurer of  
26 State pursuant to the Maine Revised Statutes, Title 36, sections  
27 4605 and 4606 must be transferred to the Maine Potato Board in  
28 its capacity as an independent agency.

29  
30           **2. Debt or obligation.** A debt or obligation incurred by  
31 the board on or after March 1, 1996 is not a debt or obligation  
32 of the State. A debt or obligation incurred by the board prior  
33 to March 1, 1996 and outstanding on that date becomes a debt or  
34 obligation of the board, not the State.

35  
36           **3. Personnel transferred.** Employees of the board must be  
37 transferred from state employment to the board on March 1, 1996.  
38 Fringe benefits from state employment of the transferred  
39 employees, including vacation, sick leave, health and life  
40 insurance and retirement, remain with the transferred personnel.  
41 After the transition on March 1, 1996, the board may elect to  
42 become a participating local district for purposes of the Maine  
43 State Retirement System and all employee benefit elections,  
44 including the option of retaining state employee health insurance  
45 program benefits for transferred employees, may be made by the  
46 board. The Department of Administrative and Financial Services  
47 shall assist the board in the orderly transition and  
48 implementation of these provisions, to be completed by March 1,  
49 1996.

2           **4. Property.** All equipment, vehicles, supplies and other  
3 personal property owned by the board on March 1, 1996 remain the  
4 property of the board as an instrumentality. The State must  
5 transfer title to any property within a reasonable time after  
6 March 1, 1996.

7           **Sec. C-51. Transition provisions; Maine Dairy Promotion Board;**  
8 **Maine Dairy and Nutrition Council.**

10           **1. Successor in powers.** The Department of Agriculture,  
11 Food and Rural Resources is the successor in every way to the  
12 powers, duties and functions of the Maine Dairy Promotion Board  
13 and the Maine Dairy and Nutrition Council as set forth in the  
14 Maine Revised Statutes, Title 7 chapters 604 and 604-A.

16           **2. Rules.** All existing rules and procedures in effect, in  
17 operation or adopted by the board or the council relating to the  
18 exercise of their powers, duties and functions under Title 7,  
19 chapters 604 and 604-A are declared to be in effect and continue  
20 to be in effect until rescinded, revised or amended by the  
21 Department of Agriculture, Food and Rural Resources.

22           **3. Obligations.** All existing contracts, agreements and  
23 compacts of the commission relating to Title 7, chapters 604 and  
24 604-A continue in effect and all obligations and rights of the  
25 commission become the obligations and rights of the Department of  
26 Agriculture, Food and Rural Resources.

28           **4. Property.** All records, property and equipment in the  
29 possession of the commission that pertain to or were allocated or  
30 assigned for the commission's use in carrying out the  
31 responsibilities under Title 7, chapters 604 and 604-A become the  
32 records, property and equipment of the Department of Agriculture,  
33 Food and Rural Resources.

36           **Sec. C-52. Maine Revised Statutes amended; Soil and Water**  
37 **Conservation Commission; revision clause.** Wherever in the Maine  
38 Revised Statutes, Title 12, chapters 1 and 3, the words "Soil and  
39 Water Conservation Commission," "state commission" or  
40 "commission" appear or reference is made to those words, they are  
41 amended to read and mean "Department of Agriculture, Food and  
42 Rural Resources," and the Revisor of Statutes shall implement  
43 this revision when updating, publishing or republishing the  
44 statutes.

46           **Sec. C-53. Maine Revised Statutes amended; Maine Dairy and**  
47 **Nutrition Council; revision clause.** Wherever in the Maine Revised  
48 Statutes, Title 12, chapter 604-A, the words "Maine Dairy and  
49 Nutrition Council" or "council" appear or reference is made to  
50 those words, they are amended to read and mean "Department of  
Agriculture, Food and Rural Resources," and the Revisor of

2 Statutes shall implement this revision when updating, publishing  
or republishing the statutes.

4 **Sec. C-54. Maine Revised Statutes amended; Maine Dairy Promotion**  
**Board; revision clause.** Wherever in the Maine Revised Statutes,  
6 Title 12, chapter 604, the words "Maine Dairy Promotion Board" or  
"board" appear or reference is made to those words, they are  
8 amended to read and mean "Department of Agriculture, Food and  
Rural Resources," and the Revisor of Statutes shall implement  
10 this revision when updating, publishing or republishing the  
statutes.

12  
14  
16  
18 **PART D**

18 **Sec. D-1. 12 MRSA §6030** is enacted to read:

20 **§6030. Aquarium and Resource Center at West Boothbay Harbor**  
**Fund**

22  
24 **1. Fund.** There is established the Aquarium and Resource  
Center at West Boothbay Harbor Fund, referred to in this section  
as the "fund." The department is authorized to set and receive  
26 fees to be deposited in the fund. The fund receives all funds  
collected by the department from the operation of the Aquarium  
28 and Resource Center at West Boothbay Harbor, including admission  
fees, the proceeds of sales at the Aquarium and Resource Center  
30 at West Boothbay Harbor and donations, grants or other funds  
presented to the department for the benefit of the Aquarium and  
32 Resource Center at West Boothbay Harbor and its educational  
programs. All money deposited in the fund and the earnings on  
34 the money remain in the fund to be used for the management and  
maintenance of the Aquarium and Resource Center at West Boothbay  
36 Harbor and its programs that educate the State's children,  
teachers and visitors about the State's marine resources.  
38 Unexpended balances in the fund at the end of the fiscal year do  
not lapse but must be carried forward to the next fiscal year to  
40 be used for the same purpose.

42 **2. Annual report.** By February 1st of each year the  
commissioner shall submit an annual report to the joint standing  
44 committee of the Legislature having jurisdiction over fisheries  
matters and the joint standing committee of the Legislature  
46 having jurisdiction over appropriations and financial affairs.  
The report must detail the amount of money collected in the fund  
48 over the course of the prior year and the expense of managing and  
maintaining the Aquarium and Resource Center at West Boothbay  
50 Harbor and its programs. The commissioner shall make  
recommendations concerning how the fund may be increased or  
52 expenses reduced or both so that the Aquarium and Resource Center



2 at West Boothbay Harbor and its programs become increasingly  
3 financially self-sustaining.

4  
5 **PART E**

6  
7 **Sec. E-1. 22 MRSA §6-A**, as enacted by PL 1991, c. 781, Pt. D,  
8 §1 and affected by §4, is repealed and the following enacted in  
9 its place:

10 **§6-A. Service delivery regions**

11 The commissioner shall organize regional service delivery in  
12 accordance with the following regional boundaries.

13 **1. Region I.** Region I is all of York County and Cumberland  
14 County.

15 **2. Region II.** Region II is all of Franklin County, Oxford  
16 County, Androscoggin County, Somerset County, Kennebec County,  
17 Waldo County, Knox County, Lincoln County and Sagadahoc County.

18 **3. Region III.** Region III is all of Piscataquis County,  
19 Penobscot County, Hancock County, Washington County and Aroostook  
20 County.

21 To the greatest extent practicable, the commissioner shall  
22 coordinate regional service delivery with the Commissioner of  
23 Mental Health and Mental Retardation to maximize the efficiency  
24 and effectiveness of services.

25  
26 **Sec. E-2. 22 MRSA §1961**, as enacted by PL 1977, c. 516, is  
27 amended to read:

28 **§1961. Public Health Nursing Program**

29 There is established within the Department of Human  
30 Services, Bureau of Health, ~~a--Division--of~~ the Public Health  
31 Nursing Program.

32 **Sec. E-3. 22 MRSA §1962**, as amended by PL 1985, c. 785, Pt.  
33 B, §86, is further amended to read:

34 **§1962. Director**

35 ~~The Commissioner of Human Services shall appoint a~~ Director  
36 of the Public Health Nursing, ~~subject to the Civil Service Law,~~  
37 ~~who shall~~ Program must be licensed as a registered nurse in the  
38 State and shall have education and experience in community health  
39 nursing.  
40

2           **Sec. E-4. 22 MRSA §1963**, as amended by PL 1989, c. 700, Pt.  
A, §75, is further amended to read:

4           **§1963. Responsibilities of the Public Health Nursing Program**

6           The ~~Division of~~ Public Health Nursing ~~shall have~~ Program has  
the following responsibilities:

8           **1. Establish standards.** To establish standards for the  
10 following programs carried out by the department pursuant to  
state or federal laws or regulations:

12           A. Community nursing services in communicable diseases;

14           B. Programs for promoting the health of mothers and  
16 children; and

18           C. School health screening, to be done in cooperation with  
the Department of Education;

20           **2. Information.** To inform community nursing agencies of  
22 the standards in subsection 1;

24           **3. Provide nursing services.** To provide, at the discretion  
of the director, nursing services in communities ~~which that~~ lack  
26 such these services or in which such these services are  
inadequate according to established standards; and

28           **4. Provide technical assistance.** To provide technical  
30 assistance to school health nurses, prenatal clinics, community  
immunization clinics and child health conferences and groups  
32 seeking to establish such clinics and conferences.

34           **Sec. E-5. 22 MRSA §2094**, as amended by PL 1991, c. 152, §4,  
is repealed.

36           **Sec. E-6. 22 MRSA §2095**, as amended by PL 1991, c. 152, §5,  
38 is repealed.

40           **Sec. E-7. 22 MRSA §3731, sub-§3**, as enacted by PL 1993, c.  
158, §2, is amended to read:

42           **3. Office.** "Office" means the Office of Child Care  
44 ~~Coordination established pursuant to section 3740~~ and Head Start.

46           **Sec. E-8. 22 MRSA §3739, sub-§2, ¶B**, as enacted by PL 1993, c.  
158, §2, is amended to read:

48           B. Two employees of the ~~Bureau of Child and Family Services~~  
50 Department of Human Services who are responsible for child  
care services, appointed by the commissioner;

52

2           **Sec. E-9. 22 MRSA §3940**, as enacted by PL 1993, c. 158, §2,  
is amended to read:

4           **§3740. Office of Child Care and Head Start**

6           **1. Establishment.** The Office of Child Care ~~Coordination~~  
and Head Start is established within the ~~Bureau--of--Child--and~~  
8           ~~Family--Services~~ Division of Purchased and Support Services.

10           **2. Powers and duties.** The office has the following powers  
and duties:

12                   A. Maintain an inventory of child care information;

14                   B. Provide public education on becoming better consumers of  
16                   child care;

18                   C. Provide staffing assistance to the council;

20                   D. Coordinate an ongoing review of all child care licensing  
22                   rules;

24                   E. Provide technical assistance to public and private  
sector employers, school systems and community groups  
26                   concerning child care, flexible benefits and work schedules;

28                   F. Coordinate the development of a training system for  
child care providers;

30                   G. Develop incentives for employer involvement in child  
care; and

32                   H. Promote cooperative relationships between public health  
34                   organizations and child care programs.

36           **Sec. E-10. 22 MRSA §5312**, as enacted by PL 1991, c. 780, Pt.  
DDD, §13, is amended to read:

38           **§5312. Head Start**

40           The Head Start program is administered by the ~~Bureau--of~~  
42           ~~Child--and--Family--Services~~ Division of Purchased and Support  
Services.

44           **Sec. E-11. 22 MRSA §5321, sub-§1**, as enacted by PL 1991, c.  
46           780, Pt. DDD, §14, is repealed.

48           **Sec. E-12. 22 MRSA §5321, sub-§3**, as enacted by PL 1991, c.  
780, Pt. DDD, §14, is amended to read:

50           **3. Director.** "Director" means the director of the bureau  
52           division.

2           **Sec. E-13. 22 MRSA §5321, sub-§3-A** is enacted to read:

4           **3-A. Division.** "Division" means the Division of Purchased  
and Support Services within the department.

6  
8           **Sec. E-14. 22 MRSA §§5322, 5323, 5324, 5327, 5328 and 5329**, as  
enacted by PL 1991, c. 780, Pt. DDD, §14, are amended to read:

10       **§5322. Division responsibilities**

12           The bureau division shall carry out the responsibilities of  
State Government related to planning and financing community  
14 services and community action agencies and shall administer state  
and federal community services programs and other block grants  
16 that may be available, including, but not limited to, the  
Community Services Block Grant.

18       **§5323. Powers and duties**

20           **1. Federal, state and other funds.** Through plans and  
22 contracts, the bureau division shall obtain, distribute and  
administer federal, state and other community services funds. Any  
24 ~~balanees~~ Balances of funds appropriated to the bureau division to  
carry out the purposes of this chapter may not lapse, but must be  
26 carried forward from year to year to be expended for the same  
purpose.

28           **2. Monitoring of poverty level.** The bureau division shall  
30 monitor the poverty level of state citizens and carry out the  
following activities:

32           A. Conduct an annual survey of poverty in Maine, reporting  
34 the results of this survey to the Governor, the Legislature  
and the public;

36           B. Make recommendations annually to the Governor and the  
38 Legislature on ways and means to combat and reduce poverty  
in the State;

40           C. Seek federal, state and private funds to combat poverty  
42 in the State; and

44           D. Advise the Governor, the Legislature and local officials  
46 on the impact of state and local policies on poverty in the  
State.

48           **3. Overseeing community action agencies.** The bureau  
division shall oversee community action agencies as follows.

50

2 A. The bureau division shall designate community action  
agencies every 7 years in accordance with the requirements  
of this chapter.

4  
6 B. The bureau division shall establish audit requirements  
in accordance with the Human Services Community Agency  
Accounting Practices Act.

8  
10 C. The bureau division shall evaluate community action  
agencies every 3 years.

12 **4. Planning and coordination for state services.** The  
bureau division shall provide planning and coordination for state  
14 services to people with low income.

16 **5. Technical assistance.** The bureau division shall provide  
technical assistance to community action agencies and other  
18 groups serving the interests of people with low income in this  
State.

20  
22 **6. Monitoring local program operators.** The bureau division  
shall monitor subgrantees to ensure conformance with appropriate  
rules.

24 **§5324. Community action agencies**

26  
28 **1. Designation.** Community action agencies must be  
designated by the bureau division to carry out the purposes of  
this chapter. In making these designations, the bureau division  
30 shall solicit and consider comments from other state agencies or  
authorities that operate programs in which community action  
32 agencies participate. These designations are for 7 years.

34 **2. Designation withdrawn.** The bureau division may withdraw  
its designation of a community action agency after an evaluation  
36 in which the agency has demonstrated substantial incompetency and  
a clear inability to carry out the purposes of this chapter,  
38 unless there is or has been financial malfeasance, which may be  
cause for immediate withdrawal of designation. In performing  
40 these evaluations, the bureau division shall solicit and consider  
comments from other state agencies or authorities that operate  
42 programs in which the community action agency participates.

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

50  
52 Upon the final order from the bureau division that rescinds a  
community action agency's designation, the community action

2 agency may file a petition for review of this final decision in  
the appropriate Superior Court within 30 days under the Maine  
Rules of Civil Procedure, Rule 80B.

4  
6 **3. Community action agencies.** Community action agencies  
have the power and duty to:

8 A. Develop information regarding the causes and conditions  
of poverty in the service area;

10 B. Determine how much and how effectively assistance is  
12 being provided to deal with those causes and conditions;

14 C. Establish priorities among projects, activities and  
16 areas as needed for the best and most efficient use of  
available resources;

18 D. Develop, administer and operate programs to reduce  
poverty with particular emphasis on self-help approaches and  
20 programs to promote economic opportunities through  
affirmative action;

22 E. Initiate, sponsor and provide programs and services  
24 responsive to the needs of the poor that are not otherwise  
being met;

26 F. Promote interagency cooperation and coordination of all  
28 services and activities in the service area that are related  
to the purposes of this chapter;

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

40 H. Join with and encourage business, labor and other  
private groups and organizations to undertake, together with  
42 private officials and agencies, activities in support of the  
purposes of this chapter that will result in the increased  
44 use of private resources and capabilities in providing  
social and economic opportunities to low-income citizens;

46 I. Enter into contracts with federal, state and local  
48 public agencies and private agencies and organizations,  
businesses and individuals as necessary to carry out the  
50 purposes of this chapter; and

2 J. Receive funds from federal, state and local public and  
private sources as appropriate to carry out the purposes of  
4 this chapter.

6 **§5327. Allocation of Community Services Block Grant funds**

8 **1. Distribution of Community Services Block Grant funds.**

10 In accordance with Title 5, section 1670, the bureau division  
shall administer and distribute to community action agencies  
12 Community Services Block Grant funds received from the Federal  
Government. The bureau division may expend up to but not more  
14 than 5% of the block grant per fiscal year to carry out its  
administrative functions under this chapter.

16 **2. Community action agencies; priority.** Of the amount  
passed through to local agencies, community action agencies must  
18 receive first priority in the allocation of Community Services  
Block Grant funds. These funds must be distributed according to  
a formula determined annually as follows.

20 A. Twenty percent of the amount passed through to local  
22 agencies must be divided equally among all designated  
agencies.

24 B. The balance of the funds must be distributed according  
26 to rules adopted by the bureau division.

28 **3. Block grant proposals.** Proposals for Community Services  
Block Grant funds submitted to the Legislature by the bureau  
30 division in accordance with Title 5, section 1670 must be  
developed and must:

32 A. Include a description of current allocation of Community  
34 Services Block Grant funds and how the plan proposes to  
change that allocation;

36 B. Retain the absolute minimum necessary for administrative  
38 costs; and

40 C. Provide for maximum flexibility within community action  
42 agencies for the use of Community Services Block Grant funds.

44 **§5328. Confidentiality of records**

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

50 A. ~~Any-information~~ Information acquired by a state agency,  
municipality, district, private corporation, copartnership,  
52 association, fuel vendor, private contractor, individual or  
an employee or agent of any of those persons or entities,

2 providing services related to authorized programs of the  
bureau division or programs administered by community action  
4 agencies, when that information was provided by the  
applicant for those services or by any a 3rd person; and

6 B. ~~Any--statements~~ Statements of financial condition or  
information pertaining to financial condition submitted to  
8 any of the persons or entities set forth in paragraph A in  
connection with an application for services related to  
10 authorized programs of the bureau division or programs  
administered by community action agencies.

12  
14 **2. Exceptions.** Notwithstanding subsection 1, any a person  
or agency directly involved in the administration or auditing of  
authorized programs of the bureau division or programs  
16 administered by community action agencies and any an agency of  
the State with a legitimate reason to know must be given access  
18 to those records described in subsection 1.

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

24  
26 **4. Reports to State Government or Federal Government.**  
Notwithstanding subsection 1, the bureau division may make such  
full and complete reports concerning its administration of  
28 authorized programs as may be required by the Federal Government,  
any an agency or department of the Federal Government or the  
30 Legislature.

32 **§5329. Rules**

34 The bureau division shall adopt rules to carry out the  
requirements of this chapter.

36  
38 **Sec. E-15. Authorization to expend funds.** The Department of  
Human Services is authorized to expend up to \$31,000 from the  
General Assistance - Reimbursement to Cities and Towns account  
40 and \$11,000 from the Aid to Families with Dependent Children  
account in fiscal year 1996-97 for the purpose of reimbursing for  
42 legal work done to assist state residents who, prior to the legal  
work, had been receiving General Assistance or Aid to Families  
44 with Dependent Children to become qualified to receive federally  
funded disability benefits.

46  
48 **PART F**

50  
52 **Sec. F-1. 2 MRSA §6, sub-§3,** as amended by PL 1993, c. 410,  
Pt. CCC, §1, is further amended to read:



2           **3. Range 89.** The salaries of the following state  
officials and employees are within salary range 89:

4           Director, Bureau of General Services;

6           Director, Bureau of Alcoholic Beverages and Lottery  
8           Operations;

10          State Budget Officer;

12          State Controller;

14          Director of the Bureau of Forestry;

16          Chief of the State Police;

18          Director, State Planning Office;

20          Director, Energy Resources Office;

22          Public Advocate;

24          Commissioner of Defense and Veterans' Services;

26          Director of Human Resources;

28          Director, Bureau of Children with Special Needs; and

30          Director, Bureau of Information Services; and

32          Director, Bureau of Parks and Lands.

34          **Sec. F-2. 2 MRSA §6, sub-§4**, as amended by PL 1995, c. 309,  
§2, c. 368, Pt. UU, §1 and c. 465, Pt. A, §2, is repealed and the  
36          following enacted in its place:

38          **4. Range 88.** The salaries of the following state officials  
and employees are within salary range 88:

40          Director, Bureau of Employee Relations;

42          Director, Bureau of Air Quality Control;

44          Director, Bureau of Land and Water Quality;

46          Director, Bureau of Oil and Hazardous Materials and Solid  
48          Waste Control;

50          Director, Bureau of Administration;

52          Executive Director, Board of Environmental Protection; and

2           Director, Office of Consumer Credit Regulation.

4           **Sec. F-3. 5 MRSA §935**, as amended by PL 1987, c. 349, Pt. H,  
§§2 and 3, is further amended to read:

6

**§935. Department of Conservation**

8

10           **1. Major policy-influencing positions.** The following  
positions are major policy-influencing positions within the  
12 Department of Conservation. Notwithstanding any other provision  
of law, these positions and their successor positions ~~shall be~~  
are subject to this chapter:

14

~~A. --Director, Administrative Services;~~

16

A-1. Director, General Services;

18

B. Deputy Commissioner;

20

C. Director, Bureau of Forestry;

22

D. Director, Maine Geological Survey;

24

E. Executive Director, Maine Land Use Regulation  
Commission;

26

28

F. Director, Bureau of Parks and Recreation Lands;

30

G. Deputy Director, Bureau of Public Parks and Lands;

32

H. Forest Insect Manager, Bureau of Forestry;

34

I. Assistant to the Commissioner for Public Information;

36

J. Assistant to the Commissioner; and

38

K. State Supervisor, Forest Fire Operations.

40

**Sec. F-4. 12 MRSA §551**, as enacted by PL 1975, c. 339, §6, is  
repealed.

42

**Sec. F-5. 12 MRSA §§551-A and 551-B** are enacted to read:

44

**§551-A. Definitions**

46

As used in this chapter, chapter 202-B or 203, unless the  
48 context otherwise indicates, the following terms have the  
following meanings.

50

**1. Bureau.** "Bureau" means the Bureau of Parks and Lands.

52

2           2. Director. "Director" means the Director of the Bureau  
of Parks and Lands.

4           3. Historic site. "Historic site" means any area of land,  
with or without buildings, improvements or other structures,  
6 managed by the former Bureau of Parks and Recreation or  
designated by the director for public use wholly or primarily  
8 because of its historical, archaeological or scientific interest  
or value.

10           4. Park. "Park" means all lands other than historic sites  
12 managed by the former Bureau of Parks and Recreation or  
designated by the director as a part, as defined in chapter 203.

14           5. Public land. "Public land" means all lands managed by  
16 the former Bureau of Public Lands, including public reserved  
lands as defined in section 585, subsection 2, paragraph B;  
18 submerged lands as defined in section 558-A, subsection 1,  
paragraph D; and nonreserved public lands.

20           6. Nonreserved public lands. "Nonreserved public lands"  
22 means all public domain lands, public islands in inland and  
coastal waters, lands acquired under section 8003, subsection 3,  
24 paragraph N, lands acquired by the bureau pursuant to other  
lawful authority and any other lands the management and control  
26 of which are not otherwise provided for by law.

28           **§551-B. Planning and Management of Public Lands**

30           The bureau shall plan and manage public lands in a manner  
32 consistent with the principles of multiple land use and shall  
produce a sustained yield of products and services in accordance  
34 with both prudent and fair business practices and the principles  
of sound planning.

36           **Sec. F-6. 12 MRSA §552**, as amended by PL 1989, c. 104, Pt. C,  
38 §§8 and 10, is further amended by repealing and replacing the  
headnote to read:

40           **§552. Bureau of Parks and Lands; powers and duties with respect**  
42 **to public lands**

44           **Sec. F-7. 12 MRSA §553**, as amended by PL 1989, c. 104, Pt. C,  
46 §§8 and 10, is further amended by repealing and replacing the  
headnote to read:

48           **§553. Duties of the Director of the Bureau of Parks and Lands**  
50 **with respect to public lands**

52           **Sec. F-8. 12 MRSA §553, sub-§1**, as enacted by PL 1975, c. 339,  
§6, is repealed.

2           **Sec. F-9. 12 MRSA §553, sub-§3, ¶C**, as amended by PL 1989, c.  
104, Pt. C, §§8 and 10, is further amended to read:

4  
6           C. Make a written report on or before the 30th day of the  
8           first regular legislative session to the joint standing  
10           committee of the Legislature having jurisdiction over  
12           natural resources matters, containing a complete accounting  
14           of the income and expenditures ~~of the Bureau of Public Lands~~  
16           pertaining to public lands during the biennium ending on the  
18           31st day of December next preceding the convening of such  
20           that session. The report shall must also contain a summary  
22           of the bureau's management activities during the past year  
24           regarding timber, recreation, wildlife and other subjects as  
          appropriate. The director shall also report on any gates or  
          other constructed barriers to public access by motor vehicle  
          to any public reserved lands, when these block the sole or  
          primary motor vehicle access, whether or not these barriers  
          are located on public or private land and whether or not  
          they are owned by the State or private parties. The director  
          shall also report on any campsite or recreational facility  
          fees charged under ~~Title--12,~~ section 585, subsection 4,  
          paragraph E;

26           **Sec. F-10. 12 MRSA §553, sub-§3, ¶E**, as amended by PL 1977, c.  
360, §34, is further amended to read:

28           E. Receive all ~~moneys~~ money, securities and other things of  
30           value accruing to the State from the sale of public lands,  
32           timber and grass and other rights and things of value from  
34           the public land under the care, custody, control or  
36           management of the ~~Bureau of Public Lands~~ bureau, or in  
38           payment for timber, grass and other things of value cut or  
40           taken by trespassers, or from forfeiture of a bond or a  
42           deposit when a contractor does not fulfill the terms of ~~his~~  
44           the contract or comply with state regulations, or as a  
46           result of a compromise or settlement of any claim; excepting  
          only the first \$20,000 in the aggregate of any ~~moneys~~ money  
          accruing from the alienation of rights to mine upon lands  
          described in section 552, subsection 1, paragraphs A and E,  
          or other income arising out of mining operations, actually  
          received during any fiscal year. ~~Such~~ This first \$20,000 and  
          every portion thereof accruing from such these mining  
          operations shall must be paid into the Maine Geological  
          Survey ~~in accordance with the provisions of Title 10,~~  
          ~~sections 2105 and 2162;~~

48           **Sec. F-11. 12 MRSA §555**, as enacted by PL 1975, c. 339, §6,  
is amended by repealing and replacing the headnote to read:

50           §555. Trespass on public lands

52

2           **Sec. F-12. 12 MRSA §555, sub-§§1 and 2**, as enacted by PL 1975,  
c. 339, §6, are amended to read:

4           **1. Director to prosecute trespass cases.** ~~The Director of~~  
~~the Bureau of Public Lands is authorized and directed to~~ director  
6           shall prosecute cases of trespass on public lands under the care,  
custody, control or management of the ~~Bureau of Public Lands~~  
8           bureau, including public reserved lands and lands transferred  
pursuant to the provisions of section 552, subsection 1,  
10           paragraph E.

12           **2. Liability of trespassers.** If any person unlawfully  
enters or trespasses upon ~~state-owned~~ public lands or upon any  
14           public reserved lot, while ~~sueh~~ that land is under the care,  
custody, control or management of the ~~Bureau of Public Lands~~  
16           bureau, by cutting, destroying, taking or carrying away any  
trees, timber, wood, grass or other materials under or upon ~~said~~  
18           those lands without the express written consent of the bureau, ~~he~~  
that person and all persons participating ~~therein~~ in those  
20           actions are trespassers, jointly and severally liable in damages  
for such trespasses, and they may be sued ~~therefor~~ for trespass  
22           in any county. The measure of damages is the highest price ~~sueh~~  
those materials would bring at the usual place of sale ~~thereof~~ of  
24           the materials. If the trespass is willful, the court shall assess  
treble damages and the costs of maintaining the action. For the  
26           purposes of this section, a trespass ~~shall be conclusively deemed~~  
~~to have been~~ is willful if the land upon which the materials were  
28           cut, destroyed or taken, or from which the materials were carried  
away, was posted with conspicuous notices of state ownership at  
30           or near the point where roads entered into the state-owned land;  
or if the land is otherwise posted or identified in a manner  
32           reasonably likely to come to the attention of intruders; or if  
the intruder had actual knowledge of the fact of state ownership.

34           **Sec. F-13. 12 MRSA §556**, as enacted by PL 1975, c. 339, §6,  
36           is amended by repealing and replacing the headnote to read:

38           **§556. Public access to public lands**

40           **Sec. F-14. 12 MRSA §557**, as amended by PL 1991, c. 427, §1,  
is further amended to read:

42           **§557. Nonreserved Public Lands Management Fund**

44           **1. Nonreserved Public Lands Management Fund.** To accomplish  
46           the purposes of this chapter, there is established a the  
Nonreserved Public Lands Management Fund. All income received by  
48           the ~~Bureau of Public Lands~~ bureau pursuant to section 553,  
subsection 3, paragraph E, excepting income from the public  
50           reserved lots and from submerged lands, must be recorded on the  
books of the State in a separate account and deposited with the

2 Treasurer of State, to be credited to the Nonreserved Public  
Lands Management Fund.

4 **2. Expenditure of funds.** All ~~moneys~~ money credited to the  
6 Nonreserved Public Lands Management Fund shall must be used to  
produce a sustained yield of goods and services from ~~such~~ those  
8 lands for multiple use purposes in accordance with the principles  
of sound planning and sound business practice and for no other  
10 purpose. Any balance remaining shall ~~continue~~ continues from year  
to year as a fund available for the purposes set out in this  
section and for no other purpose.

12 **3. Compensation to municipalities.** Notwithstanding the  
14 other provisions of this section, 25% of the net revenues from  
any nonreserved public lands, excluding submerged lands, public  
16 reserved lands and Baxter State Park, and excluding proceeds from  
the sale of land, located in municipalities and managed by the  
18 ~~Bureau of Public Lands~~ bureau, shall must be returned by the  
Treasurer of State to the municipality ~~wherein~~ where the land  
20 generating the income is located, to be used for municipal  
purposes. With respect to those public reserved lands ~~which~~ that  
22 were located in townships or tracts organized into plantations as  
of March 1, 1974, when any such plantation, subsequent to that  
24 date, becomes incorporated into a town, 75% of any income from  
residential leasehold camps, excluding any income or proceeds  
26 from the sale, exchange or relocation of any of these camps under  
section 590, and 25% of any other income from ~~such~~ that public  
28 reserved land shall must be returned by the Treasurer of State to  
the municipality ~~wherein~~ such where that public reserved land is  
30 located, to be used for municipal purposes. With respect to  
stumpage income from timber located on public reserved lands and  
32 leased pursuant to section 585, subsection 4, paragraph K, 50% of  
the income shall must be returned by the Treasurer of State to  
34 the lessee for its own purposes. The director may approve the  
handling of income from sales or permits for up to \$500 by the  
36 lessees. The lessees shall submit a semiannual accounting of this  
income and payment for the State's share of the income.

38 **4. Legislative approval of budget.** Expenditures from the  
40 Nonreserved Public Lands Management Fund are subject to  
legislative approval in the same manner as appropriations from  
42 the General Fund. ~~No money~~ Money may not be expended without  
allocation by the Legislature. The joint standing committee of  
44 the Legislature having jurisdiction over appropriations matters  
shall must approve the allocation.

46 **Sec. F-15. 12 MRSA §558-A, sub-§7,** as enacted by PL 1983, c.  
48 819, Pt. A. §10, is amended to read:

50 **7. Consultation.** The director shall consult with the  
Commissioner of Conservation, Commissioner of Marine Resources,  
52 Commissioner of Inland Fisheries and Wildlife and such other

2 agencies or organizations as ~~he deems~~ the director considers  
3 appropriate in developing and implementing terms, conditions and  
4 consideration for conveyances under this section. Notwithstanding  
5 section ~~551~~ 551-B, the director may determine to make proprietary  
6 conveyances under this section solely on the basis of the  
7 issuance of environmental or regulatory permits by other  
8 appropriate state agencies.

9  
10 **Sec. F-16. 12 MRSA §585, sub-§3**, as amended by PL 1989, c.  
11 104, Pt. C, §§8 and 10, is further amended to read:

12 **3. Responsibility.** The commissioner has the care, custody,  
13 control and responsibility for the management of the public  
14 reserved lands in the unincorporated areas of the State. The  
15 commissioner shall prepare, revise from time to time and maintain  
16 a comprehensive management plan for the management of the public  
17 reserved lands in accordance with the guidelines in this  
18 chapter. The management plan must provide for a flexible and  
19 practical approach to the coordinated management of the public  
20 reserved lands. In preparing, revising and maintaining this  
21 management plan, the commissioner, to the extent practicable,  
22 shall compile and maintain an adequate inventory of the public  
23 reserved lands, including not only the timber on those lands but  
24 also the other multiple use values for which the public reserved  
25 lands are managed. In addition, the commissioner shall consider  
26 all criteria listed in section 584 for the location of public  
27 reserved lands in developing the management plan. The  
28 commissioner is entitled to the full cooperation of the Maine  
29 Geological Survey, Department of Inland Fisheries and Wildlife,  
30 ~~Bureau of Parks and Recreation~~, Maine Land Use Regulation  
31 Commission and State Planning Office in compiling and maintaining  
32 the inventory of the public reserved lands. The commissioner  
33 shall consult with those agencies as well as other appropriate  
34 state agencies in the preparation and maintenance of the  
35 comprehensive management plan for the public reserved lands.  
36 This plan shall must provide for the demonstration of appropriate  
37 management practices that will enhance the timber, wildlife,  
38 recreation, economic and other values of the lands. When  
39 prepared, all management of the public reserved lands, to the  
40 extent practicable, shall must be in accordance with this  
41 management plan.

42  
43 Within the context of the comprehensive management plan, the  
44 commissioner, after adequate opportunity for public review and  
45 comment, shall adopt specific action plans for each of the units  
46 of the public reserved lands system. Each action plan shall must  
47 include consideration of the related systems of silviculture and  
48 regeneration of forest resources and shall must provide for  
49 outdoor recreation, including remote, undeveloped areas, timber,  
50 watershed protection, wildlife and fish. The commissioner shall  
51 complete the action plans no later than December 31, 1989, and  
52 shall revise them from time to time as necessary. The

2 commissioner shall provide adequate opportunity for public review  
and comment on any substantial revision of an action plan.  
4 Management of the public reserved lands before the action plans  
are completed must be in accordance with all other provisions of  
this section.

6 **Sec. F-17. 12 MRSA §598-A, sub-§2,** as enacted by PL 1993, c.  
8 639, §1, is repealed.

10 **Sec. F-18. 12 MRSA §598-A, sub-§2-A** is enacted to read:

12 **2-A. Certain lands of the Bureau of Parks and Lands.** Lands  
14 under the care, custody, control and management of the Bureau of  
Parks and Lands, including:

16 A. Lands that constitute a state park or historic site as  
those terms are defined in section 5016;

18 B. Lands that constitute the Allagash Wilderness Waterway  
20 as defined in chapter 206;

22 C. Lands used for public boat facilities under the  
24 provisions of Title 38, chapter 1, subchapter VIII,  
including launching ramps, locks, parking sites and access  
roads;

26 D. Public reserved lands as defined in section 585,  
28 subsection 2, paragraph B; and

30 E. Nonreserved public lands as defined in section 5016.

32 Designated lands do not include: submerged lands; and all  
34 parcels of public reserved land in the towns of Bradley, LaGrange  
and Bradford held by the Bureau of Public Lands on January 1,  
1994.

36 **Sec. F-19. 12 MRSA §598-A, sub-§3,** as enacted by PL 1993, c.  
38 639, §1, is repealed.

40 **Sec. F-20. 12 MRSA §602, sub-§1,** as amended by PL 1975, c.  
42 771, §126, is further amended to read:

44 **1. Acquire land; license; eminent domain.** With respect to  
lands designated by the director as parks or historic sites, with  
46 the consent of the Governor, to acquire in behalf of the State,  
land or any interests therein in land within this State, with or  
48 without improvements, by purchase or gift, and by eminent domain  
and with like consent to sell and convey such those lands or  
50 interests therein in those lands, or lease the same, or by  
revocable license or agreement, or grant to any person, firm or  
52 corporation exclusive rights and privileges to the use and  
enjoyment of portions of such those lands. Any such license,



2 lease or agreement granted or entered into ~~shall~~ must be canceled  
or revoked after due notice of intention to cancel or revoke the  
4 same license, lease or agreement by action of the bureau, when  
the use for which ~~said~~ that license was given ~~shall~~-have has been  
6 abandoned, or materially modified, or whenever the conditions  
imposed in any license, lease or agreement ~~shall~~ have been  
8 broken. The right of eminent domain ~~shall~~ may not be exercised to  
take any area or areas in any one park ~~which~~ that singly or  
10 collectively exceed 200 acres, nor ~~shall~~ may it be exercised to  
take any developed or undeveloped mill site or water power  
12 privilege in whole or in part or any land used or useful in  
connection ~~therewith~~ with any of these areas, or any land being  
utilized for any industrial enterprise.

14  
16 Prior to the exercise of any eminent domain power, the bureau  
shall notify the owners of any lands proposed to be acquired and  
18 shall, at the request of such landowners, afford such landowners  
with the opportunity of a public hearing to testify as to the  
necessity and propriety of taking such lands.

20 **Sec. F-21. 12 MRSA §602, sub-§4**, as amended by PL 1991, c. 9,  
22 Pt. E, §8, is further amended to read:

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

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

30 B. Charge reasonable fees for ~~such~~ those services and  
accommodations.

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

44 Fifteen percent of all day use and camping fees received under  
this subsection in any ~~state-owned land under jurisdiction of the~~  
46 bureau lands owned by the former Bureau of Parks and Recreation  
or designated as parks and historic sites under jurisdiction of  
48 the bureau must be apportioned and paid to all municipalities  
having ~~such~~-land those lands within their boundaries. In  
50 determining the payment to each municipality, the bureau shall  
assign one unit per front foot for each foot of lake, pond, ocean  
52 or major river frontage and 5 units for each acre of all ~~said~~

lands within the municipality. Frontage and acreage must be determined as of April 1st for the year in which revenue is being apportioned and computed to the nearest whole unit. The bureau shall increase the fees charged by it under this subsection by an amount that will reflect the loss of revenue to the State occasioned by such payment to the municipalities;

**Sec. F-22. 12 MRSA §602, sub-§12**, as amended by PL 1987, c. 141, Pt. B, §9, is further amended to read:

**12. Eminent domain.** When land designated as a park or historic site is taken by eminent domain, the proceedings for such purpose shall must be in accordance with Title 35-A, chapter 65;

**Sec. F-23. MRSA §602, sub-§13**, as amended by PL 1973, c. 460, §19, is further amended to read:

**13. Information for operators of snowmobiles.** To mark and clear snowmobile trails and to provide educational and informational materials for the use of operators of snowmobiles. The ~~Bureau of Parks and Recreation~~ bureau may charge a reasonable fee for said those services and materials when the ~~moneys~~ money credited to it under this subsection are insufficient to satisfy the demand for said those services and materials. All fees so collected shall must be deposited in the ~~State--Park--and Recreation~~ bureau's Snowmobile Trail Fund.

**Sec. F-24. 12 MRSA §602, sub-§16**, as amended by PL 1983, c. 819, Pt. A, §12, is further amended to read:

**16. Forest management.** The bureau shall manage forested areas within state parks to preserve to the maximum practicable extent their natural recreational and scenic qualities. The director may authorize wood harvesting on state park lands when the wood is to be used ~~by the bureau~~ at state parks and historic sites, when cutting is required by deed conditions on specific lots or when necessary to improve wildlife habitat, control insect infestation and other disease, reduce the risk of fire or other hazards, improve the recreational and aesthetic quality of the park lands or demonstrate exemplary multiple use forest management techniques within a demonstration forest area established on state park land for educational purposes. All cutting ~~shall be~~ is subject to the following restrictions:

A. The cutting may not impair the recreational use, aesthetic qualities or natural values of the land;

B. The cutting shall must be carried out in accordance with a written management plan certified by a registered professional Maine forester that is available in the

2 principal offices of the bureau for public review and  
comment at least 60 days prior to cutting;

4 C. The cutting shall must be consistent with the management  
6 objectives of the bureau for state parks and historic sites;  
and

8 D. The cost of these timber management activities shall  
10 must be paid from revenues received from cutting. The  
balance of these receipts shall must go to the General Fund.

12 **Sec. F-25. 12 MRSA §605-A, first paragraph,** as enacted by PL  
14 1991, c. 591, Pt. G, §5, is amended to read:

16 Unless otherwise provided, all money received by the bureau  
in user fees and other payments for services for parks, historic  
18 sites and the Allagash Wilderness Waterway must be deposited with  
the Treasurer of State to be credited to the General Fund.

20 **Sec. F-26. 12 MRSA §678,** as amended by PL 1973, c. 460, §17,  
22 is further amended to read:

24 **§678. Allocation of funds**

26 All moneys money received by the bureau shall with respect  
to the operation and management of the Allagash Wilderness  
28 Waterway must be deposited with the Treasurer of State to be  
credited to the General Fund.

30 **Sec. F-27. 12 MRSA §5013, sub-§3,** as repealed and replaced by  
32 PL 1977, c. 674, §14, is repealed and the following enacted in  
its place:

34 3. Bureau of Parks and Lands. The Bureau of Parks and  
Lands, which is under the direction and supervision of a  
36 director, with the assistance of a deputy director. The director  
and deputy director are appointed by, and serve at the pleasure  
38 of, the commissioner; and

40 **Sec. F-28. 12 MRSA §5013, sub-§4,** as repealed and replaced by  
42 PL 1977, c. 674, §14, is repealed.

44 **Sec. F-29. 12 MRSA §5016** is enacted to read:

46 **§5016. Bureau of Parks and Lands**

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

50 A. "Bureau" means the Bureau of Parks and Lands.

52

2 B. "Historic site" means any area of land, with or without  
4 buildings, improvements or other structures, managed by the  
6 former Bureau of Parks and Recreation or designated by the  
8 director for public use wholly or primarily because of its  
10 historical, archaeological or scientific interest or value.

12 C. "Park" means all lands other than historic sites managed  
14 by the former Bureau of Parks and Recreation or designated  
16 by the director as a part, as defined in chapter 203.

18 D. "Public land" means all lands managed by the former  
20 Bureau of Public Lands, including public reserved lands as  
22 defined in section 585, subsection 2, paragraph B; submerged  
24 lands as defined in section 558-A, subsection 1, paragraph  
26 D; and nonreserved public lands.

28 E. "Nonreserved public lands" means all public domain  
30 lands, public islands in inland and coastal waters, lands  
32 acquired under section 8003, subsection 3, paragraph N,  
34 lands acquired by the bureau pursuant to other lawful  
36 authority and any other lands the management and control of  
38 which are not otherwise provided for by law.

40 **2. Bureau of Parks and Lands established.** There is  
42 established within the department the Bureau of Parks and Lands,  
44 which shall carry out the responsibilities of state government  
46 relating to parks, historic sites, public lands and public  
48 reserved lands. The bureau shall also carry out all other duties  
50 relating to recreation, the Allagash Wilderness Waterway, the  
52 Snowmobile Trail Fund, public facilities for boats, the ATV  
Recreational Management Fund, the Maine Trails System and any  
other responsibilities of the former Bureau of Parks and  
Recreation and Bureau of Public Lands

**3. Director and deputy director.** The executive head of the  
bureau is the director. The director is assisted in executive  
duties by a deputy director. The director and deputy director  
shall attend personally to the duties of their offices as far as  
practicable.

**Sec. F-30. Legislative intent; submission of legislation.** It is the  
intent of the Legislature to combine the Bureau of Public Lands  
and the Bureau of Parks and Recreation within the Department of  
Conservation into the Bureau of Parks and Lands. It is also the  
intent of the Legislature that lands currently managed as public  
lands and public reserved lands continue to be managed as public  
lands and public reserved lands and that lands currently  
managed as parks and historic sites continue to be managed as  
parks and historic sites. It is also the intent of the  
Legislature to make only those statutory changes needed to  
combine the 2 bureaus at this time and that a comprehensive  
review of all relevant statutes be completed by the Department of

2 Conservation by December 31, 1996. Upon completion of the review  
of all relevant statutes, the department shall submit a proposal  
4 to the Legislature for a unified statute on the establishment,  
powers and duties of the Bureau of Parks and Lands.

6 **Sec. F-31. Maine Revised Statutes amended; Bureau of Parks and  
Lands; revision clause.** Except as provided in the Maine Revised  
8 Statutes, Title 12, section 598-A, subsection 2-A, section 602,  
subsection 4 and section 5016, wherever in the Maine Revised  
10 Statutes the words "Bureau of Public Lands," "Parks and  
Recreation Bureau" or "Bureau of Parks and Recreation" appear or  
12 reference is made to those words, they are amended to read and  
mean "Bureau of Parks and Lands," and the Revisor of Statutes  
14 shall implement this revision when updating, publishing or  
republishing the statutes.

16 **Sec. F-32. Transition provisions.** The following provisions  
18 apply to the reassignment of the duties and responsibilities of  
the former Bureau of Parks and Recreation and Bureau of Public  
20 Lands to the new Bureau of Parks and Lands within the Department  
of Conservation.

22 1. Except as otherwise provided, the Bureau of Parks and  
24 Lands is the successor in every way to the powers, duties and  
functions of the former Bureau of Parks and Recreation and Bureau  
26 of Public Lands.

28 2. All accrued expenditures, assets, liabilities, balances  
or appropriations, allocations, transfers, revenues or other  
30 available funds in the accounts of the former Bureau of Parks and  
Recreation and the Bureau of Public Lands remain with each  
32 specific account, but the accounts are within the new unit of the  
Bureau of Parks and Lands.

34 3. All Rules and procedures in effect, in operation or  
36 adopted on the effective date of this Act in or by the former  
Bureau of Parks and Recreation and Bureau of Public Lands or any  
38 administrative units and officers remain in effect until  
rescinded, terminated, revised or amended by the proper authority.

40 4. All contracts, agreements, leases, grants and compacts  
42 in effect on the effective date of this Act in the former Bureau  
of Parks and Recreation and Bureau of Public Lands remain in  
44 effect in the new Bureau of Parks and Lands until rescinded,  
terminated, revised or amended by the proper authority.

46 5. All authorized and allocated positions of the former  
48 Bureau of Parks and Recreation and Bureau of Public Lands remain  
authorized, except as otherwise provided. All employees retain  
50 their accrued fringe benefits, including vacation and sick leave,  
health and life insurance and retirement benefits. Employees who  
52 are members of collective bargaining units on the effective date

2 of this Act remain members and retain all rights, privileges and  
benefits provided by their collective bargaining agreements with  
4 respect to state service. Employees who are members of the Maine  
State Retirement System remain members of the Maine State  
Retirement System.

6  
8 6. All records, property and equipment previously belonging  
to or allocated for the use of the former Bureau of Parks and  
10 Recreation and Bureau of Public Lands must be transferred to the  
new Bureau of Parks and Lands. All property and equipment must  
12 be transferred to the Bureau of Parks and Lands, but remain the  
property of the program or account from which the initial  
purchases were made.

14  
16 **Sec. F-33. Maine Revised Statutes amended; Natural Resources  
Information and Mapping Center; revision clause.** Wherever in the  
18 Maine Revised Statutes the words "Maine Geological Survey" or  
"Natural Areas Program" appear or reference is made to those  
20 words, they are amended to read and mean "Natural Resources  
Information and Mapping Center," and the Revisor of Statutes  
22 shall implement this revision when updating, publishing or  
republishing the statutes.

24 **Sec. F-34. Transition provisions.**

26 1. The Natural Resources Information and Mapping Center is  
the successor in every way to the powers, duties and functions of  
28 the Maine Geological Survey and the former Natural Areas Program.

30 2. All existing rules, regulations and procedures in  
effect, in operation or promulgated in or by the Maine Geological  
32 Survey or any of its administrative units or officers and the  
Natural Areas Program or any of its administrative units or  
34 officers, are in effect and continue in effect until rescinded,  
revised or amended by the proper authority.

36 3. All existing contracts, agreements and compacts  
38 currently in effect in the Maine Geological Survey and the  
Natural Areas Program continue in effect.

40 4. Any positions authorized or allocated subject to the  
42 personnel laws to the former Maine Geological Survey and the  
former Natural Areas Program are transferred to the Natural  
44 Resources Information and Mapping Center and may continue to be  
authorized.

46 5. All records, property and equipment previously belonging  
48 to or allocated for use of the former Maine Geological Survey and  
the former Natural Areas Program become, on the effective date of  
50 this Act, part of the property of the Natural Resources  
Information and Mapping Center.

52

6. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Maine Geological Survey or the Natural Areas Program may be utilized by the Natural Resources Information and Mapping Center until existing supplies of those items are exhausted.

## PART G

**Sec. G-1. 2 MRSA §6, sub-§2,** as repealed and replaced by PL 1995, c. 395, Pt. C, §1 and amended by c. 465, Pt. A, §1, is repealed and the following enacted in its place:

**2. Range 90.** The salaries of the following state officials and employees are within salary range 90:

Superintendent of Banking;

State Tax Assessor;

Superintendent of Insurance;

Associate Commissioner for Programs, Department of Mental Health and Mental Retardation;

Associate Commissioner of Administration, Department of Mental Health and Mental Retardation;

Deputy Commissioner, Department of Administrative and Financial Services;

Associate Commissioner for Adult Services, Department of Corrections; and

Associate Commissioner for Juvenile Services, Department of Corrections.

**Sec. G-2. 5 MRSA §936,** as enacted by PL 1983, c. 729, §4, is repealed and the following enacted in its place:

### **§936. Department of Corrections**

**1. Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Corrections. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

A. Associate Commissioner for Adult Services;

B. Associate Commissioner for Juvenile Services; and

C. Director, Policy, Legislative and Information Services.

2  
4       **Sec. G-3. 15 MRSA §3005**, as amended by PL 1981, c. 493,  
§101, is further amended to read:

6       **§3005. Forms, other than court forms, reporting formats,**  
8       **and other standardized written materials**

10       All forms, reporting formats, and other standardized written  
12       materials necessary to fulfill the requirements of this Part  
14       shall must be uniform for all state and local agencies providing  
16       services according to the provisions of this Part; and ~~such~~ those  
forms, reporting formats, and other standardized written  
materials shall must be developed and approved jointly by the  
Department of ~~Mental-Health-and-Mental-Retardation~~ Corrections  
and the Department of Human Services.

18       **Sec. G-4. 15 MRSA §3314, sub-§1, ¶F**, as enacted by PL 1977, c.  
20       520, §1, is amended to read:

22       F. The court may commit the juvenile to the Maine Youth  
24       Center. Whenever a juvenile is committed to the Maine Youth  
Center, the court shall determine whether reasonable efforts  
of the juvenile from the juvenile's home and whether  
continuation in the juvenile's home would be contrary to the  
welfare of the juvenile. This determination does not affect  
whether the court orders a commitment to the Maine Youth  
Center, which continues to be governed by section 3313.

30       **Sec. G-5. 15 MRSA §3314, sub-§2**, as amended by PL 1989, c.  
32       875, Pt. E, §21 and affected by §22, is further amended to read:

34       **2. Suspended disposition.** The court may impose any of the  
36       dispositional alternatives provided in subsection 1, and may  
38       suspend its disposition and place the juvenile on a specified  
40       period of probation that is subject to such provisions of Title  
42       17-A, section 1204, as the court may order and that is  
44       administered pursuant to the provisions of Title 34 34-A, chapter  
121 5, subchapter V-A IV, except that in no case may the court  
46       impose the condition set out in Title 17-A, section 1204,  
48       subsection 1-A. The court may impose as a condition of probation  
that a juvenile reside outside the juvenile's home in a setting  
satisfactory to the juvenile caseworker if the court determines  
that reasonable efforts have been made to prevent or eliminate  
the need for removal of the juvenile from the juvenile's home and  
that continuation in the juvenile's home would be contrary to the  
welfare of the juvenile. Imposition of such a condition does not  
affect the legal custody of the juvenile.

50       Revocation of probation is governed by the procedure contained in  
52       Title 17-A, sections 1205, 1205-A and 1206, except that Title



17-A, section 1206, subsection 7-A, does not apply, provided that  
2 a disposition under subsection 1, paragraph F, may be modified to  
4 a disposition under subsection 1, paragraph H.

**Sec. G-6. 15 MRSA §3314, sub-§4,** as amended by PL 1993, c.  
6 354, §9, is further amended to read:

8 **4. Medical support.** Whenever the court commits a juvenile  
to the Maine Youth Center or to the Department of Human Services  
10 or places a juvenile on a period of probation, it ~~may~~ shall  
require the parent or legal guardian to provide medical insurance  
12 for or contract to pay the full cost of any medical treatment,  
mental health treatment, substance abuse treatment and counseling  
14 that may be provided to the juvenile while the juvenile is  
committed, including while on entrustment or on probation, unless  
16 it determines that such a requirement would create an excessive  
hardship on the parent or legal guardian, or other dependent of  
18 the parent or legal guardian, in which case it shall require the  
parent or legal guardian to pay a reasonable amount toward the  
20 cost, the amount to be determined by the court.

22 **Sec. G-7. 15 MRSA §3315, sub-§3** is enacted to read:

24 **3. Court review of determination.** Whenever a court makes a  
determination pursuant to section 3314, subsection 1, paragraph F  
26 or section 3314, subsection 2, that determination must be  
reviewed by the court not less than once every 18 months until  
28 the juvenile is discharged or no longer residing outside the  
juvenile's home.

30 **Sec. G-8. 15 MRSA §3316, sub-§2, ¶A,** as amended by PL 1993, c.  
32 354, §11, is further amended to read:

34 A. A commitment of a juvenile to the Department--of  
36 Corrections,--including--a--commitment--to--the Maine Youth  
Center, pursuant to section 3314, must be for an  
38 indeterminate period not to extend beyond the juvenile's  
18th birthday unless the court expressly further limits or  
40 extends the indeterminate commitment, as long as the court  
does not limit the commitment to less than one year nor  
42 extend the commitment beyond a juvenile's 21st birthday and  
as long as an order does not result in a commitment of less  
44 than one year, unless the commitment is for an indeterminate  
period not to extend beyond the juvenile's 21st birthday.  
46 Nothing in this Part may be construed to prohibit the  
provision to a juvenile following the expiration of the  
48 juvenile's term of commitment of services voluntarily  
accepted by the juvenile and the juvenile's parents,  
guardian or legal custodian if the juvenile is not  
50 emancipated; except that these services may not be extended  
beyond the juvenile's 21st birthday.

2           **Sec. G-9. 15 MRSA §3317**, as amended by PL 1991, c. 493, §25,  
is further amended to read:

4           **§3317. Disposition after return to Juvenile Court**

6           In instances of commitment of a juvenile to the Department  
of Human Services or the Maine Youth Center or when the juvenile  
8           is under a specified period of probation, the ~~commissioner of the~~  
~~department, the superintendent of the youth center or the~~  
10          ~~Director of Probation and Parole~~ Commissioner of Human Services  
or the commissioner's designee or the Commissioner of Corrections  
12          or the commissioner's designee following the ~~commitment~~  
disposition may for good cause petition the Juvenile Court having  
14          original jurisdiction in the case for a judicial review of the  
disposition, including extension of the period of commitment or  
16          period of probation. In all cases in which a juvenile is returned  
to a Juvenile Court, the Juvenile Court may make any of the  
18          dispositions otherwise provided in section 3314. When reviewing a  
commitment to the Department of Human Services, the court shall  
20          consider efforts made by the Department of Corrections and the  
Department of Human Services to reunify the juvenile with the  
22          juvenile's parents or custodians, shall make a finding regarding  
those efforts and shall return custody of the juvenile to a  
24          parent or legal custodian if the return of the juvenile is not  
contrary to the welfare of the juvenile. A petition for judicial  
26          review of a disposition committing the child to the Department of  
Human Services must be served on the parents at least 7 days  
28          prior to the hearing.

30           **Sec. G-10. 17-A MRSA §1204, sub-§1-A**, as amended by PL 1995,  
c. 368, Pt. R, §2, is further amended to read:

32           **1-A.** The court shall attach as a condition of probation  
34          that the convicted person pay, through the ~~Division of Probation~~  
~~and Parole~~ Department of Corrections, a supervision fee of  
36          between \$10 and \$50 per month, as determined by the court, for  
the term of probation. In determining the amount of the fee, the  
38          court shall take into account the financial resources of the  
convicted person and the nature of the burden its payment  
40          imposes. A person may not be sentenced to imprisonment without  
probation solely for the reason the person is not able to pay the  
42          fee. When a person on probation fails to pay the supervision  
fee, the court may revoke probation as specified in section 1206,  
44          unless the person shows that failure to pay was not attributable  
to a willful refusal to pay or to a failure on that person's part  
46          to make a good faith effort to obtain the funds required for the  
payment. The court, if it determines that revocation of  
48          probation is not warranted, shall issue a judgment for the total  
amount of the fee and shall issue an order attaching a specified  
50          portion of money received by or owed to the person on probation  
until the total amount of the fee has been paid. If the person  
52          makes this showing, the court may allow additional time for

2 payment within the remaining period of probation or reduce the  
size of the fee to as low as \$10 per month, but may not revoke  
4 the requirement to pay the fee unless the remaining period of  
probation is 30 days or less.

6 **Sec. G-11. 17-A MRSA §1204, sub-§1-B**, as amended by PL 1995,  
c. 368, Pt. R, §3, is further amended to read:

8  
10 **I-B.** Upon the request of the Department of Corrections, the  
court shall attach as a condition of probation that the convicted  
12 person pay, through the ~~Division of Probation and Parole~~  
department, an electronic monitoring fee, a substance testing fee  
14 or both, as determined by the court, for the term of probation.  
In determining the amount of the fees, the court shall take into  
16 account the financial resources of the convicted person and the  
nature of the burden the payment imposes. A person may not be  
18 sentenced to imprisonment without probation solely for the reason  
the person is not able to pay the fees. When a person on  
20 probation fails to pay the fees, the court may revoke probation  
as specified in section 1206, unless the person shows that  
22 failure to pay was not attributable to a willful refusal to pay  
or to a failure on that person's part to make a good faith effort  
24 to obtain the funds required for the payment. The court, if it  
determines that revocation of probation is not warranted, shall  
26 issue a judgment for the total amount of the fees and shall issue  
an order attaching a specified portion of money received by or  
28 owed to the person on probation until the total amount of the  
fees has been paid. If the person makes this showing, the court  
30 may allow additional time for payment within the remaining period  
of probation or reduce the size of the fees, but may not revoke  
32 the requirement to pay the fees unless the remaining period of  
probation is 30 days or less. Fees received from probationers  
34 must be deposited into the department's Correctional Program  
Improvement Fund, except that when authorized by the Department  
36 of Corrections, a person on probation may be required to pay fees  
directly to a provider of electronic monitoring, substance  
38 testing or other services. Funds from this account, which may  
not lapse, must be used to defray costs associated with the  
40 purchase and operation of electronic monitoring and substance  
testing programs.

42 **Sec. G-12. 17-A MRSA §1205, sub-§1**, as amended by PL 1987, c.  
315, §1, is further amended to read:

44  
46 **1.** If a probation officer has probable cause to believe  
that a person ~~under the supervision of the Division of Probation~~  
and Parole on probation has violated a condition of ~~his~~ that  
48 person's probation, ~~he~~ that officer may arrest ~~sueh~~ the person or  
~~he may~~ deliver a summons to ~~sueh~~ that person ordering ~~him~~ that  
50 person to appear for a court hearing on the alleged violation.  
If the probation officer ~~eannot~~ can not, with due diligence,  
52 locate the person in order to arrest ~~him~~ the person or serve a

summons on ~~him~~ that person, he that officer shall file a written notice of this fact with the court ~~which~~ that placed the person on probation.

**Sec. G-13. 17-A MRSA §1205-A, sub-§§2 to 4**, as enacted by PL 1977, c. 510, §72, are amended to read:

2. The preliminary hearing ~~shall~~ must be held before the ~~district--supervisor--or--such--other~~ an official ~~as--may--be~~ designated by the ~~Director of Probation and Parole Commissioner of Corrections~~. It ~~shall~~ must be held at a location as near to the place where the violation is alleged to have taken place as is reasonable under the circumstances. If it is alleged that the person violated probation because of the commission of a new offense, the preliminary hearing ~~shall-be~~ is limited to the issue of identification, if probable cause on the new offense has been found by the District Court, or he the person has been indicted, has waived indictment or has been convicted.

3. At the preliminary hearing, the person alleged to have violated a condition of ~~his~~ probation has the right to confront and cross-examine persons who have information to give against ~~him~~ that person, the right to present evidence on ~~his-own~~ that person's behalf and the right to remain silent. If the hearing officer determines on the basis of the evidence before him the officer that there is not probable cause to believe that a condition of probation has been violated, he the officer shall terminate the proceedings and order the person on probation ~~forthwith~~ released at once from any detention resulting from the alleged violation. If he the hearing officer determines that there is such probable cause, he the officer shall prepare a written statement summarizing the evidence that was brought before him the officer, and particularly describing that which supports the belief that there is probable cause. At the outset of the preliminary hearing, the ~~district--supervisor~~ hearing officer shall inform the person of ~~his~~ that person's rights under this section and of the provisions of section 1206. ~~Such~~ That person may waive, at the preliminary hearing, ~~his~~ the right to confront and cross-examine witnesses against ~~him~~ that person, ~~his~~ the right to present evidence on ~~his-own~~ that person's behalf and ~~his~~ the right to remain silent. No other rights may then be waived, nor ~~shall~~ may there be a waiver of the right to a preliminary hearing.

4. If, as a result of a preliminary hearing held under this section, there is a determination of probable cause, the ~~Director of Probation and Parole Commissioner of Corrections~~, or ~~his~~ the commissioner's designated representative, may file with any court a motion for revocation of probation. The motion ~~shall~~ must incorporate the written statement prepared pursuant to subsection 3 and ~~shall~~ must be accompanied by an application for a summons ordering the person to appear before the court for a hearing on

2 the alleged violation. The motion and the application shall must  
be filed without unnecessary delay. A copy of the motion shall  
3 must be furnished to the person on probation.

4 **Sec. G-14. 17-A MRSA §1262, sub-§7**, as enacted by PL 1985, c.  
6 821, §15, is amended to read:

8 7. If, upon completion of the period of intensive  
supervision, the Department of Corrections, ~~through the Division~~  
10 ~~of Probation and Parole~~, considering the supervision, guidance,  
assistance or direction that probation can provide, ~~deems~~  
12 determines that probation should be reduced or terminated, it  
may, at any time, petition the court for reduction or early  
14 termination of probation in accordance with section 1202,  
subsection 3.

16 **Sec. G-15. 17-A MRSA §1326**, as amended by PL 1993, c. 147,  
18 §1, is further amended to read:

20 **§1326. Time and method of restitution**

22 When restitution is authorized, the time and method of  
payment or of the performance of the services must be specified.  
24 Except when the offender is placed on probation, monetary  
compensation may be ordered paid to the office of the prosecuting  
26 attorney who is prosecuting the case or to the clerk of the  
court. If the offender is placed on probation, the compensation  
28 may be ordered paid to the Department of Corrections, ~~Division of~~  
~~Probation and Parole~~. The state agency receiving the restitution  
30 shall deposit any money received in the account maintained by the  
Treasurer of State for deposit of state agency funds, from which  
32 funds are daily transferred to an investment account and  
invested. Interest accrued on that money is the property of and  
34 accrues to the State for deposit in the General Fund. The agency  
receiving the restitution shall make the disbursement to the  
36 victim or other authorized claimant as soon as possible after the  
agency receives the money. If the compensation is paid to the  
38 Department of Corrections, ~~Division of Probation and Parole~~, the  
office of the prosecuting attorney who prosecuted the case may  
40 request that the Commissioner of Corrections direct that the  
compensation be forwarded to the office of the prosecuting  
42 attorney, which shall make the disbursement to the victim or  
other authorized claimant as soon as possible.

44 **Sec. G-16. 17-A MRSA §1345, sub-§3**, as enacted by PL 1995, c.  
46 136, §4, is amended to read:

48 3. The ~~Division of Probation and Parole~~ Department of  
49 Corrections is not responsible for supervision of community  
50 service work pursuant to this section.

2           **Sec. G-17. 34-A MRSA §1403, sub-§2**, as amended by PL 1985, c.  
821, §19, is further amended to read:

4           **2. Appointments.** The commissioner's appointment powers are  
as follows.

6           A. The commissioner may appoint, subject to the Civil  
8           Service Law and except as otherwise provided, any employees  
who may be necessary, including reserve and other part-time  
10           corrections officers.

12           B. The commissioner may appoint and set the salary for an 2  
associate ~~commissioner~~ commissioners to assist in carrying  
14           out the responsibilities of the department.

16                   (1) The An appointment ~~shall---be~~ is for an  
indeterminate term and until a successor is appointed  
18                   and qualified or during the pleasure of the  
commissioner.

20                   (2) To be eligible for appointment as an associate  
22                   commissioner, a person must have training and  
experience in general management.

24           C. The commissioner shall appoint the following officials  
26           to serve at his the pleasure of the commissioner:

28                   (1) Associate Commissioner for Adult Services;

30                   (1-A) Associate Commissioner ~~of--Community--Corrections~~  
for Juvenile Services;

32                   (2) Assistant to the Commissioner; and

34                   (3) Director, ~~Correctional--Program~~ Policy, Legislative  
36                   and Information Services.

38           **Sec. G-18. 34-A MRSA §1403, sub-§3**, as amended by PL 1991, c.  
314, §§22 and 23, is further amended to read:

40           **3. Delegation.** The commissioner's delegation powers are as  
42           follows.

44           A. Unless a specific statute otherwise directs, the  
commissioner may delegate powers and duties given under this  
46           Title to the associate ~~commissioner--and--to~~ commissioners,  
chief administrative officers and regional correctional  
48           administrators.

50           B. The commissioner may empower the associate ~~commissioner~~  
and commissioners, chief administrative officers and

2           regional correctional administrators to further delegate powers and duties delegated to them by the commissioner.

4           B-1. Unless a specific statute otherwise directs, the commissioner may empower chief administrative officers to delegate powers and duties given to them by chapter 3 and may empower regional correctional administrators to delegate powers and duties given to them by chapter 5.

10           C. ~~The Associate Commissioner of Community Corrections~~ An associate commissioner or associate commissioners may be designated to assist in the development of community correctional programs at the county level and to coordinate activities of the department with each county and any county correctional advisory groups. ~~The Associate Commissioner~~ associate commissioner or associate commissioners may appoint staff to assist in carrying out this paragraph.

18           **Sec. G-19. 34-A MRSA §1403, sub-§5-A** is enacted to read:

20           **5-A. Lease of Maine Youth Center building.** Notwithstanding subsection 5 and Title 5, chapter 154, the commissioner may, with the approval of the Director of the Bureau of General Services, lease any building that the commissioner determines is no longer needed to be a part of the Maine Youth Center for the purpose of providing services to clients under such terms as the commissioner and director determine appropriate.

28           **Sec. G-20. 34-A MRSA §3036, sub-§§3 and 4** are enacted to read:

30           **3. Work release.** Any client participating in the halfway house program who is also permitted to participate in a work release program is liable for the cost of board in the halfway house.

36           A. The reasonable cost of board for a client in a halfway house is fixed by the commissioner. In fixing the reasonable cost of the board to be paid, the commissioner shall take into consideration other state laws or judicial determinations that affect the client's income.

42           B. Funds received from clients for the board must be placed in the General Fund.

44           **4. Work release transportation cost.** Any client participating in the halfway house program who is also permitted to participate in a work release program is liable for an equitable share of the cost of the transportation to the work release job site if this transportation is arranged by the halfway house. Funds received from clients for work release transportation must be placed in the General Fund.

2           **Sec. G-21. 34-A MRSA §3201**, as amended by PL 1991, c. 656,  
is further amended to read:

4           **§3201. Maintenance**

6           The commissioner shall maintain the Maine State Prison at  
8 Thomaston, in Knox County, as the prison and penitentiary of the  
State, and shall confine, employ and govern persons lawfully  
10 ~~committed to~~ in the custody of the department, as provided by  
law. The Maine Correctional Institution - Warren is established  
12 as a unit of the Maine State Prison.

14           **Sec. G-22. 34-A MRSA §3266, sub-§1**, as enacted by PL 1993, c.  
459, §6, is amended to read:

16           **1. Minimum security unit.** The warden may establish a  
18 vocational training program at the minimum security unit to  
provide prisoners skills designed to assist in the acquisition  
20 and retention of employment following parole or discharge. The  
warden may employ prisoners at the minimum security unit in work  
22 involving public restitution.

24           **Sec. G-23. 34-A MRSA §3401**, as amended by PL 1983, c. 816,  
Pt. A, §41, is repealed and the following enacted in its place:

26           **§3401. Establishment**

28           The Maine Correctional Center in South Windham is  
30 established for the confinement and rehabilitation of persons,  
male and female, lawfully in the custody of the department, as  
32 provided by law.

34           **Sec. G-24. 34-A MRSA §3403, sub-§1, ¶B**, as amended by PL 1991,  
c. 314, §63, is further amended to read:

36           B. The superintendent shall provide for the safekeeping or  
38 employment of persons committed to the department in order  
to teach them a useful trade or profession and to improve  
40 their mental and moral condition, which may include work  
involving public restitution.

42           **Sec. G-25. 34-A MRSA §3403, sub-§3**, as enacted by PL 1983, c.  
44 459, §6, is repealed.

46           **Sec. G-26. 34-A MRSA §3802, sub-§1, ¶¶B and C**, as enacted by  
PL 1983, c. 459, §6, are amended to read:

48           B. To administer court-ordered diagnostic evaluations  
50 pursuant to Title 15, section 3309-A, and court-ordered  
examinations pursuant to Title 15, section 3318; and  
52



2 C. To rehabilitate juveniles committed to it on being  
3 adjudicated as having committed a juvenile crime under Title  
4 15, section 3310, subsection 5, and

5 **Sec. G-27. 34-A MRSA §3802, sub-§1, ¶D** is enacted to read:

6 D. To protect the public from dangerous juveniles.

7 **Sec. G-28. 34-A MRSA §3812**, as enacted by PL 1983, c. 459,  
8 §6, is amended to read:

9 **§3812. Discharge**

10 **1. Duty.** The superintendent shall cause a juvenile client  
11 to be discharged from the center:

12 A. When the client becomes 21 years of age ~~or~~ or otherwise  
13 reaches the end of the period of the Juvenile Court's  
14 commitment.

15 ~~B. When the superintendent determines that the client has~~  
16 ~~benefited optimally from the services and facilities of the~~  
17 ~~center.~~

18 **2. Power.** The superintendent may cause a juvenile client to  
19 be discharged from the center when the superintendent determines  
20 that discharge is in the best interest of the client or that the  
21 client has benefited optimally from the services and facilities  
22 of the center.

23 **Sec. G-29. 34-A MRSA §5001, sub-§§2 and 3**, as enacted by PL  
24 1983, c. 459, §6, are repealed.

25 **Sec. G-30. 34-A MRSA §5003**, as enacted by PL 1983, c. 459,  
26 §6, is amended to read:

27 **§5003. Prohibited acts**

28 **1. Interference with probation.** A person 18 years of age  
29 or older is guilty of interference with probation if he that  
30 person willfully obstructs, intimidates or otherwise abets a  
31 probationer under the supervision and control of the division  
32 department and thereby causes or contributes to causing the  
33 probationer to violate the conditions of his that person's  
34 probation, after having been warned in writing by the director  
35 commissioner to end his that person's relationship or association  
36 with the probationer.

37 A. Interference with probation is a Class E crime, except  
38 that, notwithstanding Title 17-A, it ~~shall be~~ is punished by  
39 a fine of not more than \$500 or by imprisonment for not more  
40 than 11 months, or by both.

2 B. This subsection applies to interferences with the  
4 probation of probationers who are under the supervision and  
6 control of the ~~division~~ department at the request of other  
states under terms of the Uniform Act for Out-of-State  
Parolee Supervision.

8 **2. Interference with parole.** A person 18 years of age or  
10 older is guilty of interference with parole if he that person  
12 willfully obstructs, intimidates or otherwise abets a parolee  
14 under the supervision and control of the ~~division~~ department and  
thereby causes or contributes to causing the parolee to violate  
the conditions of his parole, after having been warned in writing  
by the ~~director~~ commissioner to end his that person's  
relationship or association with the parolee.

16 A. Notwithstanding Title 17-A, section 4-A, interference  
18 with parole ~~shall be~~ is punished by a fine of not more than  
20 \$500 or by imprisonment for not more than 11 months, or by  
both.

22 B. This subsection applies to interferences with the parole  
24 of parolees who are under the supervision and control of the  
~~division~~ department at the request of other states under  
26 terms of the Uniform Act for Out-of-State Parolee  
Supervision.

28 **Sec. G-31. 34-A MRSA §5208, sub-§1**, as enacted by PL 1983, c.  
459, §6, is amended to read:

30 **1. Preparation of report.** ~~The secretary of the board shall,~~  
32 ~~after~~ After June 30th of each year, ~~send--to~~ the commissioner  
shall prepare a detailed report of the work of the board and of  
34 ~~the~~ probation and parole activities ~~of--the--division~~ for the  
preceding fiscal year.

36 **Sec. G-32. 34-A MRSA §5401**, as amended by PL 1985, c. 821,  
38 §27, is repealed and the following enacted in its place:

40 **§5401. Administration of probation and parole services**

42 The Department of Corrections is charged with the  
44 administration of probation and parole services and the Intensive  
Supervision Program within the State.

46 **Sec. G-33. 34-A MRSA §5402**, as amended by PL 1989, c. 417,  
48 §§1 to 3, is further amended to read:

50 **§5402. Duties and powers of the commissioner with respect to  
probation and parole services**

1 ~~1. -- Appointment. The commissioner shall appoint the Director~~  
2 ~~of Probation and Parole, subject to the Civil Service Law.~~

4 2. Duties. The ~~director~~ commissioner shall:

6 A. Promulgate and enforce rules for the field probation and  
7 parole ~~service~~ officers, juvenile caseworkers and, parole  
8 officers in correctional facilities and ~~for~~ Intensive  
9 Supervision Program officers;

10 B. Appoint, subject to the Civil Service Law, ~~district~~  
11 ~~probation--and--parole--supervisors~~ regional correctional  
12 administrators, field probation and parole officers,  
13 juvenile caseworkers, Intensive Supervision Program officers  
14 and such other employees as may be required to carry out  
15 adequate supervision of all probationers and ~~of--all,~~  
16 parolees from the correctional facilities and ~~all,~~ persons  
17 on intensive supervision and other persons placed under the  
18 supervision of an employee listed in this paragraph;

19 C. Prescribe the powers and duties of persons appointed  
20 under paragraph B;

21 D. Provide necessary investigation of any criminal case or  
22 matter, including presentence investigation and intensive  
23 supervision eligibility investigations, when requested by  
24 the court having jurisdiction;

25 E. Provide investigation when requested by the board;

26 F. Cooperate closely with the board, the criminal and  
27 juvenile courts, the chief administrative officers of  
28 correctional facilities and other correctional facility  
29 personnel;

30 G. Make recommendations to the board in cases of violations  
31 of the conditions of parole;

32 H. Issue warrants for the arrest of parole violators;

33 I. Notify the chief administrative officers of correctional  
34 facilities of determinations made by the board;

35 J. Divide the State into administrative districts and staff  
36 the districts;

37 K. Provide instruction and training courses for probation  
38 and parole officers, for Intensive Supervision Program  
39 officers and for juvenile caseworkers;

40 L. Be executive officer and secretary of the board; and  
41

2 M. Aggregate the statistics contained in any reports the  
3 division department receives on individual probationers and  
4 make the aggregated statistics available to other state  
5 agencies provided the data is aggregated in such a way that  
6 statistics pertaining to any individual probationer ~~cannot~~  
7 can not be disaggregated.

8 **3. Powers.** The ~~direeter~~ commissioner may:

10 A. Provide necessary specialized services and procedures  
11 for the constructive rehabilitation of juveniles;

12 B. Obtain psychiatric, psychological and other necessary  
13 services; and

14 C. Sign documents, including warrants and extradition  
15 papers, for the board when so instructed by the board, and

16 ~~D. With the approval of the commissioner, in special  
17 instances and in the absence or illness of the Assistant  
18 Director of Probation and Parole, delegate any  
19 responsibilities of the assistant director to a district  
20 supervisor.~~

21 ~~(1) This delegation shall not exceed 20 working days.~~

22 ~~(2) During the period of the delegation, the district  
23 supervisor has all the responsibilities and obligations  
24 of the assistant director, and~~

25 ~~E. With the approval of the commissioner, delegate the  
26 responsibility to warn persons interfering with a  
27 probationer, parolee or a prisoner on intensive supervision  
28 to a district supervisor.~~

29 **Sec. G-34. 34-A MRSA §5403**, as enacted by PL 1983, c. 459,  
30 §6, is repealed.

31 **Sec. G-35. 34-A MRSA §5404, first ¶**, as amended by PL 1989, c.  
32 127, §14, is further amended to read:

33 In addition to duties prescribed by the ~~direeter~~  
34 commissioner and by the court having jurisdiction, a probation  
35 and parole or intensive supervision program officer shall:

36 **Sec. G-36. 34-A MRSA §5404, sub-§2**, as amended by PL 1991, c.  
37 845, §6, is further amended to read:

38 **2. Arrest.** Arrest, after completing the entry level and  
39 orientation training course prescribed by the ~~direeter~~  
40 commissioner, in the following circumstances:

2 A. Arrest and return probation and parole violators upon  
request of the ~~chief--administrative--officer--of--a~~  
3 ~~correctional-facility~~ commissioner;

4  
5 B. Arrest and return to a correctional facility persons  
6 released from the correctional facility under section 3035  
or 3036 or transferred from the facility under section  
7 3036-A; and

10 C. If the officer has probable cause to believe that a  
11 person under the supervision of the ~~Division-of-Probation~~  
and-~~Parole~~ department has violated a condition of that  
12 person's probation or parole or intensive supervision, the  
13 officer may arrest that person.

16 **Sec. G-37. 34-A MRSA §5404, sub-§3, ¶B**, as amended by PL 1991,  
c. 845, §7, is further amended to read:

18  
19 B. Supervise persons released from a correctional facility  
20 under section 3035, ~~if the chief administrative officer of~~  
the ~~facility requests the supervision and the director~~  
21 ~~agrees to the supervision~~ or 3036 and supervise persons  
22 transferred to supervised community confinement under  
23 section 3036-A if the commissioner directs; and

26 **Sec. G-38. 34-A MRSA §5404, sub-§3, ¶C**, as amended by PL 1989,  
c. 127, §14, is further amended to read:

28  
29 C. Keep informed of the conduct and condition of each  
30 person placed under the officer's supervision and use  
suitable methods to encourage the person to improve that  
31 person's conduct and condition; and

34 **Sec. G-39. 34-A MRSA §5404, sub-§3, ¶E** is enacted to read:

36 E. Supervise the transition from institutional confinement  
37 for persons residing in a prerelease center if the  
38 commissioner directs.

40 **Sec. G-40. 34-A MRSA §5405**, as enacted by PL 1987, c. 154,  
§1, is repealed.

42 **Sec. G-41. Maine Youth Center fence.**

44  
45 1. Personnel and equipment of the state military forces may  
46 be employed in the design and construction of a security fence  
around the Maine Youth Center if the Governor, or the Governor's  
47 designee, orders the necessary personnel and equipment into  
active service of the State. Any person ordered into active  
48 service of the State, for the purposes of this action, is  
50 considered a state employee for the purposes of the Maine Tort  
51 Claims Act and the person's liability is limited by that Act.

2           2. The design and construction of the security fence around  
4 the Maine Youth Center are exempt from the requirements of the  
Maine Revised Statutes, Title 5, chapter 153.

6           **Sec. G-42. Department of Corrections; lease purchase**  
7 **authorization.** Pursuant to the Maine Revised Statutes, Title 5,  
8 section 1587, the Department of Corrections may enter into  
9 financing arrangements for the acquisition of an electronic  
10 intrusion system at the Maine State Prison. The financing  
11 agreement may not exceed 5 years in duration and \$280,000 in  
12 principal costs. The interest rate is estimated at 6.3%, with  
13 total interest costs over the duration of the financing  
14 arrangement estimated at \$47,140. The annual principal and  
15 interest costs must be paid from the All Other line category  
16 appropriation to the State Prison account. The financing  
17 agreement must provide that the State will become the ultimate  
18 owner of the electronic intrusion system.

20           **Sec. G-43. Department of Corrections; lease purchase**  
21 **authorization.** Pursuant to the Maine Revised Statutes, Title 5,  
22 section 1587, the Department of Corrections may enter into  
23 financing arrangements for the acquisition of computer hardware  
24 and software to gain efficiency from improved technology. The  
25 financing agreement may not exceed 5 years in duration and  
26 \$718,800 in principal costs. The interest rate is estimated at  
27 6.3% with total interest costs over the duration of the financing  
28 arrangement estimated at \$121,015. The annual principal and  
29 interest costs must be paid from the All Other line category  
30 appropriation to the Probation and Parole account. The financing  
31 agreement must provide that the State will become the ultimate  
32 owner of the computer hardware and software.

34           **Sec. G-44. Limited-period positions.** Notwithstanding the Maine  
35 Revised Statutes, Title 5, section 1583-A, or any other provision  
36 of law, the Department of Corrections may establish, providing  
37 funds are available, limited-period positions for the purpose of  
38 performing duties for which unbudgeted overtime would otherwise  
39 be incurred.

40           Notwithstanding any other restriction on funds appropriated  
41 or allocated, the State Budget Officer may, after determining  
42 that funds are available, either approve the use of the funds or  
43 recommend appropriate action to the Governor when the Governor's  
44 approval is required.

45           Available funds may include amounts appropriated or  
46 allocated for Personal Services, including funds in any salary  
47 account or special account for state employee salary increases,  
48 All Other and Capital Expenditures or unallocated funds.  
49



2 revenue. The State-Budget-Officer Commissioner of Administrative  
3 and Financial Services or the commissioner's designee may adjust  
4 this assessment to any individual account.

6 **PART I**

8 **Sec. I-1. 2 MRSA §6, sub-§4**, as amended by PL 1995, c. 309, §2  
9 and affected by §29 and amended by c. 368, Pt. UU, §1 and c. 465,  
10 Pt. A, §2 and affected by Pt. C, §2, is repealed and the  
11 following enacted in its place:

12 **4. Range 88.** The salaries of the following state officials  
13 and employees are within salary range 88:

14 Director, Bureau of Parks and Recreation;

15 Director, Bureau of Public Lands;

16 Director, Bureau of Employee Relations;

17 Director, Bureau of Air Quality Control;

18 Director, Bureau of Land Quality Control;

19 Director, Bureau of Water Quality Control;

20 Director, Bureau of Oil and Hazardous Materials Control;

21 Director, Bureau of Administration;

22 Director, Office of Planning;

23 Director, Office of Waste Reduction and Recycling;

24 Director, Office of Siting and Disposal Operations;

25 Executive Director, Board of Environmental Protection;

26 Director, Office of Consumer Credit Regulation; and

27 Director, Office of Licensing and Registration.

28 **Sec. I-2. 9-A MRSA §6-103**, as amended by PL 1995, c. 309, §6,  
29 is further amended to read:

30 There is created and established the Office of Consumer  
31 Credit Regulation, which is a division within the Department of  
32 Professional and Financial Regulation. The Director of the  
33 Office of Consumer Credit Regulation is the head of the Office of  
34 Consumer Credit Regulation. As used in this Act, and except as  
35 provided in section 1-301, subsection 2, "administrator" means



2 the Director of the Office of Consumer Credit Regulation. The  
3 administrator is appointed by the Commissioner of Professional  
4 and Financial Regulation and subject to review by the joint  
5 standing committee of the Legislature having jurisdiction over  
6 banking and insurance and to confirmation by the Legislature.  
7 The administrator is appointed for a term that is coterminus with  
8 the term of the Governor, or until a successor is appointed and  
9 qualified. Any vacancy occurring must be filled by appointment  
10 for the unexpired portion of the term. The administrator may be  
11 removed from office for cause by the commissioner and Title 5,  
12 section 931, subsection 2 does not apply. ~~During the term of  
13 office the administrator may engage in no other business or  
14 profession.~~

15 **Sec. I-3. 9-B MRSA §211, sub-§3**, as amended by PL 1995, c.  
16 309, §16 and affected by §29, is further amended to read:

17 **3. Powers and duties.** ~~The~~ With the approval of the  
18 commissioner, the superintendent ~~has authority to~~ shall organize  
19 the bureau in such a manner as the superintendent considers  
20 necessary to carry out the superintendent's responsibilities  
21 under this Title and, in cases in which a financial institution  
22 is the creditor, the superintendent's responsibilities under the  
23 Maine Consumer Credit Code pursuant to Title 9-A, section 1-301,  
24 subsection 2. ~~Such~~ The organization must take into account the  
25 need for examination and surveillance of individual institutions  
26 to ensure that each is financially sound and complies with state  
27 and applicable federal law and regulations; the need to protect  
28 consumers against unfair practices by financial institutions that  
29 provide consumer credit; the need for consumer education; the  
30 need to encourage the development of economically sound credit  
31 practices; and the need for promotion of reasonable and orderly  
32 competition among financial institutions and for promoting the  
33 provision of financial services consistent with the public  
34 interest.

35 **Sec. I-4. 9-B MRSA §212**, as corrected by RR 1993, c. 1, §§25  
36 and 26, is amended to read:

37 **§212. Deputy superintendents and other personnel**

38 **1. Deputy superintendents.**

39 A. The superintendent may employ ~~2 or more~~ a deputy  
40 superintendents superintendent, subject to applicable  
41 ~~Personnel laws and regulations~~ the commissioner's approval  
42 and in accordance with the Civil Service Law.

43 B. The superintendent shall designate ~~one of~~ the deputy  
44 superintendents superintendent to perform the duties of the  
45 superintendent whenever the ~~latter~~ superintendent is absent  
46 from the State, ~~whenever~~; the deputy superintendent is

2 directed to do so by the superintendent, ~~whenever~~; there is  
3 a vacancy in the office of superintendent; or ~~whenever~~ the  
4 superintendent is incapacitated by illness. In the event of  
5 a vacancy in the office of the superintendent, the  
6 superintendent's incapacitating illness or absence from the  
7 State at a time when there is no deputy superintendent, the  
8 ~~Commissioner of the Department of Professional and Financial~~  
9 ~~Regulation~~ commissioner may designate a special deputy  
10 superintendent to perform the duties of the superintendent  
11 for a period not to exceed 6 months.

## 12 **2. Examiners and employees.**

14 A. The superintendent may employ ~~as many examiners, other~~  
15 ~~professional employees and clerical~~ personnel as the  
16 business of the bureau may require, subject to the  
17 commissioner's approval and in accordance with the Civil  
18 Service Law ~~of this State, provided that the~~. The  
19 qualifications of such those personnel must reflect the  
20 needs and responsibilities relating to the bureau's  
21 regulatory functions pursuant to this Title. The  
22 superintendent may authorize senior personnel of the bureau  
23 to carry out the superintendent's duties and authority.

24 B. The superintendent may employ or engage such expert,  
25 professional or other assistance as may be necessary to  
26 assist the bureau in carrying out its functions.

28 C. In addition to salaries or wages, all employees of the  
29 bureau shall receive their actual expenses incurred in the  
30 performance of their official duties.

32 **3. Training of bureau personnel.** At the expense of the  
33 bureau, the superintendent may train the deputy superintendents  
34 superintendent and bureau's employees, or have them trained, in  
35 such a manner as the superintendent deems determines desirable;  
36 ~~provided that however~~ training programs shall may not place such  
37 undue emphasis upon safety and soundness of financial  
38 institutions that institutions would be inhibited by the bureau  
39 from engaging in unusual activities or loans which that are in  
40 the public interest.

42 **Sec. I-5. 9-B MRSA §212-A**, as amended by PL 1993, c. 410, Pt.  
43 K, §1, is further amended to read:

### 44 **§212-A. Securities Division**

46 There is created a Securities Division, ~~which constitutes~~  
47 that is a division within the Bureau of Banking and which that  
48 has responsibility for the administration and enforcement of the  
49 Revised Maine Securities Act, the Maine Commodity Code and the  
50 law regulating the sale of business opportunities. The  
51  
52

2 activities of the division are directed by the Securities  
3 Administrator, who is appointed by the superintendent, subject to  
4 the commissioner's approval and in accordance with the Civil  
5 Service Law. The administrator may employ such-staff-as-the  
6 Legislature--authorizes--and--all--salaries--and--expenses--of--the  
7 division--must--be--paid--out--of--such--amounts--as--the--Legislature  
8 allocates those personnel as the business of the division may  
9 require, subject to the commissioner's approval and in accordance  
10 with the Civil Service Law.

11 **Sec. I-6. 10 MRSA §8001, first ¶**, as amended by PL 1995, c. 397,  
12 §3, is further amended to read:

13 There is created and established the Department of  
14 Professional and Financial Regulation, in this chapter referred  
15 to as the "department," to regulate financial institutions,  
16 insurance companies, ~~commercial--sports~~, grantors of consumer  
17 credit and to license and regulate professions and occupations.  
18 The department is composed of the following:

19 **Sec. I-7. 10 MRSA §8001, sub-§37**, as enacted by PL 1995, c.  
20 389, §3 and c. 397, §11, is repealed.

21 **Sec. I-8. 10 MRSA §8001, sub-§38**, as amended by PL 1995, c.  
22 402, Pt. A, §47, is further amended to read:

23 **38. Office of Licensing and Registration.** ~~Division Office~~  
24 of Licensing and ~~Enforcement~~ Registration. The ~~Division Office~~  
25 of Licensing and ~~Enforcement~~ Registration is composed of the  
26 following:

- 27
- 28 A. Board of Accountancy;
  - 29 B. Acupuncture Licensing Board;
  - 30 C. Arborist Examining Board;
  - 31 D. Maine State Board for Licensure of Architects, Landscape  
32 Architects and Interior Designers;
  - 33 E. Maine Athletic Commission;
  - 34 F. Board of Licensing of Auctioneers;
  - 35 G. Board of Barbering and Cosmetology;
  - 36 H. Board of Chiropractic Licensure;
  - 37 I. Board of Driver Education;
  - 38 J. Board of Counseling Professionals Licensure;
- 39

2 K. Board of Licensing of Dietetic Practice;  
4 L. Electricians' Examining Board;  
6 M. State Board of Licensure for Professional Foresters;  
8 N. State Board of Funeral Service;  
10 O. State Board of Certification for Geologists and Soil  
12 P. Board of Hearing Aid Dealers and Fitters;  
14 Q. Board of Licensure for Professional Land Surveyors;  
16 R. Manufactured Housing Board;  
18 S. Nursing Home Administrators Licensing Board;  
20 T. Board of Occupational Therapy Practice;  
22 U. Oil and Solid Fuel Board;  
24 V. Board of Commissioners of the Profession of Pharmacy;  
26 W. Board of Examiners in Physical Therapy;  
28 X. Maine State Pilotage Commission;  
30 Y. Plumbers' Examining Board;  
32 Z. Board of Licensure of Podiatric Medicine;  
34 AA. State Board of Examiners of Psychologists;  
36 BB. Radiologic Technology Board of Examiners;  
38 CC. Board of Real Estate Appraisers;  
40 DD. Board of Respiratory Care Practitioners;  
42 EE. State Board of Social Worker Licensure;  
44 FF. Board of Examiners on Speech Pathology and Audiology;  
46 GG. State Board of Substance--Abuse Alcohol and Drug  
48 Counselors; and  
50 HH. State Board of Veterinary Medicine;  
52 II. Propane and Natural Gas Board; and

JJ. Real Estate Commission.

2  
3 The Division Office of Licensing and Enforcement Registration  
4 also has administers the following regulation regulatory  
5 functions: licensure of athletic trainers; registration of  
6 massage therapists; registration of persons pursuant to the  
7 Charitable Solicitations Act; and registration of transient  
8 sellers, including door-to-door home repair transient sellers.

10 **Sec. I-9. 10 MRSA §8002**, as amended by PL 1993, c. 659, Pt.  
11 B, §1, is further amended to read:

12 **§8002. Duties and authority of commissioner**

13  
14 The commissioner is the chief administrative head officer of  
15 the department ~~shall-be-the~~ and is responsible for supervising  
16 the administration of the department. The commissioner, ~~who~~  
17 ~~shall-be~~ is appointed by the Governor, subject to review by the  
18 joint standing committee of the Legislature having jurisdiction  
19 over business legislation and economic development matters, and  
20 to confirmation by the Legislature, ~~and who shall-serve-during.~~  
21 The commissioner serves at the pleasure of the Governor. As  
22 chief administrative officer of the department, the commissioner  
23 ~~shall-have~~ has the following duties and authority to:

24  
25 **1. Budget.** Prepare the budget for the department;

26  
27 **2. Personnel.** Appoint Except as otherwise specified,  
28 appoint and remove, subject to the Civil Service Law, all  
29 personnel considered necessary to fulfill the duties and  
30 functions of the department; appoint an assistant to the  
31 commissioner to serve at his the commissioner's pleasure; and  
32 transfer personnel within the department to ~~insure~~ ensure  
33 efficient utilization of department personnel;

34  
35 **3. Purchases.** Coordinate the purchase and use of all  
36 equipment and supplies within the department;

37  
38 **4. Review.** Review the organization, functions and operation  
39 of bureaus, offices, boards and commissions within ~~ex~~ and  
40 affiliated with the department to ensure that overlapping  
41 functions and operations are eliminated and that each complies  
42 fully with its statutory and public service responsibilities; and

43  
44 **5. Liaison.** Act as a liaison among the bureaus, offices,  
45 boards and commissions within and affiliated with the department  
46 and act as liaison between them and the Governor.;

47  
48 **6. Recommendations.** Recommend to the Governor and  
49 Legislature those changes in the laws relating to the  
50 organization, functions, services or procedures of the bureaus,

2 offices, boards and commissions of the department as the  
3 commissioner determines desirable;

4 7. Delegate authority. Authorize the heads of bureaus,  
5 offices, boards and commissions within the department to carry  
6 out the commissioner's duties and authority; and

8 8. Adequate resources. Ensure that each bureau, office,  
9 board and commission has adequate resources to carry out  
10 regulatory functions and that the department's expenditures are  
11 equitably apportioned.

12  
13 The commissioner shall ~~may~~ not have--the--authority--to  
14 exercise or interfere with the exercise of discretionary  
15 regulatory or licensing authority granted by statute to the  
16 bureaus, offices, boards or commissions within or and affiliated  
17 with the department.

18  
19 **Sec. I-10. 10 MRSA §8003**, as amended by PL 1995, c. 397, §12,  
20 is further amended to read:

21 **§8003. Departmental organization; duties**

22  
23 **1. Division of Administrative Services.** There is created a  
24 Division of Administrative Services, which is a division within  
25 the department under the commissioner's office, to provide  
26 assistance to the commissioner and to the agencies within or and  
27 affiliated with the department in civil service matters,  
28 budgeting and financial matters, purchasing, and clerical and  
29 support services, and to perform other duties the commissioner  
30 designates. The commissioner may employ a Director of  
31 Administrative Services and clerical and technical assistants  
32 necessary to discharge the duties of the division and shall  
33 outline their duties and fix their compensation, subject to the  
34 Civil Service Law.

35  
36  
37 A. Within the Division of Administrative Services, there is  
38 a computer services section. It is the responsibility of  
39 the computer services section to provide technical  
40 assistance to the Office of Licensing and Registration to  
41 process and issue original and renewal licenses for the  
42 department and for bureaus, offices, boards and commissions  
43 within the department as the commissioner directs. The  
44 licenses may be processed and issued only upon authorization  
45 of the appropriate bureau, office, board or commission or  
46 upon the authorization of the commissioner in the case of  
47 licenses granted directly by the department. The computer  
48 services section shall maintain a central register  
49 containing the name and address of each person or firm  
50 licensed by profession, occupation or industry and such  
51 other information as the commissioner may direct for  
52 administration, information or planning purposes. The

2 commissioner, with the advice of the respective bureaus,  
3 offices, boards and commissions, may determine the type and  
4 form of licenses issued by all agencies within the  
5 department. The computer services section shall perform  
6 such other administrative services for the agencies within  
7 the department as the commissioner directs.

8 **2. Office of Licensing and Registration.** There is created  
9 a-Division an Office of Licensing and Enforeement Registration,  
10 which constitutes a-division an office within the department, to  
11 provide assistance to the commissioner and to direct the boards  
12 and commissions within the division office, as set forth in  
13 section 8001, subsection 38, in complaint procedure and  
14 investigation, disciplinary actions and enforcement, examinations  
15 and licensing and to perform such those other duties as the  
16 commissioner may designate. The commissioner may employ appoint  
17 a Regulatory--Beard--Administrator Director of Licensing and  
18 Enforeement Registration and such those clerical and technical  
19 assistants as are necessary to discharge the duties of the  
20 division office and shall outline their duties and fix their  
21 compensation, subject to the Civil Service Law. The division  
22 office has the following powers, duties and functions:

24 B. To prepare and administer, with the advice of the boards  
25 and commissions, budgets necessary to carry out the  
26 regulatory functions of the boards and commissions. There  
27 is one divisional office budget that includes a separate  
28 account for each board or commission. The division office  
29 has the authority to disapprove expenditures by boards and  
30 commissions that are not necessary to protect the public  
31 health and welfare or would seriously jeopardize a board's  
32 or commission's fiscal well-being; and

34 C. To provide all staffing necessary and appropriate to  
35 assist the various boards and commissions. All clerks,  
36 technical support staff and supervisors must be assigned to  
37 the division office and allocated to the various boards and  
38 commissions according to need.;

40 D. To adopt rules establishing a uniform complaint  
41 procedure; and

42 E. To perform licensing functions for other state agencies  
43 on a fee-for-service basis.

46 **3. License defined.** For purposes of this section, the term  
47 "license" means a license, certification, registration, permit,  
48 approval or other similar document evidencing admission to or  
49 granting authority to engage in a profession, occupation,  
50 business or industry but does not mean a registration, permit,  
51 approval or similar document evidencing the granting of authority  
52 to engage in the business of banking pursuant to Title 9-B.

2           **4. Licensing periods; renewal dates.** In order that  
4 licenses may be processed and issued in a reasonably uniform  
6 manner over a fiscal year, the commissioner may establish  
8 expiration or renewal dates for all licenses authorized to be  
10 issued by bureaus, offices, boards and commissions within the  
12 department, notwithstanding any other provisions of law. If an  
14 expiration or renewal date established by the commissioner has  
16 the effect of shortening the term of a license currently in  
18 effect, the bureau, office, board or commission, or the  
20 department in the case of a license ~~which~~ that it issues  
22 directly, shall credit the fee paid, on a prorated basis, for the  
24 unexpired term of the current license toward the renewal fee of  
26 the renewal license. If a license is not renewed on the new  
28 expiration or renewal date established by the commissioner, the  
license ~~shall remain~~ remains in effect through its original term,  
unless suspended or revoked sooner under laws or regulations of  
the respective bureau, office, board or commission. Should a  
licensee seek to renew ~~his~~ the license at the end of the original  
term, the law or regulations established by the respective  
bureau, office, board or commission for late renewals or  
reregistrations ~~shall~~ apply. For the purpose of implementing and  
administering biennial licensing, the commissioner may permit  
bureaus, offices, boards and commissions within the department to  
issue licenses and establish renewal fees for less than a 2-year  
term. ~~Nothing in this~~ This section may not change the term or  
fee for one-time licenses, except as specifically ~~provided for~~  
stated.

30           **5. Authority of bureaus, offices, boards or commissions.**  
32 In addition to authority otherwise conferred, unless expressly  
34 precluded by language of denial in its own governing law, each  
36 bureau, office, licensing board and commission within or  
affiliated with the department may take one or more of the  
following actions, except that this subsection does not apply to  
the Bureau of Banking.

38           A-1. For each violation of applicable laws, rules or  
40 conditions of licensure or registration, the bureau, office,  
42 board or commission may take one or more of the following  
actions:

44           (1) Issue warnings, censures or reprimands to a  
46 licensee or registrant. Each warning, censure and  
48 reprimand issued ~~shall~~ must be based upon violations of  
different applicable laws, rules or conditions of  
licensure or ~~shall~~ must be based upon separate  
instances of actionable conduct or activity;

50           (2) Suspend a license or registration for up to 90  
52 days for each violation of applicable laws, rules and  
conditions of licensure or registration or for instance



2 of actionable conduct or activity. Suspensions may be  
3 set to run concurrently or consecutively and, in total,  
4 may not exceed one year. Execution of all or any  
5 portion of a term of suspension may be stayed pending  
6 successful completion of conditions of probation,  
7 although the suspension ~~shall--remain~~ remains part of  
8 the licensee's or registrant's record;

10 (3) Impose civil penalties of up to \$1,500 for each  
11 violation of applicable laws, rules and conditions of  
12 licensure or registration or for instances of  
13 actionable conduct or activity; and

14 (4) Impose conditions of probation upon an applicant,  
15 licensee or registrant. Probation may run for such  
16 time period as the bureau, office, board or commission  
17 ~~deems~~ determines appropriate. Probation may include  
18 ~~such~~ conditions such as: additional continuing  
19 education; medical, psychiatric or mental health  
20 consultations or evaluations; mandatory professional or  
21 occupational supervision of the applicant, licensee or  
22 registrant; and ~~such~~ other conditions as the bureau,  
23 office, board or commission ~~deems~~ determines  
24 appropriate. Costs incurred in the performance of  
25 terms of probation ~~shall--be~~ are borne by the applicant,  
26 licensee or registrant. Failure to comply with the  
27 conditions of probation ~~shall--be~~ is a ground for  
28 disciplinary action against a licensee or registrant.

30 B. The bureau, office, board or commission may execute a  
31 consent agreement ~~which~~ that resolves a complaint or  
32 investigation without further proceedings. Consent  
33 agreements may be entered into only with the consent of:  
34 the applicant, licensee or registrant; the bureau, office,  
35 board or commission; and the Department of the Attorney  
36 General. Any remedy, penalty or fine that is otherwise  
37 available by law, even if only in the jurisdiction of the  
38 Administrative Court, may be achieved by consent agreement,  
39 including long-term suspension and permanent revocation of a  
40 professional or occupational license or registration. A  
41 consent agreement is not subject to review or appeal, and  
42 may be modified only by a writing executed by all parties to  
43 the original consent agreement. A consent agreement is  
44 enforceable by an action in Superior Court.

46 C. The bureau, office, board or commission may:

48 (1) Require all applicants for license or registration  
49 renewal to have responded under oath to all inquiries  
50 set forth on renewal forms; or

2 (2) Require applicants for license or registration  
3 renewal to present proof of satisfactory completion of  
4 continuing professional or occupational education in  
5 accordance with each bureau's, office's, board's or  
6 commission's rules. Failure to comply with the  
7 continuing education rules may, in the bureau's,  
8 office's, board's or commission's discretion, result in  
9 a decision to deny license or registration renewal or  
10 may result in a decision to enter into a consent  
11 agreement and probation setting forth terms and  
12 conditions to correct the licensee's or registrant's  
13 failure to complete continuing education. Terms and  
14 conditions of a consent agreement may include requiring  
15 completion of increased hours of continuing education,  
16 civil penalties, suspension and such other terms as the  
17 bureau, office, board, commission, the licensee or  
18 registrant and the Department of the Attorney General  
19 deem determine appropriate.

20 D. The bureau, office, board or commission may require  
21 surrender of licenses and registrations. In order for a  
22 licensee's or registrant's surrender of a license or  
23 registration to be effective, a surrender must first be  
24 accepted by vote of the bureau, office, board or  
25 commission. Bureaus, offices, boards and commissions may  
26 refuse to accept surrender of licenses and registrations if  
27 the licensee or registrant is under investigation or is the  
28 subject of a pending complaint or proceeding, unless a  
29 consent agreement is first entered into pursuant to this  
30 chapter.

32 The jurisdiction to suspend occupational and professional  
33 licenses conferred by this subsection ~~shall be~~ is concurrent with  
34 that of the Administrative Court. Civil penalties ~~shall~~ must be  
35 paid to the Treasurer of State.

36 Any nonconsensual disciplinary action taken under authority of  
37 this subsection may be imposed only after a hearing conforming to  
38 the requirements of Title 5, chapter 375, subchapter IV, and  
39 ~~shall--be~~ is subject to judicial review exclusively in the  
40 Administrative Court in accordance with Title 5, chapter 375,  
41 subchapter VII, substituting the term "Administrative Court" for  
42 "Superior Court," notwithstanding any other provision of law.

44 **6. Funding.** The commissioner may assess each internal  
45 bureau, office, board or commission served by the Division of  
46 Administrative Services or by the ~~Division~~ Office of Licensing  
47 and ~~Enforcement~~ Registration its reasonable share of an amount  
48 sufficient to cover the cost of operating ~~the--divisions~~ those  
49 service agencies. The commissioner may assess any board  
50 affiliated with the department for the services the board  
51 receives from the department. The commissioner may assess other  
52

2 state agencies for licensing functions performed on behalf of  
3 those agencies by the Office of Licensing and Registration.

4 **7. Evidentiary effect of certificate.** Notwithstanding any  
5 provision of law or rule of evidence, the certificate of the  
6 commissioner under the seal of the State must be received by any  
7 court in this State as prima facie evidence of the issuance,  
8 suspension or revocation of any license issued by the department.

10 **8. Display of license.** In addition to authority otherwise  
11 conferred, bureaus, offices, boards or commissions within or  
12 affiliated with the department may specify by rule the conditions  
13 under which a licensee's number, name and address are to be  
14 displayed to the public.

16 **9. Construction.** ~~Nothing in this~~ This section may not be  
17 construed to deprive any bureau, office, board or commission  
18 within or affiliated with the department of any power set forth  
19 in another statute or of its statutory duty and authority to  
20 regulate its profession, occupation or industry.

22 **10. National disciplinary record system.** Within the limits  
23 of available revenues, all bureaus, offices, boards or  
24 commissions internal or affiliated with the department shall join  
25 or subscribe to a national disciplinary record system used to  
26 track interstate movement of regulated professionals who have  
27 been the subject of discipline by state boards, commissions or  
28 agencies and report disciplinary actions taken within this State  
29 to that system.

30  
31 **Sec. I-11. 10 MRSA §8003-A,** as amended by PL 1991, c. 509,  
32 §4, is further amended to read:

34 **§8003-A. Complaint investigation**

36 In aid of their investigative authority, all boards and  
37 commissions within or affiliated with the department may issue  
38 subpoenas in the name of the relevant licensing board or  
39 commission, in accordance with the terms of Title 5, section  
40 9060, except that the authority ~~shall apply~~ applies to any stage  
41 of an investigation and ~~shall~~ is not be limited to an  
42 adjudicatory proceeding.

44 Investigative personnel of the ~~Division~~ Office of Licensing  
45 and ~~Enforcement~~ Registration, during the normal conduct of their  
46 work for regulatory boards within the ~~division~~ office, may  
47 conduct investigations, issue citations, serve summonses and  
48 order corrections of violations in accordance with specific  
49 statutory authority. When specific authority does not exist to  
50 appeal an order to correct, that process must be established by  
51 rule by the respective boards.

52

2 Licensing boards and commissions within or affiliated with  
the department, upon disposition of each complaint and  
4 investigation, shall make such disposition available to the  
public.

6 ~~With respect to any occupation within or affiliated with the  
department, the department may join or subscribe to any national  
8 disciplinary record system and report disciplinary actions taken  
within this State to any such system.~~

10 **Sec. I-12. 10 MRSA §9003, sub-§10**, as amended by PL 1993, c.  
12 642, §10, is repealed and the following enacted in its place:

14 **10. Manufactured housing account.** All funds received by  
the board must be paid to the Treasurer of State and must be  
16 credited to the books to the board's manufactured housing account  
in accordance with Title 32, section 60-C.

18 **Sec. I-13. 10 MRSA §9004, sub-§2**, as amended by PL 1993, c.  
20 642, §11, is repealed and the following enacted in its place:

22 **2. Employees.** Employees of the board must be employed in  
accordance with Title 32, section 60-F.

24 **Sec. I-14. 10 MRSA §9062**, as amended by PL 1987, c. 395, Pt.  
26 A, §39, is further amended to read:

28 **§9062. Duties**

30 The board shall delegate the responsibility for  
32 administering the state administrative agency program to the  
Commissioner of Professional and Financial Regulation. The  
34 commissioner may delegate or contract out the administration of  
the program at the commissioner's discretion. The board is  
36 vested with the authority upon appropriate notice to discontinue  
participation in the federal enforcement program as a state  
administrative agency for this State.

38 **Sec. I-15. 24-A MRSA §205**, as amended by PL 1973, c. 585,  
40 §12, is repealed and the following enacted in its place:

42 **§205. Bureau organization**

44 With the approval of the Commissioner of Professional and  
Financial Regulation, the superintendent shall organize the  
46 bureau in a manner the superintendent determines necessary for  
the discharge of the superintendent's duties.

48 **Sec. I-16. 24-A MRSA §206**, as corrected by RR 1993, c. 1,  
50 §55, is amended to read:

52 **§206. Deputy superintendents**

2           1. The superintendent, with the approval of the  
Commissioner of Professional and Financial Regulation, may  
4 employ, subject to the Civil Service Law, a--first 2 deputy  
superintendent--and--may--employ--one--or--more--additional--deputies  
6 superintendents. Where authorized by another section of this  
Title, the superintendent may also appoint such special deputies  
8 as regulatory responsibilities may necessitate.

10           2. The deputies shall perform such duties and exercise such  
powers of the superintendent as the superintendent may from time  
12 to time authorize. ~~The--first--deputy--shall--be--acting~~  
~~superintendent--during--a--vacancy--in--the--office--of--Superintendent~~  
14 ~~of--Insurance--or--during--the--incapacity--of--the--superintendent.~~ The  
16 superintendent shall designate one of the deputy superintendents  
to perform the duties of the superintendent whenever the  
18 superintendent is absent from the State; the deputy  
superintendent is directed to do so by the superintendent; there  
20 is a vacancy in the office of superintendent; or the  
superintendent is incapacitated by illness.

22           **Sec. I-17. 24-A MRSA §207**, as amended by PL 1985, c. 785, Pt.  
B, §107, is repealed and the following enacted in its place:

24           **§207. Staff**

26           The superintendent may employ personnel as the business of  
28 the bureau may require, subject to the Commissioner of  
Professional and Financial Regulation's approval and in  
30 accordance with the Civil Service Law. The qualifications of  
those personnel must reflect the needs and responsibilities  
32 relating to the bureau's regulatory functions pursuant to this  
Title. The superintendent may authorize senior personnel of the  
34 bureau to carry out the superintendent's duties and authority.

36           **Sec. I-18. 32 MRSA §60-B to 60-I**, as enacted by PL 1995, c.  
397, §16, are amended to read:

38           **§60-B. Compensation**

40           Members of a board or commission listed in Title 10, section  
42 8001, subsection 38 are entitled to compensation in accordance  
with Title 5, chapter 379. If the fees collected by a board or  
44 commission are insufficient to pay the compensation provided by  
Title 5, chapter 379, the members are entitled to a pro rata  
46 payment in any year in which those fees are insufficient.

48           **§60-C. Disposition of fees**

50           All money received by a board or commission listed in Title  
52 10, section 8001, subsection 38 or by the Office of Licensing and  
Registration to perform the regulatory functions listed in Title

10, section 8001, subsection 38 must be paid to the Treasurer of State and credited to the account for that board or commission or regulatory function within the budget of the Division Office of Licensing and Enforcement Registration.

Money received by a board or commission listed in Title 10, section 8001, subsection 38 or by the Office of Licensing and Registration to perform the regulatory functions listed in Title 10, section 8001, subsection 38 must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony and procuring the attendance of witnesses, the costs of all legal proceedings initiated for enforcement and administrative expenses.

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

#### **§60-D. Contracts**

A board or commission listed in Title 10, section 8001, subsection 38 may enter into contracts to carry out its statutory responsibilities. The Department of Professional and Financial Regulation, Division Office of Licensing and Enforcement Registration may enter into contracts in its own right, or on behalf of boards and commissions and to perform regulatory functions, in order to ensure the provision of goods and services necessary to fulfill statutory responsibilities.

#### **§60-E. Budget**

The budget account of a board or commission listed in Title 10, section 8001, subsection 38 must be prepared and administered as provided in Title 10, section 8003.

#### **§60-F. Employees**

The Commissioner of Professional and Financial Regulation ~~shall appoint~~ may employ, subject to the Civil Service Law, employees personnel as may be necessary to carry out the duties and functions of the various boards and commissions and to perform the regulatory functions listed in Title 10, section 8001, subsection 38. A person so employed must be located in the department, allocated to the Division Office of Licensing and Enforcement Registration and under the administrative and supervisory direction of the commissioner.

#### **§60-G. Disciplinary actions**

1. **Filing of complaints.** A board or commission listed in Title 10, section 8001, subsection 38 shall file complaints

2 received from a person or initiated by a board or commission with  
the Division Office of Licensing and Enforcement Registration.

4 **2. Investigation of allegations of unlicensed practice;  
prosecution.** Allegations of unlicensed practice may be  
6 investigated by a board's or commission's complaint officer or  
inspector in conjunction with the division's--ease--compliance  
8 coordinator Office of Licensing and Registration's complaint  
unit. If sufficient evidence of unlicensed practice is  
10 uncovered, the evidence must be compiled and presented to the  
Department of the Attorney General or the local district  
12 attorney's office for prosecution.

14 **§60-H. Investigations; enforcement duties; assessments**

16 When there is a finding of a violation, a board or  
commission listed in Title 10, section 8001, subsection 38 may  
18 assess the licensed person or entity for actual expenses incurred  
by the board, commission or its agents for investigations and  
20 enforcement duties performed.

22 "Actual expenses" include, but are not limited to, travel  
expenses and the proportionate part of the salaries and other  
24 expenses of investigators or inspectors, hourly costs of hearing  
officers not to exceed \$800, costs associated with record  
26 retrieval and the costs of transcribing or reproducing the  
administrative record.

28 The board or commission, as soon as feasible after finding a  
violation, shall give the licensee notice of the assessment. The  
30 licensee shall pay the assessment in the time specified by the  
board or commission, which may not be less than 30 days.

34 **§60-I. Citations and fines**

36 Any board or commission listed in Title 10, section 8001,  
subsection 38 may adopt by rule a list of violations for which  
38 citations may be issued by professional technical support staff.  
A violation may carry a fine not to exceed \$200. Citations  
40 issued by employees of the Division Office of Licensing and  
Enforcement Registration must expressly inform the licensee that  
42 the licensee may pay the fine or request a hearing before the  
board or commission regarding the violation.

44 **Sec. I-19. 32 MRSA §62, sub-§1-A is enacted to read:**

46 **1-A. Administrator-in-training.** "Administrator-in-training"  
48 means an individual who meets the qualifications set forth in  
rules by the board, is engaged in a training program defined in  
50 rules and approved by the board and is under the supervision of a  
preceptor also approved by the board.

2                   **Sec. I-20. 32 MRSA §62, sub-§4** is enacted to read:

4                   **4. Preceptor.** "Preceptor" means an individual who is  
6 licensed by the board and who meets qualifications set forth in  
rules by the board to supervise the program of one or more  
administrators-in-training.

8                   **Sec. I-21. 32 MRSA §63-B, sub-§5**, as amended by PL 1993, c.  
10 600, Pt. A, §29, is further amended to read:

12                   **5. Application, examination and license fees.** An  
14 application and an examination fee may be established by the  
16 board in amounts that are reasonable and necessary for the  
18 board's respective purposes. The board shall establish a an  
20 initial license fee,--temporary-license-fee and an annual license  
22 renewal fee for nursing home administrators, which may not exceed  
\$150. The board shall establish an initial license fee and an  
annual license renewal fee for administrators-in-training,  
neither of which may exceed \$125. Temporary license fees may not  
exceed \$125. The board may, by rule, provide for the waiver of  
part of the fee for an initial license if it is issued for less  
than 1/2 year.

24                   **Sec. I-22. 32 MRSA §553-A, sub-§3**, as enacted by PL 1991, c.  
26 392, §10, is amended to read:

28                   **3. Fees.** Fees are established as follows:

30                   A. For the application, \$50 an amount set by the board that  
is reasonable and necessary for its purpose;

32                   B. For the examination, \$50 an amount set by the board that  
34 is reasonable and necessary for its purpose;

36                   C. For the initial license, an amount set by the board but  
no more than \$225; and

38                   D. For the license renewal, biennially, an amount set by  
40 the board but no more than \$225.

42 All fees received by the board must be paid to the Treasurer of  
44 State and used to carry out this chapter. Any balance of these  
46 fees may not lapse but must be carried forward as a continuing  
account to be expended for the same purposes in the following  
years.

48                   **Sec. I-23. 32 MRSA §558**, as amended by PL 1993, c. 600, Pt.  
A, §52, is further amended to read:

50                   **§558. Fees**



2 The board shall establish by rule an application fee ~~not to~~  
exceed \$25 that is reasonable and necessary for its purpose and a  
4 biennial certification renewal fee not to exceed \$50.

6 **Sec. I-24. 32 MRSA §1101, sub-§1,** as amended by PL 1989,  
c.450, §10, is further amended to read:

8 **1. Apprentice electrician.** "Apprentice electrician" means a  
10 person who is as defined in Title 26, chapter 11 and who is  
engaged in such a written agreement to work at and learn the  
12 trade of an electrician under the direct supervision of a master,  
journeyman or limited electrician. The biennial renewal fee for  
14 an apprentice electrician license ~~shall be~~ is set by the board in  
an amount not to exceed \$20.

16 **Sec. I-25. 32 MRSA §1101, sub-§3,** as amended by PL 1995, c.  
325, §2, is further amended to read:

18 **3. Helper electrician.** "Helper electrician" means a person  
20 making electrical installations in the employment of a master  
electrician, limited electrician or electrical company and under  
22 the direct supervision of a master, journeyman or limited  
electrician but who does not qualify under subsection 1. The  
24 biennial renewal fee for a helper electrician license is set by  
the board in an amount not to exceed \$20.

26 **Sec. I-26. 32 MRSA §1658-A, sub-§1,** as amended by PL 1991, c.  
28 509, §6, is further amended to read:

30 **1. License for person.** No person may engage in the sale of  
or practice of fitting and dealing in hearing aids or display a  
32 sign or in any other way advertise as or profess to be a person  
who practices the fitting, dealing and sale of hearing aids,  
34 unless that person holds a valid license issued by the board as  
provided in section 1658-I. The board shall issue a license to  
36 any person who applies for the license and who is qualified for  
the license pursuant to section 1658-I, upon payment of a fee of  
38 set by the board in an amount not to exceed \$185. Licenses  
expire annually on January 31st or on ~~such other~~ another date as  
40 the Commissioner of Professional and Financial Regulation  
determines. The license required by this chapter must be  
42 conspicuously posted in the licensee's office or place of  
business. The board shall, for cost, issue duplicate licenses to  
44 license holders operating more than one office. A license issued  
under this chapter confers on the holder the right to select, fit  
46 and sell hearing aids.

48 **Sec. I-27. 32 MRSA §1658-A, sub-§2,** as corrected by RR 1991,  
c. 1, §45, is amended to read:

50 **2. License for business organization.** Any corporation,  
52 partnership, trust, association or other like organization

2 engaged in the business of selling or offering for sale hearing  
3 aids at retail in the State shall apply to the board for a  
4 license to engage in that business. No business entity may so  
5 engage in the business of selling or offering for sale hearing  
6 aids without a license to do so. The board shall issue a license  
7 upon payment by the business entity of a fee of set by the board  
8 in an amount not to exceed \$185 and upon filing of a sworn  
9 statement from a person with authority from the business entity.  
10 That sworn statement must list the names and addresses of all  
11 hearing aid dealers and fitters directly or indirectly employed  
12 by the entity and must certify that the entity employs only  
13 hearing aid dealers and fitters who are duly licensed by the  
14 State. Licenses expire annually on January 31st or on ~~such~~  
15 another date as the Commissioner of Professional and Financial  
16 Regulation determines. Licenses may be renewed annually by each  
17 ~~such~~ business engaged in the fitting and sale of hearing aids by  
18 filing an application for a renewal of its license accompanied by  
19 a fee of set by the board in an amount not to exceed \$185. A  
20 license may be renewed up to 90 days after the date of its  
21 expiration upon payment of a late fee of \$10 in addition to the  
22 renewal fee. Any application for renewal submitted more than 90  
23 days after the license expiration date is subject to all  
24 requirements governing new applicants under this chapter. The  
25 commissioner may establish dates for the renewal of licenses.

26 The license required by this chapter must be conspicuously posted  
27 in the licensee's office or place of business.

28 **Sec. I-28. 32 MRSA §1658-J**, as amended by PL 1983, c. 413,  
29 §78, is further amended to read:

30 **§1658-J. Temporary trainee permit**

31 An applicant who fulfills the requirements as set forth in  
32 section 1658-I, subsection 1, paragraphs A to D, may obtain a  
33 trainee permit upon application to the board, accompanied by a  
34 fee of set by the board in an amount not to exceed \$50 and the  
35 signature of the licensed hearing aid dealer and fitter who is  
36 responsible for the direct supervision of the trainee.

37 ~~No~~ A person holding a trainee permit may not engage in the  
38 practice of dealing in or fitting of hearing aids, except while  
39 under supervision by a licensed hearing aid dealer and fitter.

40 A person who holds a temporary trainee permit shall must be  
41 notified and shall take the next scheduled licensing  
42 examination. After successfully passing the examination, he  
43 shall the person must be issued a license upon the payment of the  
44 annual license fee required under section 1658-M.

45 If ~~such~~ the holder of a trainee permit fails the  
46 examination, he that person may apply for and be issued a new

2 trainee permit upon payment of an additional fee of set by the  
3 board in an amount not to exceed \$50. ~~Not more than 3 trainee~~  
4 ~~permits may be issued to any applicant.~~ An applicant may not be  
5 issued more than 3 trainee permits.

6 **Sec. I-29. 32 MRSA §1658-M**, as amended by PL 1991, c. 509,  
7 §8, is further amended to read:

8  
9 **§1658-M. Annual renewal of license; fees; effect of failure to**  
10 **renew**

11 Licenses issued pursuant to section 1658-A, subsection 1,  
12 may be renewed annually upon application by the licensee,  
13 accompanied by a fee of set by the board in an amount not to  
14 exceed \$185. The board shall notify every such licensee of the  
15 date of expiration of the license and the amount of the fee  
16 required for renewal for a 12-month period. The notice must be  
17 mailed to the licensee's last known address at least 30 days in  
18 advance of the expiration of the license. The license may be  
19 renewed up to 90 days after the date of its expiration upon  
20 payment of a late fee of \$10 in addition to the renewal fee. Any  
21 A person who submits an application for renewal more than 90 days  
22 after the license expiration date is subject to all requirements  
23 governing new applicants under this chapter, except that the  
24 board may, giving consideration to the protection of the public,  
25 waive examination if the renewal application is made within 2  
26 years from the date of the expiration.

27  
28 Notwithstanding this section, ~~no~~ an annual renewal  
29 certificate may not be issued by the board until ~~such time as~~ the  
30 applicant submits proof satisfactory to the board that during the  
31 year preceding the applicant's application for renewal, the  
32 applicant has participated in ~~not fewer than~~ at least 8 clock  
33 hours for courses of continuing education in fitting and dealing  
34 in hearing aids offered by an institution approved by the board.

35  
36 **Sec. I-30. 32 MRSA §2285, sub-§1**, as amended by PL 1991, c.  
37 509, §18, is further amended to read:

38  
39 **1. Amount.** The fees are in the following amounts:

40  
41 A. For an initial application, \$100 an amount set by the  
42 board that is reasonable and necessary for its purpose;

43  
44 B. For biennial renewal of a license, an amount set by the  
45 board not to exceed \$120; and

46  
47 C. For a temporary license, an amount set by the board not  
48 to exceed \$50.

49  
50 **Sec. I-31. 32 MRSA §3301, sub-§2-A**, as enacted by PL 1983, c.  
51 468, §12, is amended to read:

2           **2-A. Journeyman-in-training license.**           A  
4 "journeyman-in-training license" means that license issued to a  
6 person who is in the process of accumulating experience in order  
8 to qualify for a journeyman plumber's license, pursuant to  
10 section 3501, subsection 2, paragraph B, who has met the  
12 education requirements set forth in that paragraph and has  
14 achieved a passing grade, as determined by the board, on the  
16 journeyman's examination. A licensed journeyman-in-training may  
18 assist in making plumbing installations under the direct  
supervision of a journeyman plumber or a master plumber, but may  
not act as or represent himself--as that the person is a  
journeyman plumber, as defined in subsection 3. A  
journeyman-in-training license ~~shall-be-issued~~ is valid for a  
single nonrenewable period of 4 years, and ~~such-a-license~~ may be  
issued only once to any individual. The fee for a  
journeyman-in-training license ~~shall-be~~ is set by the board and  
may not exceed \$8.

20           **Sec. I-32. 32 MRSA §3835, first ¶,** as amended by PL 1985, c.  
22 481, Pt. A, §62, is further amended to read:

24           Licenses issued under this chapter shall expire biennially  
26 on ~~such a date as-may-be~~ established by the Commissioner of  
28 Professional and Financial Regulation, if not renewed. ~~Every A~~  
30 person licensed under this chapter shall submit, on or before the  
32 biennial expiration date, submit an application for license  
renewal together with the biennial renewal fee. ~~The-board-shall~~  
~~establish-these-fees-as-necessary-in-rules-to-cover-the-cost-of~~  
~~operation.~~ The board shall set the fees in an amount not to  
exceed \$400 for psychologists and psychological examiners and  
\$200 for temporary licensure.

34           **Sec. I-33. 32 MRSA §4859, sub-§4,** as enacted by PL 1975, c.  
36 477, §4, is amended to read:

38           **4. Establish a schedule of fees.** Establish a schedule of  
40 fees for the licensing and registration of veterinarians. The  
board shall set the fees in an amount not to exceed \$150 for  
veterinarians and \$75 for veterinary technicians.

42           **Sec. I-34. 32 MRSA §4912,** as amended by PL 1993, c. 404, Pt.  
44 A, §16, is further amended to read:

46           **§4912. Fees**

48           An application fee and an examination fee may be established  
50 by the board in amounts that are reasonable and necessary for  
their respective purposes.

2 The initial and renewal fees for certification as a  
geologist or soil scientist are set by the board in an amount not  
to exceed \$65 annually.

4  
6 **Sec. I-35. 32 MRSA §5013**, as amended by PL 1991, c. 283, §4,  
is further amended to read:

8 **§5013. Applications; fees**

10 Applications for licensure must be made on forms prescribed  
12 and furnished by the board, and contain statements made under  
oath as to residence, the applicant's education, a detailed  
14 summary of technical experience, and contain the names of not  
less than 5 references, 3 or more of whom must be foresters  
16 having personal or professional knowledge of forestry experience.  
Notwithstanding any other provision of law, any communications  
18 solicited or received by the board as references may be kept  
confidential by the board and any discussion of these references  
20 may be conducted in executive session. An application fee may be  
established by the board in an amount ~~which~~ that is reasonable  
22 and necessary for its purpose. The fee for a license as a  
licensed professional forester is fixed by the board, ~~but may not  
be less than \$40 nor more than~~ in an amount not to exceed \$55  
24 annually and must be paid before the issuance of the license.  
Should the applicant fail to remit the licensure fee within 30  
26 days after being notified by certified mail that the application  
has been accepted, the applicant ~~shall forfeit~~ forfeits the right  
28 to have a license so issued and the applicant may be required to  
again submit an original application.

30  
32 **Sec. I-36. 32 MRSA §5015**, as amended by PL 1991, c. 283, §5,  
is further amended to read:

34 **§5015. Expiration and renewal of license**

36 ~~The Division--of--Licensing--and--Enforcement~~ Office of  
Licensing and Registration of the Department of Professional and  
38 Financial Regulation shall compile and maintain a complete and  
up-to-date list of all licensed foresters in the State. The list  
40 ~~shall~~ must be made available to any person upon request at cost.

42 Licenses expire on December 31st, or as designated by the  
Commissioner of Professional and Financial Regulation, following  
44 their issuance or renewal and become invalid on that date unless  
renewed. It is the duty of the ~~Division--of--Licensing--and~~  
46 Enforcement Office of Licensing and Registration to notify, at  
the last known address, every person licensed under this chapter  
48 of the date of the expiration of the license and the amount of  
the fee that is required for its renewal, that notice to be  
50 mailed at least one month in advance of the date of the  
expiration of that license. The board shall fix the renewal fee  
52 for licenses, ~~which fee may not be less than \$40 nor more than~~ in

2 an amount not to exceed \$55 annually. Renewal of licenses may be  
3 effected at any time during the month of renewal of the year in  
4 which the license is due for renewal by payment of the renewal  
5 fee fixed by the board. A license may be renewed up to 90 days  
6 after the date of expiration upon payment of a late fee of \$10 in  
7 addition to the renewal fee. Any person who submits an  
8 application for renewal more than 90 days after the license  
9 renewal date is subject to all requirements governing new  
10 applicants under this chapter. The board shall make an exception  
11 to the foregoing renewal provision in the case of a person who is  
12 in the Armed Services of the United States.

13 The board may require applicants for license renewal to  
14 present evidence of satisfactory completion of continuing  
15 professional education in accordance with the board's rules.

16 **Sec. I-37. 32 MRSA §6028, first ¶**, as amended by PL 1991, c.  
17 509, §27, is further amended to read:

18 An application fee and an examination fee may be established  
19 by the board in amounts that are reasonable and necessary for  
20 their respective purposes. **Every A** person to whom an initial  
21 license is issued pursuant to this chapter shall pay a license  
22 fee of set by the board in an amount not to exceed \$90. The fee  
23 for a temporary license is set by the board and may not exceed  
24 \$90. The fee for biennial renewal of a license is set by the  
25 board and may not exceed \$140. The board may, by rule, provide  
26 for the waiver of all or part of the fee for an initial license,  
27 if it is issued less than 120 days before the date on which it  
28 will expire. When the unexpired term of an initial license of an  
29 applicant is or will be more than one year at time of licensure,  
30 the board may, by rule, require the applicants to pay an  
31 additional fee not to exceed 1/2 the biennial renewal fee.

32 **Sec. I-38. 32 MRSA §6215**, as amended by PL 1995, c. 394, §20,  
33 is further amended to read:

34 **§6215. Application; membership fees**

35 Application for registration as a registered alcohol and  
36 drug counselor or licensure as a licensed alcohol and drug  
37 counselor must be on forms prescribed and furnished by the  
38 board. Application and examination fees may be established by  
39 the board in amounts that are reasonable and necessary for their  
40 respective purposes. Successful applicants shall pay biennial  
41 fees of set by the board in an amount not to exceed \$75 for  
42 registration and \$150 for licensure as an alcohol and drug  
43 counselor. The payment of fees is suspended during the term of  
44 inactive status.

45 **Sec. I-39. 32 MRSA §9605, sub-§§1 and 2**, as amended by PL 1991,  
46 c. 509, §29, are further amended to read:

2           **1. Commercial driver education school license.** Each  
4 application for a commercial driver education school must be  
6 accompanied by an a nonrefundable application fee established by  
8 the board in an amount that is reasonable and necessary for its  
10 purposes, ~~which may not be refunded~~. If the application is  
12 approved by the board, the applicant, upon payment of a fee of  
set by the board in an amount not to exceed \$250, must be granted  
a license, which is valid during the calendar year of its issue  
unless sooner revoked as provided. The renewal fee is set by the  
board and may not exceed \$250.

14           **2. Instructor license.** Each application for an  
16 instructor's license must be accompanied by an a nonrefundable  
18 application fee established by the board in an amount that is  
20 reasonable and necessary for its purpose, ~~which may not be~~  
22 ~~refunded~~. If the application is approved by the board, the  
applicant, upon payment of a fee of set by the board in an amount  
not to exceed \$125, must be granted a license, which is valid  
during the calendar year of its issue unless sooner revoked. The  
renewal fee is set by the board and may not exceed \$125.

24           **Sec. I-40. 32 MRSA §9710, sub-§1**, as repealed and replaced by  
PL 1991, c. 509, §30, is amended to read:

26           **1. Amount.** Application and examination fees may be  
28 established by the board in amounts that are reasonable and  
30 necessary for their respective purposes. Original and renewal  
32 license fees for respiratory care ~~practitioner~~ practitioner  
licenses are set by the board and may not exceed \$135  
biennially. Temporary license fees are set by the board and may  
not exceed \$70. Trainee registration fees are set by the board  
and may not exceed \$50.

34           **Sec. I-41. 32 MRSA §9911, sub-§1**, as amended by PL 1991, c.  
36 509, §34, is further amended to read:

38           **1. Amount.** Application fees may be established by the  
40 board in amounts that are reasonable and necessary. Licensing  
fees may not exceed the following amounts:

42           A. For an original dietitian's or dietetic technician's  
44 license, \$160; or

46           B. For a renewal dietitian's or dietetic technician's  
license, \$160; or

48           C. For a temporary dietitian's or dietetic technician's  
license, \$50.

50           **Sec. I-42. 32 MRSA §12214, sub-§9**, as enacted by PL 1987, c.  
52 489, §2, is amended to read:

2           **9. Fees.** The board may establish application and  
3 examination fees in amounts which that are reasonable and  
4 necessary for their respective purposes. All ~~these~~ fees shall  
5 must accompany the applications. Application fees are  
6 nonrefundable. Examination fees shall may not be returned to an  
7 applicant should he the applicant fail to pass an examination.  
8 Fees for permits may not exceed the following amounts:

10           A. For an initial issuance or renewal of a certified public  
11 accountant or public accountant permit, \$100;

12           B. For an initial issuance or renewal of a firm permit,  
13 \$100; or

14           C. For an initial issuance or renewal of a firm branch  
15 office permit, \$50.

16           **Sec. I-43. 32 MRSA §13069, sub-§3,** as enacted by PL 1987, c.  
17 395, Pt. A, §212, is repealed and the following enacted in its  
18 place:

19           3. Employees. Employees of the commission must be employed  
20 in accordance with section 60-F.

21           **Sec. I-44. 32 MRSA §13069, sub-§4,** as enacted by PL 1987, c.  
22 395, Pt. A, §212, is repealed.

23           **Sec. I-45. 32 MRSA §13069, sub-§4-A** is enacted to read:

24           4-A. Real estate account. All funds received by the  
25 commission must be paid to the Treasurer of State and must be  
26 credited to the commission's account in accordance with section  
27 60-C.

28           **Sec. I-46. 32 MRSA §13978, sub-§5,** as enacted by PL 1989, c.  
29 806, §3, is amended to read:

30           **5. Fee.** Pay an application fee in an amount established by  
31 the board and a license fee not to exceed \$200; and

32           **Sec. I-47. 32 MRSA §13980, sub-§1,** as corrected by RR 1991, c.  
33 2, §123, is amended to read:

34           **1. Amount.** Application and examination fees may be  
35 established by the board in amounts which that are reasonable and  
36 necessary for their respective purposes. License fees may not  
37 exceed the following amounts:

38           A. For original and renewal fees for licensed appraisers,  
39 \$250 biennially; and



2 B. For original and renewal fees for certified appraisers,  
\$300 biennially; and

4 C. For temporary licensure, \$200.

6 **Sec. I-48. Maine Revised Statutes amended; revision clause.**

7 Wherever in the Maine Revised Statutes the words "Division of  
8 Licensing and Enforcement" appear or reference is made to those  
9 words, they are amended to read and mean "Office of Licensing and  
10 Registration" and the Revisor of Statutes shall implement these  
11 revisions when updating, publishing or republishing the statutes.  
12

14 **PART J**

16 **Sec. J-1. PL 1995, c. 368, Pt. A, §3, 3rd ¶** is amended to read:

17 Savings accruing from unused funding of employee benefits  
18 may not be used to increase services provided by employees.  
19 Accrued salary savings generated from vacant positions within an  
20 appropriation or allocation for Personal Services may be used for  
21 the payment of nonrecurring Personal Services costs within the  
22 account where the savings exist. Accrued salary savings  
23 generated from vacant positions within an appropriation for  
24 Personal Services may be used to offset Personal Services  
25 shortfalls in other General Fund accounts that occur as a direct  
26 result of Personal Services appropriation reductions for  
27 projected vacancies. Costs related to acting-capacity  
28 appointments and emergency, unbudgeted overtime for which it is  
29 impractical to budget in advance may be used with the approval of  
30 the appointing authority. Other actions such as retroactive  
31 compensation for reclassifications or reallocations and  
32 retroactive or one-time settlements related to arbitrator or  
33 court decisions must be recommended by the department or agency  
34 head and approved by the State Budget Officer. Salary and  
35 employee benefits savings may not be used to fund recurring  
36 Personal Services actions either in the account where the savings  
37 exist or in another account.  
38

40 **Sec. J-2. Calculation and transfer.** The State Budget Officer  
41 shall calculate the amount in section 4 of this Part that applies  
42 against each General Fund account for all departments and  
43 agencies based on the proportionate share of salaries and wages  
44 in the Personal Services appropriations in the affected accounts  
45 and on the historical attrition rate for the affected departments  
46 and agencies, except for General Fund accounts in the following  
47 departments: Department of Corrections, Department of Inland  
48 Fisheries and Wildlife and Department Mental Health and Mental  
Retardation. Notwithstanding the Maine Revised Statutes, Title



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**PART K**

**Sec. K-1. Retiree health insurance; calculation and transfer.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount of the Retiree Health Insurance portion of retirement in the Personal Services savings identified under the provisions of Public Law 1995, chapter 99, Part D, and shall cause the calculated amount to be transferred from all affected accounts, regardless of fund, to the Retiree Health Insurance Fund account in the Department of Administrative and Financial Services in fiscal year 1995-96 and fiscal year 1996-97.

**Sec. K-2. Account established.** There is established in the Department of Administrative and Financial Services the Retirement Unfunded Liability account, Other Special Revenue Fund to which amounts identified in section 3 of this Part must be transferred during fiscal year 1995-96 and fiscal year 1996-97.

**Sec. K-3. Retirement unfunded liability; calculation and transfer.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount of the Unfunded Actuarial Liability portion of the retirement in the Personal Services savings identified under the provisions of Public Law 1995, chapter 99, Part D, and shall cause the calculated amount to be transferred from all affected accounts, regardless of fund, to the Retirement Unfunded Liability account in the Department of Administrative and Financial Services in fiscal year 1995-96 and fiscal year 1996-97.

**Sec. K-4. Allotment of funds.** The allotment of available funds in the Retirement Unfunded Liability account for the purpose of making payments to the Maine State Retirement System must be implemented by financial order upon the recommendation of the State Budget Officer and approval of the Governor and upon review by the Joint Standing Committee on Appropriations and Financial Affairs.

**PART L**

**Sec. L-1. Fiscal agent for the Department of Agriculture, Food and Rural Resources and the Department of Conservation.** The Department of Environmental Protection shall serve as the fiscal agent for the Department of Agriculture, Food and Rural Resources and the Department of Conservation, to include such functions as processing payment vouchers and contract documents, and handling personnel and payroll matters, financial management services and other related required functions as agreed upon by the 3 departments.

2           **Sec. L-2. Fiscal agent for the Department of Defense and Veterans'**  
 3 **Services.** The Department of Public Safety shall serve as the  
 4 fiscal agent for the Department of Defense and Veterans'  
 5 Services, to include such functions as processing payment  
 6 vouchers and contract documents, and handling personnel and  
 7 payroll matters, financial management services and other related  
 8 required functions as agreed upon by the 2 departments.

9  
 10           **Sec. L-3. Fiscal agent for the Governor's Office, Blaine House, State**  
 11 **Planning Office and the Department of Economic and Community**  
 12 **Development.** The Department of Administrative and Financial  
 13 Services shall serve as the fiscal agent for the Governor's  
 14 Office, Blaine House, State Planning Office and the Department of  
 15 Economic and Community Development, to include such functions as  
 16 processing payment vouchers and contract documents, and handling  
 17 personnel and payroll matters, financial management services and  
 18 other related required functions as agreed upon by the 5 entities.

19  
 20           **Emergency clause.** In view of the emergency cited in the  
 21 preamble, this Act takes effect when approved.

22

**FISCAL NOTE**

24

APPROPRIATIONS AND ALLOCATIONS

26

	1995-96	1996-97
28   General Fund Appropriations		
30   PART A, Section A-1	\$1,519,191	\$3,101,974
31   PART B, Section B-1	24,736	(954,169)
32   PART J, Section J-4	(1,075,506)	(1,630,410)
34   GENERAL FUND, TOTAL	<hr/> 468,421	<hr/> 517,395
36   Highway Fund		
38   PART A, Section A-2	74,250	58,024
40   HIGHWAY FUND, TOTAL	<hr/> 74,250	<hr/> 58,024
42   Federal Expenditures Fund		
44   PART A, Section A-3	(2,187,549)	(2,959,725)
45   PART B, Section B-2	19,676	(10,153)
46   FEDERAL EXPENDITURES FUND, TOTAL	<hr/> (2,167,873)	<hr/> (2,969,878)
48   Other Special Revenue Fund		
50   PART A, Section A-4	(813,018)	(1,603,936)

2	PART B, Section B-3	617,327	1,240,886
	PART C, Section C-48	0	0
4	OTHER SPECIAL REVENUE FUND, TOTAL	<u>(195,691)</u>	<u>(363,050)</u>
6	Postal, Printing and Supply Fund		
8	PART A, Section A-5	(201,483)	(415,363)
10	POSTAL, PRINTING AND SUPPLY FUND, TOTAL	<u>(201,483)</u>	<u>(415,363)</u>
12	Telecommunication Fund		
14	PART A, Section A-6	(50,620)	(51,716)
16	TELECOMMUNICATION FUND, TOTAL	<u>(50,620)</u>	<u>(51,716)</u>
18	Data Processing Fund		
20	PART A, Section A-7	(478,935)	(487,823)
22	DATA PROCESSING FUND, TOTAL	<u>(478,935)</u>	<u>(487,823)</u>
24	Workers' Compensation Management Fund		
26	PART A, Section A-8	(134,181)	(192,537)
	PART B, Section B-4	(12,942)	(39,578)
28	WORKERS' COMPENSATION		
30	MANAGEMENT FUND, TOTAL	<u>(147,123)</u>	<u>(232,115)</u>
32	Central Motor Pool		
34	PART A, Section A-9	(6,640)	(6,640)
36	CENTRAL MOTOR POOL, TOTAL	<u>(6,640)</u>	<u>(6,640)</u>
38	Internal Service Funds - Statewide		
40	PART A, Section A-10	72,546	118,735
42	INTERNAL SERVICE FUNDS -		
	STATEWIDE, TOTAL	<u>72,546</u>	<u>118,735</u>
44	Potato Marketing Fund		
46	PART A, Section A-11	(24,128)	(25,318)
48	POTATO MARKETING FUND, TOTAL	<u>(24,128)</u>	<u>(25,318)</u>
50	POTATO MARKETING FUND, TOTAL	(24,128)	(25,318)
52	Island Ferry Services Fund		

2	PART A, Section A-12	(23,262)	(24,227)
4		<hr/>	<hr/>
6	ISLAND FERRY SERVICES FUND, TOTAL	(23,262)	(24,227)
8	Augusta State Airport Fund		
10	PART A, Section A-13	(61,877)	(64,134)
12		<hr/>	<hr/>
12	AUGUSTA STATE AIRPORT FUND, TOTAL	(61,877)	(64,134)
14	Alcoholic Beverage Fund		
16	PART A, Section A-14	(498,029)	(555,939)
18		<hr/>	<hr/>
20	ALCOHOLIC BEVERAGE FUND, TOTAL	(498,029)	(555,939)
22	Prison Industries Fund		
24	PART A, Section A-15	16,272	36,658
26		<hr/>	<hr/>
26	PRISON INDUSTRIES FUND, TOTAL	16,272	36,658
28	Seed Potato Board Fund		
30	PART A, Section A-16	(114,386)	(136,264)
32		<hr/>	<hr/>
34	SEED POTATO BOARD FUND, TOTAL	(114,386)	(136,264)
36	State Lottery Fund		
38	PART A, Section A-17	(34,385)	(36,308)
40		<hr/>	<hr/>
40	STATE LOTTERY FUND, TOTAL	(34,385)	(36,308)
42	Enterprise Funds - Statewide		
44	PART A, Section A-18	52,570	67,046
46		<hr/>	<hr/>
48	ENTERPRISE FUNDS - STATEWIDE, TOTAL	52,570	67,046

GENERAL FUND UNDEDICATED REVENUE

2	PART A	1995-96	1996-97
	Section A-14	438,161	485,627
4	Section A-17	30,260	31,768
6	GENERAL FUND UNDEDICATED		
	REVENUE, TOTAL	<u>\$468,421</u>	<u>\$517,395</u>
8			

10 **STATEMENT OF FACT**

12 **PART A**

14 Part A does the following:

- 16 1. Makes supplemental appropriations from the General Fund;
- 18 2. Makes supplemental allocations from the Highway Fund;
- 20 3. Makes supplemental allocations from the Federal
- 22 Expenditure Fund;
- 24 4. Makes supplemental allocations from Other Special
- 26 Revenue funds;
- 28 5. Makes supplemental allocations from the Postal, Printing
- and Supply Fund;
- 30 6. Makes supplemental allocations from the
- 32 Telecommunication Fund;
- 34 7. Makes supplemental allocations from the Data Processing
- Fund;
- 36 8. Makes supplemental allocations from the Workers'
- 38 Compensation Management Fund;
- 40 9. Makes supplemental allocations from the Central Motor
- Pool Fund;
- 42 10. Makes supplemental allocations from the Internal
- 44 Services Fund - Statewide;
- 46 11. Makes supplemental allocations from the Potato
- Marketing Fund;
- 48 12. Makes supplemental allocations from the Island Ferry
- 50 Services Fund;
- 52 13. Makes supplemental allocations from the Augusta State
- Airport Fund.





2 provides for the transfer of records, property and equipment to  
3 the department. It also creates the State Conservation District  
4 Advisory Council to advise the commissioner on matters affecting  
5 the various soil and water conservation districts.

6 4. It repeals the Animal Welfare Board and transfers the  
7 board's responsibilities regarding investigation of pet animal  
8 cruelty complaints to the commissioner. Other powers and  
9 responsibilities of the board, such as the appointment of  
10 intermittent humane agents and the operation of a spaying and  
11 neutering fund, are also transferred to the commissioner. The  
12 role as well as the membership of the Animal Welfare Advisory  
13 Committee is expanded. The committee will include one member who  
14 is or has been a licensed veterinarian and another member who  
15 represents the interest of the public in animal welfare,  
16 generally. All committee members will continue to be appointed  
17 by the Governor, but will no longer be subject to legislative  
18 review and confirmation.

19 5. It establishes the Maine Potato Board, which is  
20 currently an independent agency within the Department of  
21 Agriculture, Food and Rural Resources, as a public  
22 instrumentality, separate and apart from State Government. The  
23 potato tax would continue to be collected by the State Tax  
24 Assessor and would simply be transferred periodically to the  
25 Maine Potato Board.  
26

27 6. It provides for the elimination of the Maine Dairy  
28 Promotion Board and the Maine Dairy and Nutrition Council. These  
29 programs are funded through a dairy industry tax and would  
30 continue to operate much as they currently do. The department  
31 would carry out the programs with the assistance and advice of a  
32 new Maine Dairy and Nutrition Advisory Council and a Maine Dairy  
33 Promotion Advisory Board. The current staff of the Maine Dairy  
34 Promotion Board and the Maine Dairy and Nutrition Council are  
35 transferred to the department's Division of Marketing and  
36 Production Development in order to further coordinate and  
37 streamline the dairy promotion and nutrition functions with the  
38 similar functions already carried out by the department.  
39  
40

#### 41 PART D

42  
43 Part D establishes in statute the Aquarium and Resource  
44 Center at West Boothbay Harbor Fund. The Department of Marine  
45 Resources operates a small aquarium in conjunction with the  
46 marine resources research facility in West Boothbay Harbor. The  
47 aquarium is used in support of marine education programs for  
48 primary and secondary schools. The facility is also open to the  
49 general public during the summer and fall. This Part authorizes  
50 the department to charge a fee, the revenues of which will be  
placed in a fund dedicated to supporting the facility and

2 programs offered there. The fee will be charged to the general  
3 public and not to schools.

4 PART E

6 Part E reduces the number of regional service delivery areas  
7 in the Department of Human Services from 5 to 3.

8 Part E changes the Division of Public Health Nursing to the  
9 Public Health Nursing Program.

12 Part E repeals the Division of Dental Health.

14 Part E authorizes the Department of Human Services to pay  
15 the legal services for individuals appealing denial of Federal  
16 Supplemental Security Income benefits in order to reduce  
17 expenditure of General Assistance and Aid to Families with  
18 Dependent Children funds.

20 Part E combines the Office of Child Care Coordination with  
21 Head Start and creates a new office called the Office of Child  
22 Care and Head Start. Part E also transfers the Office of Child  
23 Care and Head Start from the jurisdiction of the Bureau of Child  
24 and Family Services to the Division of Purchased and Support  
25 Services.

26 PART F

28 Part F combines the Bureau of Public Lands and Bureau of  
29 Parks and Recreation within the Department of Conservation into a  
30 single agency, the Bureau of Parks and Lands.

32 This part clarifies that it is the intent to maintain the  
33 unique status of parks, historic sites and public reserved  
34 lands. This part grants no new powers to the Bureau of Parks and  
35 Lands not already granted in statute to the 2 former bureaus, nor  
36 does it transfer the powers, duties and responsibilities  
37 pertaining to any one class of land under existing statute to any  
38 other class of land now under the purview of the new bureau.  
39 Since the combination of the 2 bureaus involves several chapters  
40 of law, the current statutes will have to be reviewed for the  
41 consistency and incorporated into a new, unified chapter. The  
42 unified chapter will preserve the mission of the former agencies  
43 and maintain the unique character of the different types of  
44 state-owned land managed by the new agency.

46 This part also clarifies that the Director of the Bureau of  
47 Parks and Lands will continue to receive all revenue generated by  
48 sales or other activities on public lands and that this revenue  
49 remains distinct from revenues received from parks and historic  
50 sites.

52

2 The provisions of the former Bureau of Public Lands  
3 pertaining to trespass and public access continue to apply only  
4 to public lands.

6 This part establishes that the funds dedicated to management  
7 of public lands remain dedicated to the management of those  
8 lands, which for the purpose of distinguishing them from other  
9 public lands have been more clearly defined as nonreserved public  
10 lands.

12 Reference to the Bureau of Parks and Recreation as an agency  
13 that cooperates with the commissioner in compiling and  
14 maintaining the inventory of public reserved lands is eliminated.

16 Procedures for land acquisition by eminent domain are  
17 specific only to lands designated as parks or historic sites.

18 This part also establishes the Bureau of Parks and Lands  
19 within the Department of Conservation, defines the deputy  
20 director position, and specifies that the deputy director is  
21 appointed by the commissioner.

22 This part also combines the Maine Geological Survey and the  
23 Natural Areas Program into a single unit, the Natural Resources  
24 Information and Mapping Center, and provides a a revision clause  
25 and transition provisions.

#### 28 PART G

30 Part G makes the following changes to laws affecting the  
31 Department of Corrections.

32 1. Part G requires a court to make a determination,  
33 whenever a juvenile is committed to the Maine Youth Center or put  
34 on probation with a condition of out-of-home placement, as to  
35 whether reasonable efforts have been made to prevent or eliminate  
36 the need for removal of the juvenile from the juvenile's home and  
37 as to whether continuation in the home is contrary to the welfare  
38 of the juvenile. The court must review this determination at  
39 least once every 18 months until the juvenile is discharged.

42 2. Part G requires a court to order a parent or guardian of  
43 a juvenile committed to the Maine Youth Center or to the  
44 Department of Human Services or placed on probation to pay for  
45 medical and other treatment provided to the juvenile except in a  
46 case of excessive hardship, in which case the court must order a  
47 reasonable amount paid toward the cost of treatment.

48 3. Part G abolishes the Division of Probation and Parole  
49 within the Department of Corrections and the position of Director  
50 of Probation and Parole and assigns certain probation and parole

responsibilities to the Commissioner of Corrections and the Associate Commissioners of Corrections.

4. Part G clarifies the administrative structure at the associate commissioner level by identifying one Associate Commissioner of Corrections responsible for adult services and one Associate Commissioner of Corrections responsible for juvenile services. The Director of Correctional Programs position is retitled to Director of Policy, Legislative and Information Services.

5. Part G requires a client participating in a halfway house program who is also permitted to participate in a work release program to pay the costs of board and the costs of transportation if arranged by the halfway house. Funds received from a client for these costs must be placed in the General Fund.

6. Part G provides among the purposes of the Maine Youth Center the protection of the public from dangerous juveniles.

7. Part G authorizes the Governor or the Governor's designee to order that personnel and equipment of the state military forces be employed to design and construct a security fence around the Maine Youth Center.

#### PART H

Part H requires the Governor, when submitting the budget, to identify the positions that are authorized for less than 52 weeks as "Positions - Full-time Equivalent" and positions that are authorized for 52 weeks as "Positions - Legislative Count."

Part H eliminates the Public Health Nurse I position that provided services to the State House complex for state employees and State House visitors. Part H also amends Public Law 1995, chapter 368, Part A, section 15 by transferring the State Cost Allocation program from the Bureau of the Budget to the Division of Financial and Personnel Services within the Department of Administrative and Financial Services.

#### PART I

Part I makes the necessary statutory changes to effectuate the Department of Professional and Financial Regulation's "Productivity Plan," as presented to the State Productivity Realization Task Force.

This Part renames the Division of Licensing and Enforcement the Office of Licensing and Registration, creates a director position to lead that office and authorizes that office to perform licensing functions for other state agencies on a fee-for-service basis.

2 This Part amends the duties and authority of the  
commissioner. It clarifies the administrative authority of the  
4 commissioner. It clarifies the commissioner's role by making the  
commissioner the ultimate appointing authority for the department.

6  
8 This Part amends the banking laws, requiring the  
Superintendent of Banking to obtain approval from the  
10 commissioner before making organizational changes to the Bureau  
of Banking and before employing a deputy superintendent and the  
12 securities administrator. It also limits the number of deputy  
superintendents that may be employed to one.

14 This Part amends the insurance laws, requiring the  
Superintendent of Insurance to obtain the approval of the  
16 commissioner before making organizational changes to the Bureau  
of Insurance and before engaging in the hiring of personnel. It  
18 also limits the number of deputy superintendents to 2.

20 This Part alters the personnel authority of the Real Estate  
Commission and the Manufactured Housing Board to mirror that of  
22 other boards and commissions. This Part places the Real Estate  
Commission under the Office of Licensing and Registration and  
24 establishes fee caps for all boards and commissions within that  
office, so that they may alter their fees below the cap by rule.

26  
28 PART J

30 Part J does the following.

32 1. It provides for the financial order transfer of salary  
savings between departments and agencies if projected vacancies  
34 from turnover do not occur.

36 2. It authorizes the State Budget Officer to calculate and  
distribute specified deappropriations.

38 3. It authorizes the State Budget Officer to calculate and  
transfer the Unfunded Actuarial Liability and Retiree Health  
40 Insurance portions of the specified deappropriations to the  
appropriate accounts.

42 4. It makes appropriations from the General Fund in the  
44 form of reductions through salary savings.

46 5. It makes provisions for the reduction of Personal  
Services appropriation and allocation recommendations in future  
48 biennial budget submissions.

50 6. It authorizes the General Fund salary plan account to  
carry forward to June 30, 1997.

52

PART K

2

Part K does the following:

4

6 1. It authorizes the State Budget Officer to calculate and  
8 transfer the Retiree Health Insurance portion of the Personal  
Services savings from the productivity plans to the Retiree  
Health Insurance Fund;

10 2. It establishes the Retirement Unfunded Liability account  
in the Department of Administrative and Financial Services;

12

14 3. It authorizes the State Budget Officer to calculate and  
transfer the Unfunded Actuarial Liability portion of the Personal  
Services savings from the productivity plans to the Retirement  
16 Unfunded Liability account; and

18 4. It makes provisions for the allotment of funds in the  
Retirement Unfunded Liability account.

20

PART L

22

24 Part L creates 3 administrative clusters to handle various  
administrative functions for multiple agencies to create cost  
savings and efficiency.

26

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