

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1873

H.P. 1363

House of Representatives, March 20, 1996

An Act to Implement the Recommendations of the Productivity Realization Task Force and to Make Supplement Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 1996 and June 30, 1997.

(EMERGENCY)

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
JOSEPH W. MAYO, Clerk

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

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

Whereas, certain obligations and expenses will become due and payable on or immediately after July 1, 1996; and

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

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

PART A

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

	1995-96	1996-97
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Accounts and Control - Bureau of		
Personal Services	(15,920)	(2,520)
Provides for the deappropriation of Personal Services funds no longer required for unemployment costs.		
Financial and Personnel Services - Division of		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	18,838	41,088
All Other	750	1,500
TOTAL	19,588	42,588

2 Provides for the
 4 appropriation of funds from
 6 the transfer of one Planning
 8 and Research Associate I
 10 position from the Department
 12 of Economic and Community
 14 Development as part of the
 16 Department of Administrative
 18 and Financial Services
 20 cluster. This position will
 22 be reorganized to one
 24 Accountant II position.

14 Productivity Realization
 16 Task Force

18 All Other (250,000)

20 Provides for the
 22 deappropriation of funds no
 24 longer required by the
 26 Productivity Realization Task
 28 Force.

30 Public Improvements -
 32 Planning/Construction -
 34 Administration

36 Personal Services (12,709)

38 Provides for the
 40 deappropriation of funds to
 42 reflect the net savings of
 44 eliminating one Clerk Typist
 46 II position and the transfer
 48 of one Data Entry Specialist
 position from the Department
 of Education.

40 Executive Branch Departments
 42 and Independent Agencies -
 44 Statewide

46 Personal Services 156,104 315,826

48 Provides for the
 appropriation of funds for
 the unfunded liability
 portion of the Personal

2 Services savings achieved
 through productivity plans.

4 Executive Branch Departments
 and Independent Agencies -
 6 Statewide

8 Personal Services 40,153 (49,506)

10 Provides for the
 12 appropriation of funds for
 14 the retiree health insurance
 16 portion of the Personal
 18 Services savings achieved
 through productivity plans.

20 Executive Branch Departments
 and Independent Agencies -
 22 Statewide

24 Personal Services 2,343,830 4,685,460
 All Other 385,264 420,304
 Capital Expenditures 5,491

28 TOTAL 2,734,585 5,105,764

30 Provides for the
 32 appropriation of funds
 34 identified as productivity
 36 savings under the provisions
 38 of Public Law 1995, chapter
 99, Part D.

40 Taxation - Bureau of

42 Personal Services (100,000) (5,000)

44 Provides for the
 46 deappropriation of funds to
 48 adjust the unemployment
 allocation in fiscal years
 1995-96 and 1996-97 as part
 of the productivity process.

50 Taxation - Bureau of

Personal Services (2,640)

Provides for the
 deappropriation of funds to
 reflect the net savings from

2 eliminating one Clerk Typist
 2 II position and the transfer
 4 of one Data Control Clerk
 4 position from the Office of
 6 Substance Abuse.

8 DEPARTMENT OF ADMINISTRATIVE
 8 AND FINANCIAL SERVICES
 8 TOTAL 2,819,161 5,157,152

10 AGRICULTURE, FOOD AND RURAL
 12 RESOURCES, DEPARTMENT OF

14 Administration - Agriculture

16 All Other (25,000)

18 Provides for the
 18 deappropriation of funds from
 20 the transfer of computer pool
 20 services to the Office of
 22 Planning, Policy, Legislation
 22 and Information Services
 24 program in accordance with
 24 the approved restructuring
 26 plan.

28 Administration - Agriculture

30 Positions - Legislative Count (-2.0)
 30 Personal Services (101,949)
 32 All Other (5,000)

34 TOTAL (106,949)

36 Provides for the
 36 deappropriation of funds
 38 through the transfer of one
 38 Director of Administrative
 40 Services position and one
 40 Accountant I position to the
 42 Office of Planning, Policy,
 42 Legislation and Information
 44 Services in accordance with
 44 the approved restructuring
 46 plan.

48 Office of Agricultural, Natural
 50 and Rural Resources

2 All Other 3,800 11,264

4 Provides for the
 4 appropriation of funds for
 6 the transfer of Rural
 6 Resource and Agricultural
 8 Response support from
 8 Agricultural Production in
 10 accordance with the approved
 10 restructuring plan.

12 Agricultural Production

14 All Other (3,800) (11,264)

16 Provides for the
 16 deappropriation of funds for
 18 the transfer of Rural
 18 Resource and Agricultural
 20 Complaint Response support to
 20 the Office of Agricultural,
 22 Natural and Rural Resources
 22 in accordance with the
 24 approved restructuring plan.

26 Public Services - Agriculture

28 All Other (130,082)
 28 Capital Expenditures (14,850)

30 TOTAL (144,932)

32 Provides for the
 34 deappropriation of funds
 34 through the transfer of
 36 Division of Regulation All
 36 Other and Capital
 38 Expenditures funds to the new
 38 Division of Quality Assurance
 40 and Regulations in accordance
 40 with the approved
 42 restructuring plan.

44 Public Services - Agriculture

46 Personal Services (3,652)

48 Provides for the
 48 deappropriation of funds from
 50 the salary savings derived

2 through the transfer of one
 4 Clerk Typist II position from
 6 the Department of Education
 and the elimination of one
 Clerk Typist II position in
 this account.

8 Marketing Services - Agriculture

10	All Other	130,082
	Capital Expenditures	14,850
12	TOTAL	<u>144,932</u>

14 Provides for the
 16 appropriation of funds from
 18 the transfer of the Division
 of Regulation All Other and
 20 Capital Expenditures funds to
 the new Division of Quality
 22 Assurance and Regulations in
 accordance with the approved
 24 restructuring plan.

26 Office of Planning, Policy,
 Legislation and Information
 Services

28	All Other	25,000
----	-----------	--------

30 Provides for the
 32 appropriation of funds from
 34 the transfer of computer pool
 services from Administration
 in accordance with the
 36 approved restructuring plan.

38 Office of Planning, Policy,
 Legislation and Information
 Services

42	Positions - Legislative Count	(2.0)
	Personal Services	101,949
44	All Other	5,000
46	TOTAL	<u>106,949</u>

48 Provides for the
 50 appropriation of funds
 through the transfer of one

2 Director of Administrative
 4 Services position and one
 6 Accountant I position from
 Administration - Agriculture
 in accordance with the
 approved restructuring plan.

8 DEPARTMENT OF AGRICULTURE,
 FOOD AND RURAL RESOURCES

10	TOTAL	<u>(3,652)</u>	<u>-0-</u>
----	-------	----------------	------------

12 ATTORNEY GENERAL,
 DEPARTMENT OF THE

14 Chief Medical Examiner - Office of

16	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(32,783)	(34,065)

18 Provides for the
 20 deappropriation of funds from
 the elimination of one vacant
 and unestablished Medical
 22 Examiner Assistant position.

26 DEPARTMENT OF THE ATTORNEY GENERAL
 TOTAL

28		<u>(32,783)</u>	<u>(34,065)</u>
----	--	-----------------	-----------------

30 AUDIT, DEPARTMENT OF

32 Audit - Departmental Bureau

34	Personal Services	(3,214)	(5,438)
----	-------------------	---------	---------

36 Provides for the
 38 deappropriation of funds
 through the reclassification
 of one Auditor I position to
 one Secretary position in
 40 accordance with the
 recommendations of the
 42 Productivity Realization Task
 Force.

44 Audit - Departmental Bureau

46	Personal Services	(74,000)
----	-------------------	----------

48 Provides for the
 50 deappropriation of funds

2	through the delayed hiring of		
2	personnel as recommended by		
4	the Productivity Realization		
4	Task Force.		
6	DEPARTMENT OF AUDIT		
6	TOTAL	<u>(77,214)</u>	<u>(5,438)</u>
8			
10	ECONOMIC AND COMMUNITY DEVELOPMENT,		
10	DEPARTMENT OF		
12	Administration - Economic and		
12	Community Development		
14			
16	Positions - Legislative Count	(-1.0)	(-1.0)
16	Personal Services	(18,838)	(41,088)
18	All Other	(750)	(1,500)
18			
20	TOTAL	<u>(19,588)</u>	<u>(42,588)</u>
20			
22	Provides for the		
22	deappropriation of funds from		
24	the transfer of one Planning		
24	and Research Associate I		
26	position to the Department of		
26	Administrative and Financial		
28	Services as part of the		
28	Productivity Realization Task		
30	Force administration cluster		
30	plan.		
32			
32	Administration - Economic and		
34	Community Development		
34			
36	Positions - Legislative Count	(-1.0)	(-1.0)
36	Personal Services	(12,194)	(27,403)
38	All Other		(21,850)
38			
40	TOTAL	<u>(12,194)</u>	<u>(49,253)</u>
40			
42	Provides for the		
42	deappropriation of funds from		
44	the elimination of one		
44	Account Clerk II position and		
46	All Other savings as part of		
46	the Productivity Realization		
48	Task Force plan.		
48			

2	Business Development		
2			
4	All Other		(48,545)
4			
6	Provides for the		
6	deappropriation of All Other		
8	savings as part of the		
8	Productivity Realization Task		
8	Force plan.		
10			
10	Community Development Block		
12	Grant Program		
12			
14	Positions - Legislative Count	(-1.0)	(-1.0)
14	Personal Services	(57,322)	(72,296)
16			
16	Provides for the		
18	deappropriation of funds from		
18	the elimination of one		
20	Development Director position		
20	as part of the Productivity		
22	Realization Task Force plan.		
22			
24	Economic Conversion Division		
24			
26	All Other		(5,000)
26			
28	Provides for the		
28	deappropriation of All Other		
30	savings as part of the		
30	Productivity Realization Task		
32	Force plan.		
32			
34	Maine Economic Growth Council		
34			
36	All Other		(10,000)
36			
38	Provides for the		
38	deappropriation of All Other		
40	savings as part of the		
40	Productivity Realization Task		
42	Force plan.		
42			
44	Energy Resources - Office of		
44			
46	Positions - Legislative Count	(-1.0)	(-1.0)
46	Personal Services	(29,418)	(52,751)
48	All Other		(10,000)
48			
50	TOTAL	<u>(29,418)</u>	<u>(62,751)</u>
50			

2	Provides for the		
4	deappropriation of funds from		
6	the elimination of one		
8	Supervisor Energy Division		
10	position and All Other		
12	savings as part of the		
14	Productivity Realization Task		
16	Force plan.		
18	International Commerce		
20	Positions - Legislative Count	(-1.0)	(-1.0)
22	Personal Services		(5,294)
24	Provides for the		
26	deappropriation of funds from		
28	the reorganization of the		
30	International Commerce		
32	Division and the resulting		
34	elimination of head count for		
36	one Development Project		
38	Officer position, as part of		
40	the Productivity Realization		
42	Task Force plan.		
44	Maine Small Business Commission		
46	All Other		(17,455)
48	Provides for the		
50	deappropriation of All Other		
	savings as part of the		
	Productivity Realization Task		
	Force plan.		
	Office of Tourism		
	All Other		(78,900)
	Provides for the		
	deappropriation of funds from		
	All Other savings as part of		
	the Productivity Realization		
	Task Force plan.		
	DEPARTMENT OF ECONOMIC AND		
	COMMUNITY DEVELOPMENT		
	TOTAL	(118,522)	(392,082)

2	EDUCATION, DEPARTMENT OF		
4	Administrative Office of		
6	the Commissioner		
8	Positions - Legislative Count	(-1.0)	(-1.0)
10	Personal Services	(17,307)	(88,465)
12	Provides for the		
14	deappropriation of funds		
16	through the transfer of one		
18	Deputy Commissioner of		
20	Education position to the		
22	Leadership program.		
24	Administrative Office of		
26	the Commissioner		
28	Positions - Legislative Count		(-4.0)
30	Personal Services		(287,960)
32	All Other		(52,286)
34	TOTAL		(340,246)
36	Provides for the		
38	deappropriation of funds		
40	through the transfer of		
42	appropriation and positions		
44	to the Leadership program.		
46	Administrative Office of		
48	the Commissioner		
50	All Other	(106)	(500)
	Provides for the		
	deappropriation of funds		
	related to position		
	eliminations.		
	Administrative Services Unit		
	Positions - Legislative Count		(-3.0)
	Personal Services		(140,646)
	All Other		(44,295)
	TOTAL		(184,941)
	Provides for the transfer of		
	appropriation and positions		
	to the Leadership program.		

2	Administrative Services Unit		
4	Personal Services	1,050	
6	Provides for the		
8	appropriation of funds for		
10	the reclassification of one		
12	Clerk Typist III position to		
14	one Personnel Specialist		
16	position.		
18	Division of Adult Education		
20	Positions - Legislative Count	(-1.0)	(-1.0)
22	Personal Services	(10,858)	(32,111)
24	Provides for the		
26	deappropriation of funds		
28	through the transfer of one		
30	Clerk Stenographer III		
32	position to the Department of		
34	Human Services.		
36	Division of Adult Education		
38	Positions - Legislative Count	(-1.0)	(-1.0)
40	Personal Services	(6,868)	(64,631)
42	Provides for the		
44	deappropriation of funds		
46	through the elimination of		
48	one Director Division of		
50	Adult Education position.		
	Division of Adult Education		
	Positions - Legislative Count		(-3.0)
	Personal Services		(150,395)
	All Other		(3,901,541)
	TOTAL		<u>(4,051,936)</u>
	Provides for the transfer of		
	appropriation and positions		
	to the Learning Systems		
	program.		
	Division of Adult Education		

2	All Other	(212)	(1,000)
4	Provides for the		
6	deappropriation of funds		
8	related to position		
10	eliminations.		
12	Division of Applied Technology		
14	Positions - Legislative Count		(-3.5)
16	Personal Services		(186,383)
18	All Other		(41,250)
20	TOTAL		<u>(227,633)</u>
22	Provides for the transfer of		
24	appropriation and positions		
26	to the Learning Systems		
28	Program.		
30	Certification, Placement and		
32	Teacher Education		
34	Positions - Legislative Count	(-1.0)	(-1.0)
36	Personal Services	(7,467)	(54,450)
38	Provides for the		
40	deappropriation of funds		
42	through the transfer of one		
44	Education Specialist II		
46	position to the Regional		
48	Services program.		
50	Certification, Placement and		
	Teacher Education		
	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(25,075)	(53,554)
	All Other	(318)	(1,500)
	TOTAL	<u>(25,393)</u>	<u>(55,054)</u>
	Provides for the		
	deappropriation of funds		
	through the elimination of		
	one Education Specialist II		
	position and related All		
	Other.		
	Certification, Placement and		

2	Teacher Education		
4	Positions - Legislative Count		(-6.0)
4	Personal Services		(287,848)
6	All Other		(50,690)
8	TOTAL		<u>(338,538)</u>
10	Provides for the transfer of appropriation and positions to the Support Systems program.		
14	Certification, Placement and Teacher Education		
16	Positions - Legislative Count	(-1.0)	(-1.0)
18	Personal Services	(7,236)	(32,943)
20	Provides for the deappropriation of funds through the transfer of one Clerk Stenographer III position to the Department of Human Services.		
26	Division of Finance		
28	Positions - Legislative Count	(-1.0)	(-1.0)
30	Personal Services	(9,933)	(68,900)
32	Provides for the deappropriation of funds through the transfer of one Director of Division of Finance position to the Regional Services program.		
38	Division of Finance		
40	Positions - Legislative Count	(-2.0)	(-2.0)
42	Personal Services	(22,366)	(85,356)
44	All Other	(424)	(2,000)
46	TOTAL	<u>(22,790)</u>	<u>(87,356)</u>
48	Provides for the deappropriation of funds through the elimination of one Accountant I position and		

2	one Assistant Director of Finance position and related All Other.		
4	Division of Finance		
6	Positions - Legislative Count	(-1.0)	(-1.0)
8	Personal Services	(10,935)	(26,906)
10	Provides for the deappropriation of funds through the transfer of one Account Clerk II position to the Department of Transportation.		
14	Division of Finance		
16	Personal Services	(1,050)	
18	Provides for the transfer of funds to the Administrative Services Unit for the reclassification of one Clerk Typist III position to one Personnel Specialist position.		
26	Division of Finance		
28	Positions - Legislative Count		(-8.0)
30	Personal Services		(318,733)
32	All Other		(42,570)
34	TOTAL		<u>(361,303)</u>
36	Provides for the transfer of appropriation and positions to the Support Systems program.		
38	Division of Higher Education		
40	Positions - Legislative Count	(-1.0)	(-1.0)
42	Personal Services	(10,858)	(32,111)
44	Provides for the deappropriation of funds through the transfer of one Clerk Stenographer III		

2	position to the Department of Human Services.		
4	Division of Higher Education		
6	Positions - Legislative Count		(-1.0)
	Personal Services		(75,649)
8	All Other		(160,958)
10	TOTAL		(236,607)
12	Provides for the transfer of appropriation and positions to the Support Systems program.		
14			
16	Division of Higher Education		
18	All Other	(212)	(1,000)
20	Provides for the deappropriation of funds related to position eliminations.		
22			
24			
26	Division of Instruction		
28	Positions - Legislative Count	(-6.0)	(-6.0)
	Personal Services	(85,496)	(345,534)
30	Provides for the deappropriation of funds through the transfer of 6 Education Specialist III positions to the Regional Services program.		
32			
34			
36			
38	Division of Instruction		
40	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(19,794)	(78,796)
42	Provides for the deappropriation of funds through the transfer of one Director of Division of Instruction position to the Learning Systems program.		
44			
46			
48			
50	Division of Instruction		

2	Positions - Legislative Count	(-4.0)	(-4.0)
	Personal Services	(37,070)	(126,719)
4	Provides for the deappropriation of funds through the transfer of one Secretary position, one Clerk Typist III position and one Clerk Stenographer III position to the Department of Human Services and one Clerk IV position to the Department of Conservation.		
6			
8			
10			
12			
14			
16	Division of Instruction		
18	Positions - Legislative Count		(-3.0)
	Personal Services		(165,347)
20	All Other	(62,005)	(1,584,842)
22	TOTAL	(62,005)	(1,750,189)
24	Provides for the transfer of appropriation and positions to the Learning Systems program.		
26			
28			
30	Division of Instruction		
32	All Other	(20,348)	(387,641)
34	Provides for the transfer of appropriation to the Regional Services program.		
36			
38	Division of Instruction		
40	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(9,297)	(53,168)
42	Provides for the deappropriation of funds through the elimination of one Education Specialist II position.		
44			
46			
48	Division of Instruction		
50	All Other	(1,272)	(6,000)

2 Provides for the
 4 deappropriation of funds
 6 related to position
 8 eliminations.

Leadership

8	Positions - Legislative Count	(10.0)	
10	Personal Services	536,685	
12	All Other	107,008	
14	TOTAL		<u>643,693</u>

14 Provides for the transfer of
 16 appropriation and positions
 18 from Administration - Office
 20 of the Commissioner,
 22 Administrative Services Unit,
 24 and Support Services Unit and
 26 for the appropriation of
 28 funds for the
 30 reclassification of one Clerk
 32 Typist III position to one
 34 Personnel Specialist position.

Leadership

28	Positions - Legislative Count	(1.0)	(1.0)
30	Personal Services	23,664	83,456

32 Provides for the
 34 appropriation of funds for
 36 one Director of Special
 38 Projects position through the
 40 class exchange of one Deputy
 42 Commissioner of Education
 44 position transferred from the
 46 Administrative Office of the
 48 Commissioner.

Leadership

44	Positions - Legislative Count	(1.0)	(1.0)
46	Personal Services	9,471	35,106

48 Provides for the
 50 appropriation of funds for
 the establishment of one
 Graphics Design/Clerk Typist

2 III position from the class
 4 exchange of one Multilith
 6 Operator position transferred
 8 from the Support Services
 10 Unit.

Learning Systems

8	Positions - Legislative Count	(10.5)	
10	Personal Services		563,168
12	All Other	62,005	8,772,445
14	TOTAL		<u>62,005</u> <u>9,335,613</u>

14 Provides for the transfer of
 16 appropriation and positions
 18 from the Division of
 20 Instruction, the Division of
 22 Special Services, the
 24 Division of Adult Education,
 26 the Division of Applied
 28 Technology and Preschool
 30 Handicapped.

Learning Systems

28	Positions - Legislative Count	(1.0)	(1.0)
30	Personal Services	22,740	80,256

32 Provides for the
 34 appropriation of funds for
 36 one Learning Systems Team
 38 Leader position from the
 40 class exchange of one
 42 Director of the Division of
 44 Instruction position
 46 transferred from the Division
 48 of Instruction.

Management Information Systems

44	Positions - Legislative Count	(12.0)	
46	Personal Services		568,816
48	All Other		269,765
50	TOTAL		<u>838,581</u>

50 Provides for the transfer of
 all appropriations and

2	positions from the Division of Management Information.		
4	Division of Management Information		
6	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(3,940)	(29,431)
8	All Other	(106)	(500)
10	TOTAL	(4,046)	(29,931)
12	Provides for the deappropriation of funds through the transfer of one Data Entry Specialist position to the Department of Administrative and Financial Services.		
14			
16			
18			
20	Division of Management Information		
22	Positions - Legislative Count		(-12.0)
	Personal Services		(568,816)
24	All Other		(269,765)
26	TOTAL		(838,581)
28	Provides for the transfer of appropriation and positions to the Management Information Systems program.		
30			
32	Preschool Handicapped		
34	Positions - Legislative Count		(-1.0)
36	Personal Services		(61,043)
	All Other		(3,021,447)
38	TOTAL		(3,082,490)
40	Provides for the transfer of appropriation and one position to the Learning Systems program.		
42			
44			
46	Regional Services		
48	All Other	20,348	387,641

2	Provides for the transfer of appropriation from the Division of Instruction.		
4	Regional Services		
6	Positions - Legislative Count	(1.0)	(1.0)
8	Personal Services	22,740	80,256
10	Provides for the appropriation of funds for one Regional System Team Leader/Director of Quality Assurance position from the class exchange of one Director of the Division of Finance position transferred from the Division of Finance.		
12			
14			
16			
18			
20	Regional Services		
22	Positions - Legislative Count	(9.0)	(9.0)
24	Personal Services	144,108	509,828
26	Provides for the appropriation of funds for 9 Regional Education Representative positions from the class exchanges of 2 Educational Specialist II positions transferred from the Division of Special Services, one Educational Specialist II position transferred from Certification, Placement and Teacher Education and 6 Educational Specialist III positions transferred from the Division of Instruction.		
28			
30			
32			
34			
36			
38			
40			
42	Reimbursement for State Mandates		
44	All Other		(2,000)
46	Provides for the transfer of appropriation to the Support Systems Program.		
48			
50	Division of School Business Services		

2	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(9,797)	(72,985)
4	Provides for the		
6	deappropriation of funds		
8	through the transfer of one		
10	Director Division of School		
	Business Services position to		
	the Support Systems program.		
12	Division of School Business Services		
14	Positions - Legislative Count		(-4.0)
	Personal Services		(158,696)
16	All Other		(1,264,320)
18	TOTAL		(1,423,016)
20	Provides for the transfer of		
22	all appropriations and		
	positions to the Support		
	Systems program.		
24	Division of School Business Services		
26	Positions - Legislative Count	(-3.0)	(-3.0)
28	Personal Services	(60,317)	(154,659)
30	Provides for the		
32	deappropriation of funds from		
	the elimination of 2		
34	Education Specialist I		
	positions and one Education		
	Specialist II position.		
36	Division of School Business Services		
38	Positions - Legislative Count	(-1.0)	(-1.0)
40	Personal Services	(9,518)	(28,609)
42	Provides for the		
44	deappropriation of funds		
	through the transfer of one		
46	Clerk Typist II position to		
	the Department of		
48	Agriculture, Food and Rural		
	Resources.		
50	Division of School Business Services		

2	All Other	(636)	(3,000)
4	Provides for the		
6	deappropriation of funds		
8	related to position		
	eliminations.		
10	Division of Special Services		
12	Positions - Legislative Count	(-2.0)	(-2.0)
	Personal Services	(29,168)	(106,336)
14	Provides for the		
16	deappropriation of funds		
	through the transfer of 2		
18	Education Specialist II		
	positions to the Regional		
	Services program.		
20	Division of Special Services		
22	Positions - Legislative Count	(-1.0)	(-1.0)
24	Personal Services	(10,250)	(30,923)
26	Provides for the		
28	deappropriation of funds		
	through the elimination of		
30	one Clerk Typist III position.		
32	Division of Special Services		
34	All Other		(223,365)
36	Provides for the transfer of		
	appropriation to the Learning		
	Systems program.		
38	Division of Special Services		
40	All Other	(318)	(1,500)
42	Provides for the		
44	deappropriation of funds		
	related to position		
46	eliminations.		
48	Support Systems		
50	Positions - Legislative Count		(19.0)

2	Personal Services		840,926
	All Other		1,520,538
4	TOTAL		<u>2,361,464</u>
6	Provides for the transfer of appropriation and positions from the Division of Certification, the Division of Finance, the Division of Business Services, the Division of Higher Education and the Reimbursement of State Mandates.		
16	Support Systems		
18	Positions - Legislative Count	(1.0)	(1.0)
	Personal Services	22,740	80,256
20	Provides for the appropriation of funds for one Support System Team Leader position from the class exchange of one Director of the Division of School Business Services position transferred from the Division of School Business Services.		
32	Support Services Unit		
34	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(4,420)	(27,605)
36	Provides for the deappropriation of funds through the transfer of one Multilith Operator position to the Leadership program.		
42	Support Services Unit		
44	Positions - Legislative Count		(-3.0)
46	Personal Services		(108,219)
	All Other		(10,427)
48	TOTAL		<u>(118,646)</u>
50			

2	Provides for the transfer of all appropriations and positions to the Leadership program.		
4			
6	Support Services Unit		
8	Positions - Legislative Count	(-2.0)	(-2.0)
	Personal Services	(15,177)	(91,248)
10	Provides for the deappropriation of funds from the elimination of one Director of Public Information position and the transfer of one Supervisor of Reproduction Services position to the Department of Corrections.		
14			
16	Support Services Unit		
18			
20			
22	All Other	(424)	(2,000)
24	Provides for the deappropriation of funds related to position eliminations.		
26			
28			
30	Governor Baxter School for the Deaf		
32	Positions - Legislative Count	(-1.0)	(-2.0)
	Positions - Other count	(-1.0)	(-1.0)
	Personal Services	(13,742)	(88,155)
36	Provides for the deappropriation of funds through the elimination of one Residential Advisor for the Deaf position and one Building Custodian position in fiscal year 1995-96. In addition, one Psychiatric Social Worker II position and one Watchperson position are being eliminated in fiscal year 1996-97.		
38			
40			
42			
44			
46			
48			
50	Governor Baxter School for the Deaf		
52			

2	Positions - Legislative Count	(-3.0)	(-3.0)
	Positions - Other count	(3.0)	(3.0)
	Personal Services	(10,765)	(12,046)
4			
6	Provides for the		
	deappropriation of funds		
8	through the reduced work		
	hours of 2 Teacher positions		
10	and one Educational		
	Specialist II position and an		
12	increase in hours of one		
	Teacher position.		
14	Governor Baxter School for		
	the Deaf		
16			
	Personal Services	(44,236)	
18			
	Provides for the		
20	deappropriation of funds		
	through salary savings.		
22			
	Governor Baxter School for		
24	the Deaf		
26			
	Personal Services		(645)
28			
	Provides for the		
30	deappropriation of funds		
	through the class exchange of		
32	one Program Director for the		
	Deaf position to one		
34	Principal position.		
36	DEPARTMENT OF EDUCATION		
	TOTAL	(250,455)	(936,268)
38	ENVIRONMENTAL PROTECTION,		
	DEPARTMENT OF		
40			
	Administration - Environmental		
42	Protection		
44			
	Personal Services	876	3,684
46			
	Provides for the		
48	appropriation of funds for		
	the reclassification of one		
50	Director of Public		
	Information position to one		

2	Director, Education and		
	Outreach position.		
4			
	Land Quality Control		
6			
	Positions - Legislative Count	(-2.0)	(-2.0)
8	Personal Services	(40,924)	(85,296)
10			
	Provides for the		
12	deappropriation of funds from		
	the transfer of one		
14	Environmental Specialist II		
	position to the Land Quality		
16	Control program, Federal		
	Expenditures Fund and one		
18	Environmental Specialist II		
	position to the Maine		
20	Environmental Protection Fund		
	program, Other Special		
22	Revenue.		
24			
	Oil and Hazardous Materials Control		
26			
	Positions - Legislative Count	(-3.0)	(-3.0)
28	Personal Services	(50,285)	(176,470)
30			
	Provides for the		
32	deappropriation of funds		
	through the elimination of		
34	one Senior Environmental		
	Engineer position, one		
36	Division Director		
	Environmental Services		
38	position and the transfer of		
	one Environmental Specialist		
40	IV position to the Oil and		
	Hazardous Materials Control		
42	program, Federal Expenditures		
	Fund.		
44			
	Water Quality Control		
46			
	Positions - Legislative Count	(-2.0)	(-2.0)
48	Personal Services	(44,589)	(73,022)
	Provides for the		
	deappropriation of funds		
	through the elimination of		
	one Clerk Typist III position		

2	and one Environmental Specialist II position.		
4	DEPARTMENT OF ENVIRONMENTAL PROTECTION		
6	TOTAL	(134,922)	(331,104)
8	EXECUTIVE DEPARTMENT		
10	Administration - Executive Governor's Office		
12			
14	Positions - Legislative Count Personal Services	(19,500)	(-1.0) (47,558)
16			
18	Provides for the deappropriation of funds from the elimination of one position resulting from the Governor's Office productivity initiative and salary savings in fiscal year 1995-96.		
20			
22			
24			
26	Driver Eduoation and Evaluation Program - Substance Abuse		
28	All Other		(14,240)
30	Provides for the deappropriation of funds through the elimination of rent expense as a result of the office relocating to state-owned office space as reflected in the plan submitted to the Productivity Realization Task Force and approved by the Governor.		
32			
34			
36			
38			
40			
42	Driver Education and Evaluation Program - Substance Abuse		
44	Positions - Legislative Count Personal Services	(-1.0) (11,693)	(-1.0) (47,674)
46	All Other	(750)	(1,500)
48	TOTAL	(12,443)	(49,174)
50			

2	Provides for the deappropriation of funds through the elimination of one Alcoholism Regional Planning Coordinator position and related All Other.		
4			
6			
8	Driver Education and Evaluation Program - Substance Abuse		
10			
12	Positions - Legislative Count Personal Services		(-2.0) (114,489)
14	All Other		(3,000)
16	TOTAL		(117,489)
18	Provides for the deappropriation of funds through the transfer of one Substance Abuse Division Supervisor position and one Substance Abuse Program Specialist position to the Office of Substance Abuse account.		
20			
22			
24			
26	Planning Office		
28	Positions - Legislative Count Personal Services	(-3.0) (90,959)	(-3.0) (139,550)
30	All Other	(48,479)	(49,151)
32	Capital Expenditures	(5,491)	
34	TOTAL	(144,929)	(188,701)
36	Provides for the deappropriation of funds through the elimination of 3 Planner II positions and related expenses.		
38			
40			
42	Office of Substance Abuse		
44	All Other		(42,720)
46	Provides for the deappropriation of funds through the elimination of rent expense as a result of the relocation of the office		
48			
50			

2 from leased space to
 2 state-owned space as
 4 reflected in the plan
 4 submitted to the Productivity
 6 Realization Task Force and
 6 approved by the Governor.

8 Office of Substance Abuse

10	Positions - Legislative Count	(-4.0)	(-6.0)
	Personal Services	(22,683)	(227,954)
12	All Other	(2,500)	(9,000)
14	TOTAL	<u>(25,183)</u>	<u>(236,954)</u>

16 Provides for the
 16 deappropriation of funds
 18 through the elimination of
 18 one Personnel Assistant
 20 position, one Director Fiscal
 22 Operations position, one
 22 Education Specialist II
 24 position, one Clerk
 24 Stenographer III position,
 26 the transfer of one Clerk
 26 Typist II position to the
 28 Bureau of Motor Vehicles
 28 within the Department of the
 30 Secretary of State and the
 30 transfer of one Data Control
 32 Clerk position to the
 32 Department of Administrative
 34 and Financial Services as
 34 reflected in a plan submitted
 36 to the Productivity
 36 Realization Task Force and
 38 approved by the Governor.

38 Office of Substance Abuse

40	Positions - Legislative Count	(2.0)
42	Personal Services	114,489
	All Other	3,000
44	TOTAL	<u>117,489</u>

46 Provides for the
 48 appropriation of funds for
 50 the transfer of one Substance
 50 Abuse Division Supervisor

2 position and one Substance
 2 Abuse Program Specialist
 4 position from the Driver
 4 Education and Evaluation
 6 Program.

8 EXECUTIVE DEPARTMENT
 8 TOTAL (202,055) (579,347)

10 HUMAN SERVICES, DEPARTMENT OF
 12 Administration - Human Services

14	Positions - Legislative Count	(-4.0)	(-4.0)
16	Personal Services	(35,150)	(120,398)
18	All Other	(3,750)	(6,000)
20	TOTAL	<u>(38,900)</u>	<u>(126,398)</u>

22 Provides for the
 22 deappropriation of funds from
 24 the elimination of one Senior
 24 Nosologist position, one
 26 Clerk Typist II position and
 26 one Vital Statistics Field
 28 Agent position and the
 28 transfer of one Clerk Typist
 30 II position to the
 30 Administration - Income
 32 Maintenance program and
 32 related All Other.

34 Administration - Human Services

36	Personal Services	(2,500)
----	-------------------	---------

38 Provides for the
 40 deappropriation of funds from
 40 the unused unemployment costs
 42 derived through the transfer
 42 of one Clerk Typist II
 44 position in this account.

46 Administration - Human Services

48	Personal Services	(2,500)
----	-------------------	---------

50 Provides for the
 50 deappropriation of funds from

2 unemployment compensation
 2 savings for fiscal year
 4 1995-96 terminations as of
 4 January 10, 1996.

6 Administration - Regional -
 6 Human Services

8 Positions - Legislative Count (96.0)
 10 Personal Services 2,733,098

12 Provides for the
 14 appropriation of funds from
 14 the transfer of clerical
 16 positions into the Regional
 16 Clerical Pool, which includes
 18 one Clerk Typist I position,
 18 6 part-time and 86 full-time
 20 Clerk Typist II positions, 4
 20 Clerk Typist III positions,
 22 one Clerk IV position and one
 22 Human Services Aide III
 24 position.

26 Administration - Income Maintenance

26 Personal Services (9,688)

28 Provides for the
 30 deappropriation of funds from
 30 the salary savings derived
 32 through the transfer of one
 32 Clerk Typist II position from
 34 the Bureau of Elder and Adult
 34 Services and the elimination
 36 of one Clerk Typist II
 36 position in this account.

38 Administration - Income Maintenance

40 Personal Services (6,474)

42 Provides for the
 44 deappropriation of funds from
 44 the salary savings derived
 46 through the transfer of one
 46 Clerk Stenographer III
 48 position from the Department
 48 of Education and the

2 elimination of one Clerk
 2 Typist III position in this
 4 account.

4 Administration - Income Maintenance

6 Personal Services (11,577)

8 Provides for the
 10 deappropriation of funds from
 10 the salary savings derived
 12 through the transfer of one
 12 Clerk Typist III position
 14 from the Department of
 14 Education and the elimination
 16 of one Clerk Typist III
 16 position in this account.

18 Administration - Income Maintenance

20 Personal Services (5,500)

22 Provides for the
 24 deappropriation of funds from
 24 unemployment compensation
 26 savings for fiscal year
 26 1995-96 terminations as of
 28 January 10, 1996.

30 Administration - Social Services

32 Positions - Legislative Count (-1.0)
 32 Personal Services (28,479)

34 Provides for the
 36 deappropriation of funds to
 36 transfer one Clerk Typist II
 38 position into the Regional
 38 Clerical Pool.

40 Administration - Social Services

42 Personal Services (16,500)

44 Provides for the
 46 deappropriation of funds from
 46 unemployment compensation
 48 savings for fiscal year
 48 1995-96 terminations as of
 50 January 10, 1996.

2	Elder and Adult Services -		
	Bureau of		
4			
	Positions - Legislative Count	(-1.0)	(-1.0)
6	Personal Services	(6,644)	(26,172)
	All Other	(750)	(1,500)
8			
	TOTAL	<u>(7,394)</u>	<u>(27,672)</u>

10 Provides for the
12 deappropriation of funds from
14 the transfer of one Clerk
16 Typist II position to the
Administration - Income
Maintenance program and
related All Other.

18	Elder and Adult Services -		
20	Bureau of		
22			
	Positions - Legislative Count		(-3.0)
24	Personal Services		(83,708)

26 Provides for the
28 deappropriation of funds to
transfer 3 Clerk Typist II
positions into the Regional
Clerical Pool.

30	Elder and Adult Services -		
32	Bureau of		
34			
	Personal Services	(2,500)	

36 Provides for the
38 deappropriation of funds from
the unused unemployment costs
derived through the transfer
of one Clerk Typist II
position in this account.

42	Elder and Adult Services -		
44	Bureau of		
46			
	Personal Services	(24,500)	

48 Provides for the
50 deappropriation of funds from
unemployment compensation

2 savings for fiscal year
1995-96 terminations as of
January 10, 1996.

4	Health - Bureau of		
6			
	Positions - Legislative Count	(-1.0)	(-2.0)
8	Personal Services	(9,929)	(61,346)
	All Other	(1,500)	(3,000)
10			
	TOTAL	<u>(11,429)</u>	<u>(64,346)</u>

12 Provides for the
14 deappropriation of funds from
the elimination of one Clerk
16 Typist II position in fiscal
year 1995-96 and fiscal year
1996-97 and one Clerk IV
18 position in fiscal year
1996-97 only and related All
Other.

22	Health - Bureau of		
24			
	Positions - Legislative Count		(-2.5)
26	Personal Services		(71,197)

28 Provides for the
30 deappropriation of funds to
transfer 2 full-time and one
part-time Clerk Typist II
32 positions into the Regional
Clerical Pool.

34	Income Maintenance - Regional		
36			
	Positions - Legislative Count	(-3.0)	(-3.0)
38	Personal Services	(24,215)	(79,034)
	All Other	(3,750)	(4,500)
40			
	TOTAL	<u>(27,965)</u>	<u>(83,534)</u>

42 Provides for the
44 deappropriation of funds from
the elimination of 3 Clerk
46 Typist II positions and
related All Other.

48 Income Maintenance - Regional

50

2	Positions - Legislative Count		(-44.0)
	Personal Services		(1,238,385)
4	Provides for the		
6	deappropriation of funds to		
8	transfer 42 Clerk Typist II		
10	positions, one Clerk Typist I		
12	position and one Human		
14	Service Aide III position		
16	into the Regional Clerical		
18	Pool.		
20	Income Maintenance - Regional		
22	Personal Services	(5,500)	
24	Provides for the		
26	deappropriation of funds from		
28	unemployment compensation		
30	savings for fiscal year		
32	1995-96 terminations as of		
34	January 10, 1996.		
36	Medical Care Administration		
38	Positions - Legislative Count	(-6.0)	(-6.0)
40	Personal Services	(96,547)	(280,289)
42	All Other	(9,000)	(9,000)
44	TOTAL	(105,547)	(289,289)
46	Provides for the		
48	deappropriation of funds from		
50	the elimination of one		
	Medical Claims Evaluator		
	position, one Clerk II		
	position, one Comprehensive		
	Health Planner II position,		
	one Senior Health Care		
	Financial Analyst position,		
	one Health Services		
	Consultant position and one		
	Health Services Supervisor		
	position and related All		
	Other.		
	Medical Care Administration		
	Positions - Legislative Count		(-1.0)
	Personal Services		(25,914)

2	Provides for the		
4	deappropriation of funds to		
6	transfer one Clerk Typist II		
8	position into the Regional		
10	Clerical Pool.		
12	Medical Care Administration		
14	Personal Services	(5,500)	
16	Provides for the		
18	deappropriation of funds from		
20	unemployment compensation		
22	savings for fiscal year		
24	1995-96 terminations as of		
26	January 10, 1996.		
28	Medical Care Administration		
30	Positions - Legislative Count	(-1.0)	(-1.0)
32	Personal Services	(37,743)	(38,684)
34	Provides for the		
36	deappropriation of funds from		
38	the elimination of one Data		
40	Entry Systems Manager		
42	position.		
44	Social Services - Regional		
46	Positions - Legislative Count		(-43.0)
48	Personal Services		(1,218,103)
50	Provides for the		
	deappropriation of funds to		
	transfer 2 part-time and 37		
	full-time Clerk Typist II		
	positions, 4 Clerk Typist III		
	positions and one Clerk IV		
	position into the Regional		
	Clerical Pool.		
	Social Services - Regional		
	Personal Services	(22,000)	
	Provides for the		
	deappropriation of funds from		
	unemployment compensation		

2 savings for fiscal year
1995-96 terminations as of
4 January 10, 1996.

6 Welfare Employment, Education
and Training

8	Positions - Legislative Count	(-2.0)	(-2.0)
	Personal Services	(34,973)	(116,213)
10	All Other	(1,500)	(3,000)
12	TOTAL	<u>(36,473)</u>	<u>(119,213)</u>

14 Provides for the
16 deappropriation of funds from
the elimination of one Income
18 Maintenance Program Manager
20 position and one Social
Services Supervisor position
and related All Other.

22 Welfare Employment, Education
and Training

24	Positions - Legislative Count		(-1.5)
26	Personal Services		(42,717)

28 Provides for the
30 deappropriation of funds to
transfer 3 part-time Clerk
32 Typist II positions into the
Regional Clerical Pool.

34 DEPARTMENT OF HUMAN SERVICES
TOTAL (380,190) (724,541)

36 INLAND FISHERIES AND WILDLIFE,
38 DEPARTMENT OF

40 Administrative Services - Inland
42 Fisheries and Wildlife

44	Personal Services	3,145
----	-------------------	-------

46 Provides for the
48 appropriation of funds for
the reorganization of one
Personnel Assistant position
to one Personnel Specialist

2 position to more effectively
meet the needs of the bureau.

4 Administrative Services - Inland
Fisheries and Wildlife

6	Positions - Legislative Count	(-1.0)
8	Personal Services	(44,523)

10 Provides for the
12 deappropriation of funds from
the elimination of one
14 personnel Officer position
due to a realignment of
16 duties as a result of task
force recommendations.

18 Administrative Services - Inland
Fisheries and Wildlife

20	Positions - Legislative Count	(1.0)
22	Personal Services	34,653
	All Other	4,502
24	TOTAL	<u>39,155</u>

26 Provides for the
28 appropriation of funds for
one Public Relations
30 Representative position to
32 coordinate the volunteer
services program.

34 Public Information and Education,
Division of

36	Positions - Legislative Count	(-1.0)
38	Personal Services	(27,748)
	All Other	25,677
40	TOTAL	<u>(2,071)</u>

42 Provides for the
44 deappropriation of funds from
the elimination of one Public
46 Relations Specialist position
and the appropriation of
48 funds for outsourcing,
ecotourism and marketing.

50

2	Savings Fund Program		
4	All Other		4,294
6	Provides for the		
8	appropriation of funds to be		
	used to avoid future license		
	fee increases.		
10	DEPARTMENT OF INLAND, FISHERIES		
	AND WILDLIFE		
12	TOTAL		<u>-0-</u>
14	JUDICIAL DEPARTMENT		
16	Courts - Supreme, Superior, District		
	and Administrative		
18	All Other	(32,000)	(80,000)
20	Provides for the		
22	deappropriation of funds due		
24	to the reduction in size of		
26	both the grand jury and the		
28	traverse jury pool as a		
	result of the productivity		
	plan.		
30	Courts - Supreme, Superior, District		
	and Administrative		
32	All Other	(13,033)	(39,100)
34	Provides for the		
36	deappropriation of funds from		
38	the elimination of a		
40	contractual Court Security		
	Supervisor position as a		
	result of the productivity		
	plan.		
42	Courts - Supreme, Superior, District		
	and Administrative		
44	All Other	(18,000)	(45,000)
46	Provides for the		
48	deappropriation of funds from		
	the reduction in travel as a		

2	result of the productivity		
	plan.		
4	Courts - Supreme, Superior, District		
	and Administrative		
6	All Other	(85,000)	(253,000)
8	Provides for the		
10	deappropriation of funds to		
12	reflect the dedication of the		
	mediation fee as a result of		
	the productivity plan.		
14	Courts - Supreme, Superior, District		
	and Administrative		
16	All Other	(21,284)	(51,083)
18	Provides for the		
20	deappropriation of funds from		
22	the closure of 2 courts as a		
24	result of the productivity		
	plan.		
26	Courts - Supreme, Superior, District		
	and Administrative		
28	Positions - Legislative Count	(-4.0)	(-4.0)
30	Personal Services	(121,937)	(236,723)
32	All Other	(2,914)	(6,000)
34	TOTAL	<u>(124,851)</u>	<u>(242,723)</u>
36	Provides for the		
38	deappropriation of funds from		
40	the elimination of one Senior		
	Court Management Officer		
	position, one Court Reporter		
	position, one Transcriber		
	position, one Court Security		
	Officer position; the		
	downgrading of one Senior		
	Programmer Analyst position		
	to one Programmer Analyst		
	position; one Purchase		
	Manager/Accountant position		
	to one Data Entry Clerk		
	position; one Deputy		
50	Budget/Fiscal Officer		

2	position to one Budget Officer position; one Deputy State Court Administrator/Fiscal Officer position to one Financial Operations Officer position; and the upgrade of one Court Security Officer position to one Court Security Supervisor position and reductions in All Other as a result of the productivity plan.		
14	JUDICIAL DEPARTMENT		
14	TOTAL	(294,168)	(710,906)
16	LABOR, DEPARTMENT OF		
18	Administration - Labor		
20	Personal Services	8,620	55,819
22	Provides for the appropriation of funds for the General Fund proportionate share of position actions as a result of recommendations of the Productivity Realization Task Force.		
32	Administration - Bureau of Labor Standards		
34	Positions - Legislative Count	(-2.0)	(-2.0)
36	Personal Services	(7,314)	(41,800)
38	Provides for the deappropriation of funds through the transfer of one Account Clerk II position and one Accountant II position to the Labor - Administration program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.		
50	Job Training Partnership Program		

2	Personal Services	(607)	(305)
4	Provides for the deappropriation of funds through changes in allocation ratios for fiscal year 1995-96 and fiscal year 1996-97.		
50	Job Training Partnership Program		
12	Personal Services		(1,456)
14	Provides for the deappropriation of funds associated with the merger of employment and training programs within the Department of Labor.		
22	Occupational Information Coordination		
24	Personal Services	(4,796)	(27,523)
26	Provides for the deappropriation of funds through the transfer of one Education Specialist III position to the Occupational Information Coordination program, Federal Expenditures Fund and the transfer of one Secretary position from the Occupational Information Coordination program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.		
42	Regulation and Enforcement		
44	Positions - Legislative Count	(-3.0)	(-3.0)
46	Personal Services	(144,849)	(144,972)
46	All Other	(7,500)	(9,000)
48	TOTAL	(152,349)	(153,972)
50	Provides for the		

2	deappropriation of funds through the elimination of 3 Deputy Boiler Elevator Inspector positions to implement recommendations of the Productivity Realization Task Force. This action results in \$124,801 General Fund revenue loss in fiscal year 1996-97.		
12	Regulation and Enforcement		
14	Personal Services	705	5,492
16	Provides for the appropriation of funds for the reclassification of one Occupational Safety Engineer position to one Senior Occupational Safety Engineer position to implement recommendations of the Productivity Realization Task Force.		
26	Regulation and Enforcement		
28	Positions - Legislative Count		(-3.0)
30	Personal Services	(53,460)	(102,978)
32	Provides for the deappropriation of funds from salary savings generated from one Chief Boiler Elevator Inspector position for fiscal year 1995-96 and the transfer of one Chief Boiler, Elevator Inspector position and 2 Clerk Typist III positions in fiscal year 1996-97 to the Licensing and Enforcement program, Other Special Revenue in the Department of Professional and Financial Regulation to implement recommendations of the Productivity Realization Task Force.		
50			

2	Regulation and Enforcement		
4	Personal Services	(44,696)	
6	Provides for the deappropriation of funds from salary savings generated from a Safety Compliance Specialist position to implement recommendations of the Productivity Realization Task Force.		
12	STAR		
14	Personal Services	(3,932)	(1,015)
16	Provides for the deappropriation of funds through changes in allocation ratios for fiscal year 1995-96 and fiscal year 1996-97.		
24	STAR		
26	Personal Services		(12,091)
28	Provides for the deappropriation of funds associated with the merger of employment and training programs within the Department of Labor.		
36	DEPARTMENT OF LABOR		
38	TOTAL	(257,829)	(279,829)
40	LEGISLATURE		
42	Legislature		
44	Personal Services	(543,015)	(1,193,706)
46	All Other	(54,302)	(119,371)
48	TOTAL	(597,317)	(1,313,077)
50	Provides for the deappropriation and transfer		

2	of funds to the Legislative Departmentwide program established in Public Law 1995, chapter 368, Part H.		
6	Legislature Branchwide		
8	Personal Services	543,015	1,193,706
10	All Other	54,302	119,371
12	TOTAL	<u>597,317</u>	<u>1,313,077</u>
14	Provides for the appropriation of funds through the transfer of All Other and Personal Services from the Legislature program in accordance with the productivity initiatives set forth in Public Law 1995, chapter 368, Part H.		
22	LEGISLATURE		
24	TOTAL	<u>-0-</u>	<u>-0-</u>
26	LIBRARY, MAINE STATE		
28	Reader and Information Services - Library		
30			
32	Positions - Legislative Count	(-1.0)	(-1.0)
34	Personal Services	(7,451)	(18,824)
36	Provides for the deappropriation of funds through the transfer of one Clerk Typist II position to the Department of the Secretary of State effective February 5, 1996.		
42	MAINE STATE LIBRARY		
44	TOTAL	<u>(7,451)</u>	<u>(18,824)</u>
46	MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF		
48	Administration - Mental Health		
50			

2	and Mental Retardation		
4	Positions - Legislative Count	(-17.0)	(-18.0)
6	Personal Services	(139,548)	(912,218)
8	All Other		(27,000)
10	TOTAL	<u>(139,548)</u>	<u>(939,218)</u>
12	Provides for the deappropriation of funds through the elimination of 4 Clerk Typist III positions, 2 Field Operations Manager positions, one Crisis Stabilization Program Manager position, one Consent Decree Compliance Coordinator position, 3 Comprehensive Health Planner II positions, one Director, Licensing position, one Director, Public Education position, one Assistant to Associate Commissioner position, one Audit Manager position, one Auditor III position and one Director, Research and Quality Assurance position in fiscal years 1995-96 and 1996-97 and one Director, Bureau of Children with Special Needs position in fiscal year 1996-97 pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. This will result in a loss in General Fund revenue in fiscal year 1996-97 of \$183,036.		
22	Administration - Mental Health and Mental Retardation		
24			
26			
28			
30			
32	Positions - Legislative Count	(14.0)	(14.0)
34	Personal Services	138,293	726,361
36	All Other		21,000
38	TOTAL	<u>138,293</u>	<u>747,361</u>
40			
42			
44			
46			
48			
50			

2 Provides for the
 4 appropriation of funds for
 6 the establishment of 2
 8 Consumer Advocate positions,
 10 3 Program/Contract Specialist
 12 positions, 3 Regional Service
 14 Manager positions, one
 16 Facilities Operation Manager
 18 position, one Mental Health
 20 Program Team Manager
 22 position, one Mental
 24 Retardation Team Manager
 26 position, one Children's
 Services Program Manager
 position, one Director,
 Management Information
 Systems position and one
 Director, Quality Assurance
 position pursuant to plans
 submitted to the Productivity
 Realization Task Force and
 approved by the Governor.
 This will result in an
 increase in General Fund
 revenue of \$138,912 in fiscal
 year 1996-97.

28 Office of Advocacy - Mental Health
 and Mental Retardation

30	Positions - Legislative Count	(-1.0)	(-1.0)
32	Personal Services	1,350	(50,698)
34	All Other		(1,500)
36	TOTAL	<u>1,350</u>	<u>(52,198)</u>

38 Provides for the
 40 deappropriation of funds
 42 through the elimination of
 44 one Comprehensive Health
 46 Planner II position and the
 48 appropriation of funds in
 fiscal year 1995-96 due to
 separation costs pursuant to
 plans submitted to the
 Productivity Realization Task
 Force and approved by the
 Governor.

50 Office of Advocacy - Mental Health

2 and Mental Retardation

4	Positions - Legislative Count	(1.0)	(1.0)
6	Personal Services	6,426	45,519
8	All Other		1,500
10	TOTAL	<u>6,426</u>	<u>47,019</u>

10 Provides for the
 12 appropriation of funds for
 14 the establishment of one
 16 Advocate position pursuant to
 plans submitted to the
 Productivity Realization Task
 Force and approved by the
 Governor.

18 Bangor Mental Health Institute

20	Positions - Legislative Count	(-5.0)	(-5.0)
22	Personal Services	(47,961)	(176,755)
24	All Other		(7,500)
26	TOTAL	<u>(47,961)</u>	<u>(184,255)</u>

28 Provides for the
 30 deappropriation of funds
 32 through the elimination of 3
 34 Mental Health Worker II
 36 positions, one part-time
 Baker I position, one Laundry
 Worker I position and one
 part-time Physician III
 position pursuant to plans
 submitted to the Productivity
 Realization Task Force and
 approved by the Governor.

38 Bath Children's Home

40	Positions - Legislative Count	(-18.0)	
42	Personal Services		(583,591)
44	All Other		(108,798)
46	TOTAL		<u>(692,389)</u>

48 Provides for the
 50 deappropriation of funds
 through the privatization of
 the Bath Children's Home

2 pursuant to plans submitted
 4 to the Productivity
 6 Realization Task Force and
 8 approved by the Governor.
 This will result in a loss of
 General Fund revenue of
 \$80,000 in fiscal year
 1996-97.

10 Consent Decree Reinvestment
 Program - Mental Health

12	All Other	416,564	543,677
----	-----------	---------	---------

14 Provides for the
 16 appropriation of funds to
 18 provide community services
 20 mandated by the Augusta
 22 Mental Health Institute
 24 Consent Decree pursuant to
 plans submitted to the
 Productivity Realization Task
 Force and approved by the
 Governor.

26 Disproportionate Share - Augusta
 Mental Health Institute

28	Personal Services	(298,704)	(406,278)
30	All Other		(13,205)
32	TOTAL	(298,704)	(419,483)

34 Provides for the
 36 deappropriation of funds
 through the elimination of
 38 positions pursuant to the
 plans submitted to the
 40 Productivity Realization Task
 Force and approved by the
 42 Governor. Headcount is in
 the Augusta Mental Health
 44 Institute's Other Special
 Revenue account.

46 Disproportionate Share - Bangor
 Mental Health Institute

48	Personal Services	(203,786)	(520,097)
50	All Other		(21,183)

2	TOTAL	(203,786)	(541,280)
---	-------	-----------	-----------

4 Provides for the
 6 deappropriation of funds due
 to the elimination of 38.5
 8 positions pursuant to the
 plans submitted to the
 Productivity Realization Task
 10 Force and approved by the
 Governor. Headcount is in
 12 Bangor Mental Health
 Institute's Other Special
 14 Revenue account.

16 Elizabeth Levinson Center

18	Positions - Legislative Count	(-1.0)	(-1.0)
20	Personal Services	(30,264)	(30,639)
22	All Other		(1,500)
24	TOTAL	(30,264)	(32,139)

26 Provides for the
 28 deappropriation of funds
 through the elimination of
 one Custodial Worker II
 30 position pursuant to plans
 submitted to the Productivity
 Realization Task Force and
 32 approved by the Governor.

34 Mental Health Services -
 Child Medicaid

36	All Other	105,022	394,790
----	-----------	---------	---------

38 Provides for the
 40 appropriation of funds to
 provide services for
 42 homeless, high-risk and
 difficult-to-serve
 adolescents pursuant to plans
 44 submitted to the Productivity
 Realization Task Force and
 46 approved by the Governor.

48 Mental Health Services - Child
 Medicaid

2	All Other		508,798
4	Provides for the appropriation of state matching funds due to the privatizing of Bath Children's Home pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		
12	Mental Health Services - Children		
14	Positions - Legislative Count	(-7.0)	(-7.0)
16	Personal Services	(246,441)	(354,385)
18	All Other		(10,500)
20	TOTAL	(246,441)	(364,885)
22	Provides for the deappropriation of funds through the elimination of 3 Mental Health Program Coordinator positions, 2 Bureau of Children with Special Needs Regional Supervisor positions, one Comprehensive Health Planner I position and one Physical Therapist II position pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		
36	Mental Health Services - Children		
38	All Other	35,000	131,596
42	Provides for the appropriation of funds to provide services for homeless, high-risk and difficult-to-serve adolescents pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		

2	Mental Health Services - Community		
4	Positions - Legislative Count	(8.0)	(8.0)
6	Personal Services	57,688	299,975
8	All Other		12,000
10	TOTAL	57,688	311,975
12	Provides for the appropriation of funds for the establishment of 5 Crisis Stabilization Worker positions and 3 Mental Health Program Team Leader positions pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		
20	Mental Retardation Services - Community		
22	Positions - Legislative Count	(29.0)	(29.0)
24	Personal Services	181,609	944,365
26	All Other		43,500
28	TOTAL	181,609	987,865
30	Provides for the appropriation of funds for the establishment of 3 Mental Retardation Program Team Leader positions, 3 Crisis Prevention Leader positions, 3 Crisis Prevention Worker positions and 20 Individual Support Coordinator positions pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. This will result in an increase in General Fund revenue of \$531,831 in fiscal year 1996-97.		
48	Mental Retardation Services - Community		
50	Positions - Legislative Count	(-7.5)	(-8.5)

2	Personal Services	(23,121)	(414,584)
	All Other		(12,750)
4	TOTAL	<u>(23,121)</u>	<u>(427,334)</u>
6	Provides for the		
8	deappropriation of funds		
10	through the elimination of 4		
12	Mental Retardation Regional		
14	Manager positions, one		
16	full-time and one part-time		
18	Clerk Typist II positions,		
20	one Account Clerk I position		
22	and one Mental Health Worker		
24	II position in fiscal years		
26	1995-96 and 1996-97 and one		
	Director, Division of Mental		
	Retardation position in		
	fiscal year 1996-97 pursuant		
	to plans submitted to the		
	Productivity Realization Task		
	Force and approved by the		
	Governor. This will result		
	in a loss of General Fund		
	revenue of \$246,086 in fiscal		
	year 1996-97.		
28	DEPARTMENT OF MENTAL HEALTH		
	AND MENTAL RETARDATION		
30	TOTAL	<u>(47,873)</u>	<u>19,900</u>
32	MUSEUM, MAINE STATE		
34	Administration - Museum		
36	Positions - Legislative Count	(-0.5)	(-0.5)
38	Personal Services	(5,799)	(16,412)
40	Provides for the		
42	deappropriation of funds from		
44	the elimination of 1/2 Museum		
	Technician I position		
	effective February 9, 1996.		
46	Exhibit Design and		
	Preparation - Museum		
48	Positions - Legislative Count	(-0.5)	(-0.5)
50	Personal Services	(6,974)	(19,777)

2	Provides for the		
4	deappropriation of funds from		
6	the elimination of 1/2 Museum		
	Technician II position		
	effective February 9, 1996.		
8	MAINE STATE MUSEUM		
10	TOTAL	<u>(12,773)</u>	<u>(36,189)</u>
12	PUBLIC SAFETY, DEPARTMENT OF		
14	Administration - Public Safety		
16	Positions - Legislative Count		(8.0)
18	Personal Services		326,147
	All Other		31,793
20	TOTAL		<u>357,940</u>
22	Provides for the		
24	appropriation of funds		
26	through the transfer from the		
	Bureau of Liquor Enforcement		
	to the Licensing and		
	Inspection Unit within the		
	Administrative Services		
	Division of the Department of		
	Public Safety one Public		
	Safety Licensing and		
	Inspection Supervisor		
	position, 3 Public Safety		
	Inspector I positions, one		
	Clerk III position, one		
	Liquor Tax Auditor position,		
	one Account Clerk II position		
	and one Account Clerk I		
	position and necessary All		
	Other associated with the		
	licensing function.		
44	Capitol Security - Bureau of		
46	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(17,079)	(34,060)
48	Provides for the		
50	deappropriation of funds		
	through the elimination of		

2 one part-time Capitol
 Security Officer position,
 4 reducing one Clerk Typist II
 position to part time,
 6 reclassification of one
 Capitol Security Sergeant
 8 position to one Capitol
 Security Officer position and
 10 one vacant Capitol Security
 Officer position to one
 12 Watchperson position.

14 Criminal Justice Academy

14	Positions - Legislative Count	(-3.0)	(-3.0)
16	Personal Services	(40,316)	(100,170)
18	All Other	25,800	51,600
20	TOTAL	<u>(14,516)</u>	<u>(48,570)</u>

22 Provides for the
 deappropriation of funds from
 24 salary savings and through
 the elimination of one
 26 Building Maintenance
 Supervisor position, one
 28 Maintenance Mechanic position
 and one Laborer II position
 30 and provides additional All
 Other for the contracting of
 32 maintenance services.

34 Drug Enforcement Agency

34	Positions - Legislative Count	(-1.0)	(-1.0)
36	Personal Services	(7,223)	(32,633)

38 Provides for the
 40 deappropriation of funds
 through the transfer of one
 42 Clerk Typist III position to
 the Bureau of State Police.

44 Liquor Enforcement

46	Positions - Legislative Count		(-10.0)
48	Personal Services		(371,524)
50	All Other		(31,793)
	TOTAL		<u>(403,317)</u>

2 Provides for the
 4 deappropriation of funds
 through the elimination of 2
 6 Clerk Typist III positions,
 transfer and reclassification
 8 of one Liquor Enforcement
 Licensing Manager position to
 10 one Public Safety Licensing
 and Inspection Supervisor
 12 position, 3 Liquor License
 Examiner positions to 3
 14 Public Safety Inspector I
 positions, the transfer of
 16 one Clerk III position, one
 Liquor Tax Auditor position,
 18 one Account Clerk II position
 and one Account Clerk I
 20 position and All Other
 associated with the licensing
 22 function to the Licensing and
 Inspection Unit within the
 24 Administrative Services
 Division of the Department of
 Public Safety.

26 State Police

30	Positions - Legislative Count	(1.0)	
32	Personal Services	(225,997)	(35,741)

34 Provides for the
 36 deappropriation of funds from
 salary savings and through
 38 the elimination of one Clerk
 Typist II position, one
 40 Planning and Research
 Associate I position, one
 42 State Police Captain
 position, classification
 44 exchange of 2 State Police
 Captain positions for 2 State
 Police Major positions,
 46 establishment of 3 Police
 Communication Operator
 48 positions through the
 elimination of overtime
 50 expense, transfer of one
 Clerk Typist III position
 from the Maine Drug

2	Enforcement Agency and an		
	additional elimination of one		
4	Storekeeper II position in		
	fiscal year 1996-97.		
6	DEPARTMENT OF PUBLIC SAFETY		
	TOTAL	(264,815)	(196,381)
8			
10	SECRETARY OF STATE,		
	DEPARTMENT OF THE		
12	Bureau of Administrative Services		
14	and Corporations		
16	Personal Services	(2,956)	
18	Provides for the		
	deappropriation of funds from		
20	the salary savings derived		
	through the transfer of one		
22	Clerk Typist II position from		
	the Maine State Library and		
24	the elimination of one Clerk		
	Typist II position from this		
26	account.		
28	Bureau of Administrative Services		
	and Corporations		
30	Positions - Legislative Count	(-2.0)	(-2.0)
32	Personal Services	(14,173)	(54,902)
34	Provides for the		
	deappropriation of funds from		
36	the elimination of 2 Clerk		
	Typist II positions as a		
38	result of the department's		
	productivity initiatives.		
40			
42	Elections and Commissions		
44	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	(5,418)	(5,418)
46	Provides for the		
	deappropriation of funds from		
48	the elimination of one		
	seasonal Clerk Typist II		
50	position.		

2	DEPARTMENT OF THE SECRETARY		
	OF STATE		
4	TOTAL	(22,547)	(60,320)
6	SECTION TOTAL		
	APPROPRIATIONS	711,912	871,758
8			
10	Sec. A-2. Allocation. The following funds are allocated from		
	the Highway Fund for the fiscal years ending June 30, 1996 and		
12	June 30, 1997 to carry out the purposes of this Part.		
14		1995-96	1996-97
16	ADMINISTRATIVE AND FINANCIAL		
	SERVICES, DEPARTMENT OF		
18	Executive Branch Departments and		
	Independent Agencies - Statewide		
20	Personal Services	6,715	14,793
22	Provides for the allocation		
	of funds from the unfunded		
24	liability portion of the		
	Personal Services savings		
26	achieved through the		
	productivity plans.		
28			
30	Executive Branch Departments and		
	Independent Agencies - Statewide		
32	Personal Services	1,726	7,084
34	Provides for the allocation		
	of funds for the retiree		
36	health insurance portion of		
	the Personal Services savings		
38	achieved through the		
	productivity plans.		
40			
42	DEPARTMENT OF ADMINISTRATIVE		
	AND FINANCIAL SERVICES		
44	TOTAL	8,441	21,877
46			
48	PUBLIC SAFETY, DEPARTMENT OF		
	Administration - Public Safety		
50			

2	Positions - Legislative Count	(1.0)	
	Personal Services	32,850	
	All Other	47,440	
4			
6	TOTAL		80,290
8	Provides for the allocation		
10	of funds through the transfer		
12	of one Clerk Typist III		
14	position from the Motor		
16	Vehicle Inspection Program to		
18	the Licensing and Inspection		
20	Unit within the		
22	Administrative Services		
24	Division of the Department of		
26	Public Safety.		
28	Highway Safety - Department		
30	of Public Safety		
32			
34	Positions - Legislative Count	(-2.0)	(-2.0)
36	Personal Services	(8,870)	(76,106)
38			
40	Provides for the deallocation		
42	of funds through the		
44	elimination of one Highway		
46	Safety Coordinator position		
48	and one Public Relations		
50	Specialist position, and the		
	reclassification of one		
	Highway Safety Program		
	Manager position to one		
	Senior Contract Manager		
	position.		
	Motor Vehicle Inspection		
	Positions - Legislative Count	(-2.0)	
	Personal Services	(61,816)	
	All Other	(47,440)	
	TOTAL		(109,256)
	Provides for the deallocation		
	of funds through the		
	elimination of one Account		
	Clerk II position and the		
	transfer of one Clerk Typist		
	III position to the Licensing		
	and Inspection Unit within		

2	the Administrative Services		
4	Division of the Department of		
6	Public Safety.		
8			
10	State Police		
12			
14	Personal Services	(102,931)	(142,966)
16			
18	Provides for the deallocation		
20	of funds through the		
22	elimination of one Clerk		
24	Typist II position, one		
26	Planning and Research		
28	Associate I position, one		
30	State Police Captain		
32	position, classification		
34	exchange of 2 State Police		
36	Captain positions to 2 State		
38	Police Major positions,		
40	establishment of 3 Police		
42	Communication Operator		
44	positions through the		
46	elimination of overtime		
48	expenses, transfer of one		
50	Clerk Typist III position		
	from the Maine Drug		
	Enforcement Agency, and an		
	additional elimination of one		
	Storekeeper II position in		
	fiscal year 1996-97.		
	DEPARTMENT OF PUBLIC SAFETY		
	TOTAL	(111,801)	(248,038)
	SECRETARY OF STATE,		
	DEPARTMENT OF THE		
	Administration - Motor Vehicles		
	Personal Services	(789)	
	Provides for the deallocation		
	of funds from the transfer of		
	one Clerk Typist II position		
	from the Office of Substance		
	Abuse and the elimination of		
	one Clerk Typist II position		
	in this account.		

2	DEPARTMENT OF THE SECRETARY		
	OF STATE		
4	TOTAL	<u>(789)</u>	
6	SECTION		
8	TOTAL ALLOCATIONS	<u>(104,149)</u>	<u>(226,161)</u>
10	Sec. A-3. Allocation. The following funds are allocated from		
12	the Federal Expenditures Fund for the fiscal years ending June		
14	30, 1996 and June 30, 1997 to carry out the purposes of this Part.		
16		1995-96	1996-97
18	ADMINISTRATIVE AND FINANCIAL		
20	SERVICES, DEPARTMENT OF		
22	Executive Branch Departments and		
24	Independent Agencies - Statewide		
26	Personal Services	227,420	355,105
28	Provides for the allocation		
30	of funds for the unfunded		
32	liability portion of the		
34	Personal Services savings		
36	achieved through productivity		
38	plans.		
40	Executive Branch Departments and		
42	Independent Agencies - Statewide		
44	Personal Services	58,456	170,050
46	Provides for the allocation		
48	of funds for the retiree		
	health insurance portion of		
	the Personal Services savings		
	achieved through the		
	productivity plans.		
42	DEPARTMENT OF ADMINISTRATIVE AND		
44	FINANCIAL SERVICES	<u>285,876</u>	<u>525,155</u>
46	AGRICULTURE, FOOD AND RURAL		
48	RESOURCES, DEPARTMENT OF		

2	Office of Agricultural, Natural		
	and Rural Resources		
4	All Other	85,000	86,445
6	Provides for the allocation		
8	of funds from the transfer of		
10	the voluntary compliance		
12	program from Agricultural		
14	Production to Office of		
16	Agricultural, Natural and		
18	Rural Resources in accordance		
20	with approved restructuring		
22	plans.		
24	Agricultural Production		
26	All Other	(85,000)	(86,445)
28	Provides for the deallocation		
30	of funds from the transfer of		
32	the voluntary compliance		
34	program from Agricultural		
36	Production to Office of		
38	Agricultural, Natural and		
40	Rural Resources in accordance		
42	with approved restructuring		
44	plans.		
46	Agricultural Production		
48	Personal Services	(91,048)	(97,626)
50	All Other	(78,089)	(79,953)
	TOTAL	<u>(169,137)</u>	<u>(177,579)</u>
	Provides for the deallocation		
	of funds from the transfer of		
	the Potato Virus Y-N program		
	from Agricultural Production		
	to the new Division of Plant		
	Industry in accordance with		
	approved restructuring plans.		
	Division of Plant Industry		
	Personal Services	91,048	97,626
	All Other	78,089	79,953
	TOTAL	<u>169,137</u>	<u>177,579</u>

2	Provides for the allocation of funds from the transfer of the Potato Virus Y-N program from Agricultural Production to the Division of Plant Industry in accordance with approved restructuring plans.		
10	DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
12	TOTAL	<u>-0-</u>	<u>-0-</u>
14	ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF		
16	Energy Resources - Office of		
20	Positions - Other Count	(-3.0)	(-3.0)
22	Personal Services	(51,837)	(108,797)
24	Provides for the deallocation of funds from the elimination of one Clerk Typist III position and one Energy Conservation Specialist position, and the transfer of one Energy Conservation Specialist position to the Department of Environmental Protection as part of the Productivity Realization Task Force plan.		
36	DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT		
38	TOTAL	<u>(51,837)</u>	<u>(108,797)</u>
40	EDUCATION, DEPARTMENT OF		
42	Administrative Services Unit		
44	Positions - Other Count	(-1.0)	(-1.0)
46	Personal Services	(48,227)	(52,227)
48	Provides for the deallocation of funds through the elimination of one Equal		
50			

2	Employment Opportunity Coordinator position.		
4	Administrative Services Unit		
6	All Other		(20,000)
8	Provides for the transfer of allocation to the Leadership program.		
10	Administrative Services Unit		
12	Positions - Other Count		(-1.0)
14	Personal Services		(48,999)
16	All Other		(58,518)
18	Capital Expenditures		(3,200)
18	TOTAL		<u>(110,717)</u>
20	Provides for the transfer of allocation and one position to the Leadership program.		
22	Administrative Services Unit		
24	Positions - Other Count		(-3.5)
26	Personal Services		(142,853)
28	All Other		(48,916)
30	TOTAL		<u>(191,769)</u>
32	Provides for the transfer of allocation and positions to the Leadership program.		
34	Division of Adult Education		
36	Positions - Other Count	(-1.0)	(-1.0)
38	Personal Services	(3,987)	(26,190)
40	Provides for the deallocation of funds through the elimination of one Clerk Stenographer II position.		
42	Division of Adult Education		
44	All Other		(463,928)
46			
48			
50			

2 Provides for the transfer of
allocation to the Learning
4 Systems program.

6 Division of Adult Education

8	Positions - Other Count	(-1.0)	
	Personal Services	(63,805)	
	All Other	(1,187,973)	
10	Capital Expenditures	(4,000)	
12	TOTAL		(1,255,778)

14 Provides for the transfer of
16 allocation and one position
to the Learning Systems
18 program.

20 Division of Applied Technology

22	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	(27,368)	(27,419)

24 Provides for the deallocation
26 of funds through the
elimination of 1/2 of one
28 Education Specialist II
position.

30 Division of Applied Technology

32	Positions - Other Count	(-12.0)	
	Personal Services	(530,154)	
34	All Other	(5,317,772)	
	Capital Expenditures	(10,150)	
36	TOTAL		(5,858,076)

38 Provides for the transfer of
40 allocation and positions to
the Learning Systems program.

42 Blind and Visually Impaired -
44 Division for the

46	Positions - Other Count	(-1.5)	(-1.5)
	Personal Services	(23,221)	(50,613)

48 Provides for the deallocation
50 of funds through the

2 elimination of one Accountant
II position and one half-time
4 Rehabilitation Consultant
position to implement
6 recommendations of the
Productivity Realization Task
Force.

8 Division of Finance

10	Positions - Other Count		(-3.0)
	Personal Services		(96,349)
	All Other		(6,312)
12	TOTAL		(102,661)

14 Provides for the transfer of
16 allocation and positions to
18 the Support Systems program.

20 Division of Higher Education

22	Positions - Other Count	(-3.0)	(-3.0)
	Personal Services	(66,541)	(121,269)
	All Other		(25,525)
26	TOTAL		(195,335)

28 Provides for the deallocation
30 of funds through the
elimination of one Education
32 Specialist III position, one
Education Specialist II
34 position, and one Clerk
Stenographer II position.

36 Division of Higher Education

38	All Other		(390,319)
----	-----------	--	-----------

40 Provides for the transfer of
42 allocation to the Regional
Services program.

44 Division of Higher Education

46	All Other		(90,000)
----	-----------	--	----------

48 Provides for the transfer of

2	allocation to the Support Systems program.	
4	Division of Instruction	
6	Positions - Other Count	(-1.0)
	Personal Services	(42,831)
8	All Other	(56,825)
10	TOTAL	<u>(99,656)</u>
12	Provides for the transfer of allocation and one position to the Learning Systems program.	
14	Division of Instruction	
16	All Other	(63,123)
20	Provides for the transfer of allocation to the Regional Services program.	
22	Division of Instruction	
24	All Other	(112,605)
28	Provides for the transfer of allocation to the Regional Services program.	
30	Division of Instruction	
32	Positions - Other Count	(-1.0)
34	Personal Services	(52,299)
36	All Other	(2,446,376)
38	Capital Expenditures	(18,000)
40	TOTAL	<u>(2,516,675)</u>
42	Provides for the transfer of allocation and one position to the Learning Systems program.	
44	Division of Instruction	
46	All Other	(33,287)
48		
50		

2	Provides for the transfer of allocation to the Regional Services program.	
4	Division of Instruction	
6	All Other	(998,948)
8	Provides for the transfer of allocation to the Regional Services program.	
10	Division of Instruction	
12	All Other	(99,922)
14	Provides for the transfer of allocation to the Learning Systems program.	
16	Division of Instruction	
18	Positions - Other Count	(-2.0)
20	Personal Services	(95,979)
22	All Other	(191,840)
24	TOTAL	<u>(287,819)</u>
26	Provides for the transfer of allocation and positions to the Learning System program.	
28	Leadership	
30	Positions - Other Count	(3.5)
32	Personal Services	142,853
34	All Other	48,916
36	TOTAL	<u>191,769</u>
38	Provides for the transfer of allocation and positions from the Administrative Services Unit.	
40	Leadership	
42	All Other	20,000
44	Provides for the transfer of	
46		
48		
50		

2	allocation from the Administrative Services Unit.	
4	Leadership	
6	Positions - Other Count	(1.0)
	Personal Services	48,999
8	All Other	58,518
	Capital Expenditures	3,200
10	TOTAL	<u>110,717</u>
12	Provides for the transfer of allocation and positions from the Administrative Services Unit.	
14		
16		
18	Learning Systems	
20	Positions - Other Count	(1.0)
	Personal Services	63,805
22	All Other	1,187,973
	Capital Expenditures	4,000
24	TOTAL	<u>1,255,778</u>
26	Provides for the transfer of allocation and one position from the Division of Adult Education.	
28		
30		
32	Learning Systems	
34	All Other	463,928
36	Provides for the transfer of allocation from the Division of Adult Education program.	
38		
40	Learning Systems	
42	Positions - Other Count	(1.0)
	Personal Services	32,025
44	All Other	2,465,894
46	TOTAL	<u>2,497,919</u>
48	Provides for the transfer of allocation and one position	

2	from the Preschool Handicapped program.	
4	Learning Systems	
6	Positions - Other Count	(1.0)
	Personal Services	33,012
8	All Other	966,090
10	TOTAL	<u>999,102</u>
12	Provides for the transfer of allocation and one position from the Preschool Handicapped program.	
14		
16		
18	Learning Systems	
	All Other	2,625,000
20	Provides for the transfer of allocation from the School to Work Transition program.	
22		
24	Learning Systems	
26	Positions - Other Count	(15.0)
	Personal Services	752,293
28	All Other	10,547,969
30	TOTAL	<u>11,300,262</u>
32	Provides for the transfer of allocation and positions from the Division of Special Services.	
34		
36		
38	Learning Systems	
40	Positions - Other Count	(13.0)
	Personal Services	540,025
42	All Other	28,684,398
	Capital Expenditures	2,850
44	TOTAL	<u>29,227,273</u>
46	Provides for the transfer of allocation and positions from the Division of Special Services.	
48		
50		

2	Learning Systems	
4	Positions - Other Count	(1.0)
	Personal Services	45,194
6	All Other	91,102
8	TOTAL	<u>136,296</u>
10	Provides for the transfer of allocation and one position from the Division of Special Services.	
12		
14	Learning Systems	
16	Personal Services	8,782
18	All Other	538,315
20	TOTAL	<u>547,097</u>
22	Provides for the transfer of allocation from the Division of Special Services.	
24		
26	Learning Systems	
28	Positions - Other Count	(1.0)
	Personal Services	63,089
30	All Other	753,049
32	TOTAL	<u>816,138</u>
34	Provides for the transfer of allocation and one position from the Division of Special Services.	
36		
38	Learning Systems	
40	All Other	281,332
42	Provides for the transfer of allocation from the Division of Special Services.	
44		
46	Learning Systems	
48	Positions - Other Count	(1.0)
50	Personal Services	46,963

2	All Other	1,550
4	TOTAL	<u>48,513</u>
6	Provides for the transfer of allocation and one position from the Division of Special Services.	
8		
10	Learning Systems	
12	Positions - Other Count	(3.0)
	Personal Services	162,292
14	All Other	68,480
16	TOTAL	<u>230,772</u>
18	Provides for the transfer of allocation and positions from the Division of Special Services.	
20		
22	Learning Systems	
24	Positions - Other Count	(12.0)
	Personal Services	530,154
28	All Other	5,317,772
	Capital Expenditures	10,150
30	TOTAL	<u>5,858,076</u>
32	Provides for the transfer of allocation and positions from the Division of Applied Technology.	
34		
36	Learning Systems	
38	Positions - Other Count	(1.0)
	Personal Services	42,831
42	All Other	56,825
44	TOTAL	<u>99,656</u>
46	Provides for the transfer of allocation and one position from the Division of Instruction.	
48		
50	Learning Systems	

2	Positions - Other Count	(2.0)
	Personal Services	95,979
4	All Other	191,840
6	TOTAL	<u>287,819</u>
8	Provides for the transfer of allocation and positions from the Division of Instruction.	
12	Learning Systems	
14	All Other	99,922
16	Provides for the transfer of allocation from the Division of Instruction.	
18	Learning Systems	
20	Learning Systems	
22	Positions - Other Count	(1.0)
	Personal Services	52,299
24	All Other	2,446,376
	Capital Expenditures	18,000
26	TOTAL	<u>2,516,675</u>
28	Provides for the transfer of allocation and one position from the Division of Instruction.	
30	Management Information Systems	
32	Management Information Systems	
34	Management Information Systems	
36	All Other	20,660
38	Provides for the transfer of allocation from the Division of Management Information.	
40	Division of Management Information	
42	Division of Management Information	
44	All Other	(20,660)
46	Provides for the transfer of allocation to the Management Information Systems program.	
48	Preschool Handicapped	
50	Preschool Handicapped	

2	Positions - Other Count	(-1.0)
	Personal Services	(32,025)
4	All Other	(2,465,894)
6	TOTAL	<u>(2,497,919)</u>
8	Provides for the transfer of allocation and one position to the Learning Systems program.	
10	Preschool Handicapped	
12	Preschool Handicapped	
14	Preschool Handicapped	
16	Positions - Other Count	(-1.0)
	Personal Services	(33,012)
18	All Other	(966,090)
20	TOTAL	<u>(999,102)</u>
22	Provides for the transfer of allocation and one position to the Learning Systems program.	
24	Regional Services	
26	Regional Services	
28	All Other	998,948
30	Provides for the transfer of allocation from the Division of Instruction.	
32	Regional Services	
34	Regional Services	
36	All Other	33,287
38	Provides for the transfer of allocation from the Division of Instruction.	
40	Regional Services	
42	Regional Services	
44	All Other	112,605
46	Provides for the transfer of allocation from the Division of Instruction.	
48	Regional Services	
50	Regional Services	

2	All Other		390,319
4	Provides for the transfer of allocation from the Division of Higher Education.		
6			
8	Regional Services		
10	All Other		63,123
12	Provides for the transfer of allocation from the Division of Instruction.		
14			
16	Rehabilitation Services		
18	Positions - Other Count	(-8.0)	(-10.0)
20	Personal Services	(243,775)	(318,945)
22	Provides for the deallocation of funds through the elimination of one Rehabilitation Consultant position, one Rehabilitation Counselor II position, one Caseworker Supervisor position, 3 Account Clerk II positions, one Clerk Typist III position and one Clerk II position in fiscal years 1995-96 and 1996-97 and one Regional Director Rehabilitation Services position and one Rehabilitation Services Manager position in fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.		
24			
26			
28			
30			
32			
34			
36			
38			
40			
42	Division of School Business Services		
44	Positions - Other Count	(-4.0)	(-4.0)
46	Personal Services	(110,602)	(106,825)
48	Provides for the deallocation of funds through the elimination of one Clerk		
50			

2	Stenographer III position, one Sanitarian II position, and 2 Nutritionist positions.		
4			
6	Division of School Business Services		
8	Positions - Other Count		(-7.0)
10	Personal Services		(317,330)
12	All Other		(20,236,898)
14	Capital Expenditures		(15,500)
16	TOTAL		(20,569,728)
18	Provides for the transfer of allocation and positions to the Support Systems program.		
20			
22	School to Work Transition		
24	All Other		(2,625,000)
26	Provides for the transfer of allocation to the Learning Systems program.		
28			
30	Division of Special Services		
32	Positions - Other Count	(-1.0)	(-3.0)
34	Personal Services	(43,433)	(56,354)
36	Provides for the deallocation of funds through the elimination of one Education Specialist II position effective on July 1, 1995; one Clerk Typist II position on September 30, 1996; and one Secretary position on December 30, 1996.		
38			
40			
42	Division of Special Services		
44	Positions - Other Count		(-1.0)
46	Personal Services		(46,963)
48	All Other		(1,550)
50	TOTAL		(48,513)
52	Provides for the transfer of allocation and one position		

2	to the Learning Systems program.		
4	Division of Special Services		
6	All Other	(281,332)	
8	Provides for the transfer of allocation to the Learning Systems program.		
10			
12	Division of Special Services		
14	Positions - Other Count	(-1.0)	
	Personal Services	(45,194)	
16	All Other	(91,102)	
18	TOTAL	<u>(136,296)</u>	
20	Provides for the transfer of allocation and one position to the Learning Systems program.		
22			
24	Division of Special Services		
26	Personal Services	(8,782)	
28	All Other	(538,315)	
30	TOTAL	<u>(547,097)</u>	
32	Provides for the transfer of allocation to the Learning Systems program.		
34			
36	Division of Special Services		
38	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(46,651)	(44,552)
40	Provides for the deallocation of funds through the elimination of one Education Specialist III position.		
42			
44	Division of Special Services		
46	Positions - Other Count	(-1.0)	(-2.0)
48	Personal Services	(43,433)	(55,004)
50			

2	Provides for the deallocation of funds through the elimination of one Education Specialist II position effective July 1, 1995 and one Clerk Stenographer II position effective September 30, 1996.		
4			
6			
8			
10	Division of Special Services		
12	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(77,869)	(76,116)
14	Provides for the deallocation of funds through the elimination of one Director of Compensatory Education position and a portion of one Clerk Typist II position.		
16			
18			
20			
22	Division of Special Services		
24	Positions - Other Count		(-15.0)
	Personal Services		(752,293)
26	All Other		(10,547,969)
28	TOTAL		<u>(11,300,262)</u>
30	Provides for the transfer of allocation and positions to the Learning Systems program.		
32			
34	Division of Special Services		
36	Positions - Other Count		(-13.0)
	Personal Services		(540,025)
38	All Other		(28,684,398)
	Capital Expenditures		(2,850)
40	TOTAL		<u>(29,227,273)</u>
42	Provides for the transfer of allocation and positions to the Learning Systems program.		
44			
46	Division of Special Services		
48	Positions - Other Count		(-3.0)
50	Personal Services		(162,292)

2	All Other	(68,480)
4	TOTAL	<u>(230,772)</u>
6	Provides for the transfer of allocation and positions to the Learning Systems program.	
8	Division of Special Services	
10	Positions - Other Count	(-1.0)
12	Personal Services	(63,089)
14	All Other	(753,049)
16	TOTAL	<u>(816,138)</u>
18	Provides for the transfer of allocation and positions to the Learning Systems program.	
20	Support Systems	
22	All Other	90,000
24	Provides for the transfer of allocation from the Division of Higher Education.	
26	Support Systems	
28	Positions - Other Count	(3.0)
30	Personal Services	96,349
32	All Other	6,312
34	TOTAL	<u>102,661</u>
36	Provides for the transfer of allocation and positions from the Division of Finance.	
38	Support Systems	
40	Positions - Other Count	(7.0)
42	Personal Services	317,330
44	All Other	20,236,898
46	Capital Expenditures	15,500
48	TOTAL	<u>20,569,728</u>
50	Provides for the transfer of	

2	allocation and positions from the Division of School Business Services.	
4	DEPARTMENT OF EDUCATION	
6	TOTAL	<u>(735,107)</u> <u>(961,039)</u>
8	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
10	Air Quality Control	
12	Positions - Other Count	(-4.5)
14	Personal Services	(189,555)
16	All Other	(3,488)
18	TOTAL	<u>(193,043)</u>
20	Provides for the deallocation of funds from the elimination of one Clerk Typist III position, one Environmental Specialist III position and 2.5 Environmental Specialist II positions.	
22	Lake Restoration and Protection Fund	
24	Positions - Other Count	(-2.5)
26	Personal Services	(105,571)
28	All Other	(1,943)
30	TOTAL	<u>(107,514)</u>
32	Provides for the deallocation of funds from the elimination of one Environmental Specialist II position, one part-time Biologist Aide position and one Biologist I position.	
34	Land Quality Control	
36	Positions - Other Count	(-1.0)
38	Personal Services	(57,531)
40	All Other	(1,059)
42	TOTAL	<u>(58,590)</u>

2	Provides for the deallocation of funds from the elimination of one Environmental Specialist IV position.		
4			
6	Land Quality Control		
8	Personal Services	4,167	(1,817)
10			
12	Provides for the allocation of funds through the elimination of one Administrative Assistant position and the transfer in of one Environmental Specialist II position from the Land Quality Control program, General Fund.		
14			
16			
18			
20	Oil and Hazardous Materials Control		
22	Personal Services	479	1,726
24			
26	Provides for the allocation of funds for the reclassification of one Clerk Typist III position to one Staff Development Specialist II position.		
28			
30			
32	Oil and Hazardous Materials Control		
34	Positions - Other Count	(-1.0)	(-1.0)
36	Personal Services	(11,020)	(37,265)
38			
40	Provides for the deallocation of funds through the elimination of one Environmental Specialist II position.		
42			
44	Oil and Hazardous Materials Control		
46	Positions - Other Count	(1.0)	(1.0)
48	Personal Services	18,906	56,693
50			
	Provides for the allocation of funds for the transfer of one Environmental Specialist		

2	IV position from the Oil and Hazardous Materials Control program, General Fund.		
4			
6	Oil and Hazardous Materials Control		
8	Positions - Other Count	(-1.0)	(-1.0)
10	Personal Services	(13,040)	(44,358)
12			
14	Provides for the deallocation of funding through the elimination of one Environmental Specialist III position.		
16			
18	Oil and Hazardous Materials Control		
20	Positions - Other Count		(-2.0)
22	Personal Services		(84,914)
24	All Other		(1,562)
26			
28	TOTAL		(86,476)
30			
32	Provides for the deallocation of funds from the elimination of one Environmental Specialist III position and one Environmental Specialist II position.		
34			
36	Oil and Hazardous Materials Control		
38	Positions - Other Count		(-1.0)
40	Personal Services		(48,150)
42	All Other		(1,204)
44			
46	TOTAL		(49,354)
48			
50	Provides for the deallocation of funds from the elimination of one Environmental Specialist III position.		
	Water Quality Control		
	Positions - Other Count		(-3.0)
	Personal Services		(122,977)
	All Other		(2,263)
	TOTAL		(125,240)

2	Provides for the deallocation of funds from the elimination of one Environmental Specialist IV position, one Environmental Specialist III position, and one Biologist Aide position.		
10	DEPARTMENT OF ENVIRONMENTAL PROTECTION		
12	TOTAL	(508)	(645,238)
14	HUMAN SERVICES, DEPARTMENT OF		
16	Administration - Human Services		
18	Positions - Other Count	(-1.0)	(-3.0)
20	Personal Services	(8,729)	(82,706)
	All Other	(750)	(4,500)
22	TOTAL	(9,479)	(87,206)
24	Provides for the deallocation of funds from the elimination of one Personnel and Payroll Technician position in fiscal year 1995-96 and fiscal year 1996-97; and 2 Data Entry Specialist positions in fiscal year 1996-97 only, and related All Other.		
34	Administration - Regional - Human Services		
38	Positions - Other Count		(87.5)
	Personal Services		2,450,778
40	Provides for the allocation of funds from the transfer of clerical positions into the Regional Clerical Pool, which includes one Clerk Typist I position, one part-time and 75 full-time Clerk Typist II positions, 7 Clerk Typist III positions, 3 Clerk Stenographer II positions.		

2	and one Human Services Aide III position.		
4	Administration - Income Maintenance		
6	Positions - Other Count	(-3.0)	(-3.0)
	Personal Services	(34,859)	(111,267)
8	All Other	(3,750)	(4,500)
10	TOTAL	(38,609)	(115,767)
12	Provides for the deallocation of funds from the elimination of one Paralegal Assistant position, one Hearings Examiner position, one Clerk Typist II position, and related All Other.		
16	Administration - Income Maintenance		
22	Positions - Other Count		(-16.0)
	Personal Services		(516,767)
24	Provides for the deallocation of funds to transfer 11 Clerk Typist II positions and 5 Clerk Typist III positions into the Regional Clerical Pool.		
32	Administration - Income Maintenance		
34	Personal Services	(13,166)	
36	Provides for the deallocation of funds from the salary savings derived through the transfer of one Clerk Typist II position from Administration - Human Services and the elimination of one Clerk Typist II position in this account.		
46	Administration - Income Maintenance		
48	Personal Services	(5,857)	
50	Provides for the deallocation		

2 of funds from the salary
 2 savings derived through the
 4 transfer of one Clerk
 4 Stenographer III position
 6 from the Department of
 6 Education and the elimination
 8 of one Clerk Typist III
 8 position in this account.

10 Administration - Income Maintenance

12 Personal Services (6,702)

14 Provides for the deallocation
 14 of funds from the salary
 16 savings derived through the
 16 transfer of one Clerk
 18 Stenographer III position
 18 from the Department of
 20 Education and the elimination
 20 of one Clerk Typist III
 22 position in this account.

24 Administration - Income Maintenance

26 Personal Services (6,702)

28 Provides for the deallocation
 28 of funds from the salary
 30 savings derived through the
 30 transfer of one Clerk
 32 Stenographer III position
 32 from the Department of
 34 Education and the elimination
 34 of one Human Services Aide
 36 III position in this account.

38 Administration - Social Services

40 Positions - Other Count (-1.0) (-1.0)
 40 Personal Services (12,050) (36,279)
 42 All Other (1,500) (1,500)

44 TOTAL (13,550) (37,779)

46 Provides for the deallocation
 46 of funds from the elimination
 48 of one Planning and Research
 48 Associate I position, and
 50 related All Other.

2 Aid to Families with Dependent
 2 Children - Foster Care

4 Positions - Other Count (-2.0)
 6 Personal Services (54,296)

8 Provides for the deallocation
 8 of funds to transfer 2 Clerk
 10 Typist II positions into the
 10 Regional Clerical Pool.

12 Child Welfare Services

14 Positions - Other Count (-5.0)
 16 Personal Services (140,058)

18 Provides for the deallocation
 18 of funds to transfer 5 Clerk
 20 Typist II positions into the
 20 Regional Clerical Pool.

22 Elder and Adult Services - Bureau of

24 Positions - Other Count (-3.0) (-3.0)
 26 Personal Services (39,096) (118,073)
 26 All Other (6,000) (6,000)

28 TOTAL (45,096) (124,073)

30 Provides for the deallocation
 30 of funds from the elimination
 32 of 2 part-time Foster
 34 Grandparent Program
 34 Specialist positions, one
 36 Social Service Program
 36 Specialist I position, and
 38 one Comprehensive Health
 38 Planner I position, and
 40 related All Other.

42 Health - Bureau of

44 Positions - Other Count (-6.0) (-6.0)
 46 Personal Services (69,285) (222,264)
 46 All Other (8,250) (10,500)

48 TOTAL (77,535) (232,764)

50 Provides for the deallocation

2	of funds from the elimination of one Paralegal Assistant position, 2 part-time		
4	Planning and Research Associate I positions, one		
6	Word Processing Operator position, one Public Health		
8	Educator II position, one Clerk III position, one		
10	Assistant Director, Disease Control position, and related		
12	All Other.		
14	Income Maintenance - Regional		
16	Positions - Other Count	(-3.0)	(-3.0)
	Personal Services	(33,266)	(98,509)
18	All Other	(4,500)	(4,500)
20	TOTAL	(37,766)	(103,009)
22	Provides for the deallocation of funds from the elimination		
24	of one Clerk Typist II position, one Clerk Typist		
26	III position, and one Income Maintenance Specialist		
28	position, and related All Other.		
30	Income Maintenance - Regional		
32	Positions - Other Count		(-55.0)
34	Personal Services		(1,481,524)
36	Provides for the deallocation of funds to transfer 52 Clerk		
38	Typist II positions, 2 Clerk Typist III positions, and one		
40	Human Services Aide III position into the Regional		
42	Clerical Pool.		
44	Income Maintenance - Regional		
46	Positions - Other Count	(-4.0)	(-4.0)
	Personal Services	(42,453)	(169,812)
48	All Other	(1,500)	(6,000)
50	TOTAL	(43,953)	(175,812)

2	Provides for the deallocation of funds for the elimination		
4	of 4 Disability Claims Examiner positions and		
6	related All Other.		
8	Medical Care Administration		
10	Positions - Other Count	(-9.5)	(-9.5)
	Personal Services	(141,071)	(418,132)
12	All Other	(15,000)	(15,000)
14	TOTAL	(156,071)	(433,132)
16	Provides for the deallocation of funds from the elimination		
18	of one Health Services Supervisor position, 2		
20	Comprehensive Health Planner I positions, one full-time		
22	and one part-time Comprehensive Health Planner		
24	II positions, 3 Health Services Consultant		
26	positions, one Clerk Typist III position, one Medical		
28	Claims Evaluator position and related All Other.		
30	Medical Care Administration		
32	Positions - Other Count		(-1.0)
34	Personal Services		(28,389)
36	Provides for the deallocation of funds to transfer one		
38	Clerk Typist II position into the Regional Clerical Pool.		
40	Welfare Employment, Education and Training		
42	Positions - Other Count		(-8.5)
	Personal Services		(229,744)
46	Provides for the deallocation of funds to transfer one		
48	Clerk Typist I position, one part-time and 4 full-time		
50			

2	Clerk Typist II positions, and 3 Clerk Stenographer II positions into the Regional Clerical Pool.		
6	DEPARTMENT OF HUMAN SERVICES		
8	TOTAL	(454,486)	(1,309,542)
10	LABOR, DEPARTMENT OF		
12	Administration - Labor		
14	Positions - Other Count	(10.0)	(10.0)
16	Personal Services	64,976	376,443
18	Provides for the allocation of funds from the transfer of one Director of Administrative Services position, one Chief Accountant position, 2 Accountant III positions, 2 Accountant II positions, one Accountant I position, one Account Clerk II position, one Account Clerk I position and one Assistant Director of Administrative Services position to be reclassified to a Director of Facilities Management position, from the Employment Security Services program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.		
40	Administration - Labor		
42	Positions - Other Count	(5.0)	(5.0)
44	Personal Services	37,389	200,170
46	Provides for the allocation of funds from the transfer of one Accountant III position, one Account Clerk II position and one Executive Director - JTPA position to be		

2	reclassified to one Executive Director Operations position from the Job Training Partnership Fund program, Federal Expenditures Fund and for the transfer of one Accountant II position and one Account Clerk II position from the Administration - Bureau of Labor Standards program, General Fund to implement recommendations of the Productivity Realization Task Force.		
6			
8			
10			
12			
14			
16	Administration - Labor		
18	Positions - Other Count	(3.0)	(5.0)
20	Personal Services	20,111	205,442
22	Provides for the allocation of funds for the transfer of 2 Accountant I positions and one Account Clerk II position from the 12 County SDA Job Training Partnership program, Federal Expenditures Fund in fiscal year 1995-96 and 1996-97 and the transfer of one Management Analyst II position from the Employment Security Services program, Federal Expenditures Fund and the transfer of one Director of Planning and Program Services position from the Job Training Partnership Fund program, Federal Expenditures Fund to be reclassified to a Director Grant Management position in fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.		
40	Administration - Bureau of Labor Standards		
42			
44			
46			
48			
50	Positions - Other Count	(-1.0)	(-1.0)

2	Personal Services	(41,703)	(43,257)
	All Other	(1,500)	(1,500)
4	TOTAL	<u>(43,203)</u>	<u>(44,757)</u>

6 Provides for the deallocation
of funds through the
8 elimination of one Programmer
Analyst position in fiscal
10 year 1995-96 and fiscal year
1996-97 from the Labor
12 Standards Administration
Program to implement
14 recommendations from the
Productivity Realization Task
16 Force.

18 Employment Security Services

20	Positions - Other Count	(-83.5)	(-83.5)
	Personal Services	(2,428,129)	(2,881,703)
22	All Other	(102,000)	(132,000)
24	TOTAL	<u>(2,530,129)</u>	<u>(3,013,703)</u>

26 Provides for the deallocation
of funds through the
28 elimination of 38 seasonal
positions, 3 part-time
30 positions, and 62 full-time
positions in fiscal year
1995-96 and fiscal year
1996-97 and associated costs
34 to implement recommendations
of the Productivity
36 Realization Task Force.
Position detail is on file at
38 the Bureau of the Budget.

40 Employment Security Services

42	Positions - Other Count	(-10.0)	(-11.0)
	Personal Services	(73,452)	(473,261)

44 Provides for the deallocation
of funds through the transfer
46 of one Account Clerk I
position, one Account Clerk
48 II position, one Accountant I
position, 2 Accountant II

2	positions, 2 Accountant III positions, one Chief Accountant position, one 4 Director Administrative Services position and one 6 Assistant Director of Administrative Services 8 position for fiscal year 1995-96 and fiscal year 10 1996-97 and the transfer of one Management Analyst II 12 position for fiscal year 1996-97 to the Administration 14 - Labor program, Federal Expenditures Fund to 16 implement recommendations of the Productivity Realization Task Force.		
18	Employment Security Services		
20	Personal Services		(152,208)
22	Provides for the deallocation of funds associated with the 26 merger of employment and training programs within the Department of Labor.		
28	Job Training Partnership Program		
30	Positions - Other Count	(-3.0)	(-4.0)
32	Personal Services	(28,507)	(223,243)
34	Provides for the deallocation of funds through the transfer 36 of one Account Clerk II position, one Accountant III 38 position and one Executive Director - JTPA position in fiscal year 1995-96 and 42 fiscal year 1996-97 and one Director Planning and Program 44 Services position in fiscal year 1996-97 to the 46 Administration - Labor program, Federal Expenditures 48 Fund to implement recommendations of the		

2 Productivity Realization Task Force.

4 Job Training Partnership Program

6 Positions - Other Count (-2.0) (-2.0)
 Personal Services (10,606) (62,094)

8 Provides for the deallocation of funds through the elimination of one Accountant I position and one Accountant II position to implement recommendations of the Productivity Realization Task Force.

10

12

14

16

18 Job Training Partnership Program

20 Positions - Other Count (4.0)
 Personal Services 243,256

22 Provides for the allocation of funds to establish 4 Center Manager positions in fiscal year 1996-97 in the Job Training Partnership Program, Federal Expenditures Fund to implement recommendations from the Productivity Realization Task Force.

24

26

28

30

32

34 Job Training Partnership Program

36 Personal Services 79,124

38 Provides for the allocation of funds associated with the merger of employment and training programs within the Department of Labor.

40

42

44 Twelve County SDA - Job Training Partnership Program

46 Positions - Other Count (-3.0) (-3.0)
 Personal Services (22,191) (103,485)

48

50 Provides for the deallocation

2 of funds through the transfer of one Account Clerk II position and 2 Accountant I positions to the Administration - Labor program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.

4

6

8

10

12 Twelve County SDA - Job Training Partnership Program

14 Positions - Other Count (-1.5) (-1.5)
 Personal Services (11,691) (58,380)

16

18 Provides for the deallocation of funds through the elimination of one part-time Account Clerk I position and one Accountant III position to implement recommendations of the Productivity Realization Task Force.

20

22

24

26

28 Twelve County SDA - Job Training Partnership Program

30 Positions - Other Count (3.0)
 Personal Services 201,379

32

34 Provides for the allocation of funds to establish 3 Regional Coordinator positions in fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.

36

38

40

42 Twelve County SDA - Job Training Partnership Program

44 Personal Services (91,453)

46

48 Provides for the deallocation of funds associated with the merger of employment and

2	training programs within the Department of Labor.		
4	Occupational Information Coordination		
6	Personal Services	4,796	27,523
8	Provides for the allocation of funds through the transfer of one Secretary position to the Maine Occupational Information Coordinating Committee program, General Fund and the transfer of one Education Specialist III position from the Maine Occupational Information Coordinating Committee program, General Fund to implement recommendations of the Productivity Realization Task Force.		
24	Occupational Information Coordination		
26	Positions - Other Count	(-1.0)	(-1.0)
28	Personal Services	(43,214)	(58,885)
30	Provides for the deallocation of funds through the elimination of one Executive Secretary MOICC position to implement recommendations of the Productivity Realization Task Force.		
36	Regulation and Enforcement		
38	Positions - Other Count	(-2.0)	(-2.0)
40	Personal Services	(89,834)	(91,734)
42	All Other	(3,000)	(3,000)
44	TOTAL	(92,834)	(94,734)
46	Provides for the deallocation of funds through the elimination of one Safety Compliance Specialist position and one Occupational Health Specialist position		

2	and related costs to implement recommendations of the Productivity Realization Task Force.		
4			
6	DEPARTMENT OF LABOR		
8	TOTAL	(2,728,555)	(3,042,866)
10	MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF		
12	Mental Health Services - Children		
14	Positions - Other Count		(-5.0)
16	Personal Services		(221,738)
18	All Other		(15,915)
20	TOTAL		(237,653)
22	Provides for the deallocation of funds through the privatization of Bath Children's Home pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		
24			
26			
28			
30	DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION		
32	TOTAL		(237,653)
34	PUBLIC SAFETY, DEPARTMENT OF		
36	Criminal Justice Academy		
38	Positions - Other Count	(-3.0)	(-3.0)
40	Personal Services	(26,616)	(128,751)
42	All Other	(46,000)	(365,274)
44	TOTAL	(72,616)	(494,025)
46	Provides for the deallocation of funds through the elimination of one Clerk Stenographer II position and the transfer of one Senior Planner position and one		
48			
50			

2 Field Examiner II position to
 4 the Bureau of Highway Safety
 to provide for departmental
 central grants management.

6 Highway Safety - Department of
 Public Safety

8	Positions - Other Count	(1.0)	(1.0)
10	Personal Services	(6,305)	67,966
	All Other	46,000	365,274
12	TOTAL	<u>39,695</u>	<u>433,240</u>

14 Provides for the allocation
 16 of funds for the
 implementation of the central
 18 grants administration unit
 for the department through
 20 the elimination of one
 Highway Safety Aide position
 22 and the transfer of one
 Senior Planner position, and
 24 one Field Examiner II
 position from the Maine
 26 Criminal Justice Academy.

28	DEPARTMENT OF PUBLIC SAFETY		
30	TOTAL	<u>(32,921)</u>	<u>(60,785)</u>

32 SECTION

34	TOTAL ALLOCATIONS	<u>(3,717,538)</u>	<u>(5,840,765)</u>
----	-------------------	--------------------	--------------------

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

38		1995-96	1996-97
----	--	---------	---------

40 ADMINISTRATIVE AND FINANCIAL SERVICES,
 42 DEPARTMENT OF

44 Executive Branch Departments and
 Independent Agencies - Statewide

46	Personal Services	96,123	152,454
----	-------------------	--------	---------

48 Provides for the allocation

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

6 Executive Branch Departments and
 Independent Agencies - Statewide

8	Personal Services	24,708	73,005
---	-------------------	--------	--------

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

18 DEPARTMENT OF ADMINISTRATIVE AND
 FINANCIAL SERVICES

20	TOTAL	<u>120,831</u>	<u>225,459</u>
----	-------	----------------	----------------

24 AGRICULTURE, FOOD AND RURAL RESOURCES,
 DEPARTMENT OF

26 Office of Agricultural, Natural and
 Rural Resources

28	All Other	10,320	10,320
----	-----------	--------	--------

30 Provides for the allocation
 32 of funds from the transfer of
 the complaint response
 34 program from Agricultural
 Production in accordance with
 36 the approved restructuring
 38 plan.

40 Office of Agricultural, Natural and
 Rural Resources

42	All Other	15,000	15,000
----	-----------	--------	--------

44 Provides for the allocation
 46 of funds from the transfer of
 the cull potato removal
 48 program from Agricultural
 Production in accordance with

2 the approved restructuring
plan.

4 Agricultural Production

6	Personal Services	24,245	48,490
	All Other	(24,245)	(48,490)
8		<hr/>	<hr/>
	TOTAL	-0-	-0-

10 Provides for the allocation
12 of funds for 1/2 of one
14 split-funded Department
16 Information Systems Manager
position as authorized by
Public Law 1995, chapter 502.

18 Agricultural Production

20	All Other	(516)	(531)
----	-----------	-------	-------

22 Provides for the deallocation
24 of funds from the transfer of
the cranberry development
26 program to the Division of
Market and Production
28 Development in accordance
with the approved
restructuring plan.

30 Agricultural Production

32	All Other	(506)	(511)
34	Capital Expenditures	(1,500)	
36		<hr/>	<hr/>
	TOTAL	(2,006)	(511)

38 Provides for the deallocation
40 of funds from the transfer of
the ginseng program to the
42 Division of Plant Industry in
accordance with the approved
restructuring plan.

44 Agricultural Production

46	All Other	(15,000)	(15,000)
----	-----------	----------	----------

48 Provides for the deallocation
50 of funds from the transfer of

2 the cull potato removal
program to the Office of
4 Agricultural, Natural and
Rural Resources in accordance
6 with the approved
restructuring plan.

8 Agricultural Production

10	All Other	(10,320)	(10,320)
----	-----------	----------	----------

12 Provides for the deallocation
14 of funds to transfer the
complaint response program
16 from Agricultural Production
to the Office of
18 Agricultural, Natural and
Rural Resources in accordance
with the approved
20 restructuring plan.

22 Agricultural Production

24	Positions - Other Count	(-16.5)	(-16.5)
	Personal Services	(790,989)	(799,737)
26	All Other	(312,699)	(321,433)
	Capital Expenditures	(10,000)	(10,000)
28		<hr/>	<hr/>
	TOTAL	(1,113,688)	(1,131,170)

30 Provides for the deallocation
32 of funds to transfer the seed
certification program to the
34 Division of Plant Industry in
accordance with the approved
36 restructuring plan.

38 Division of Plant Industry

40	All Other	506	511
42	Capital Expenditures	1,500	
44		<hr/>	<hr/>
	TOTAL	2,006	511

46 Provides for the allocation
48 of funds from the transfer of
the ginseng program from
Agricultural Production in
50 accordance with the approved
restructuring plan.

2	Division of Plant Industry		
4	Positions - Other Count	(16.5)	(16.5)
	Personal Services	790,989	799,737
6	All Other	312,699	321,433
	Capital Expenditures	10,000	10,000
8	TOTAL	<u>1,113,688</u>	<u>1,131,170</u>

10 Provides for the allocation
12 of funds from the transfer of
14 the seed certification
16 program from Agricultural
18 Production in accordance with
the approved restructuring
plan.

20 Division of Market and Production
Development

22	All Other	516	531
----	-----------	-----	-----

24 Provides for the allocation
26 of funds from the transfer of
the cranberry development
28 program from Agricultural
30 Production in accordance with
the approved restructuring
plan.

32	DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
34	TOTAL	<u>-0-</u>	<u>-0-</u>

36 AUDIT, DEPARTMENT OF

38 Audit - Municipal Bureau

40	Positions - Other Count	(-13.0)	(-13.0)
	Personal Services	(446,014)	(516,983)

42 Provides for the deallocation
44 of funds through the
elimination of 4 Auditor I
46 positions, one Director of
Audits position, 2 Auditor II
48 positions, 3 Auditor III
positions, 2 Secretary
50 positions and one Department

2 Computer Supervisor position
4 in accordance with the
recommendations of the
Productivity Realization Task
Force.

8	DEPARTMENT OF AUDIT		
	TOTAL	<u>(446,014)</u>	<u>(516,983)</u>

12 ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF

14 Energy Conservation Division

16	Personal Services	(18,325)	(36,334)
	All Other	(272)	(1,134)

18	TOTAL	<u>(18,597)</u>	<u>(37,468)</u>
----	-------	-----------------	-----------------

20 Provides for the deallocation
22 of funds from the elimination
of one Energy Conservation
24 Specialist position and All
Other savings, as part of the
26 Productivity Realization Task
Force plan. The headcount is
28 in the Federal Expenditures
Fund account.

30 Energy Conservation Division

32	Personal Services	(18,837)	(41,156)
34	All Other	(364)	(1,150)

36	TOTAL	<u>(19,201)</u>	<u>(42,306)</u>
----	-------	-----------------	-----------------

38 Provides for the deallocation
40 of funds from the transfer of
one Energy Conservation
42 Specialist position to the
Department of Environmental
44 Protection as part of the
Productivity Realization Task
46 Force plan. The headcount is
in the Federal Expenditures
48 Fund account.

50	DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT		
----	---	--	--

2	TOTAL	(37,798)	(79,774)
4	EDUCATION, DEPARTMENT OF		
6	Division of Applied Technology		
8	All Other		(25,000)
10	Provides for the transfer of allocation to the Learning Systems program.		
12	Division of Finance		
14	All Other		(269,320)
16	Provides for the transfer of allocation to the Leadership program.		
20	Division of Finance		
22	All Other		(552)
24	Provides for the transfer of allocation to the Support Systems program.		
28	Division of Higher Education		
30	Positions - Other Count		(-7.0)
32	Personal Services		(358,302)
34	Provides for the transfer of allocation and positions to the Support Systems program.		
38	Division of Instruction		
40	Positions - Other Count		(-2.0)
42	Personal Services		(80,678)
44	All Other		(15,313)
46	TOTAL		(95,991)
48	Provides for the transfer of allocation and positions to the Learning Systems program.		
50	Division of Instruction		

2	All Other	(42,195)
4	Provides for the transfer of allocation to the Learning Systems program.	
6	Leadership	
8	All Other	269,320
10	Provides for the transfer of allocation from the Division of Finance.	
12	Learning Systems	
14	All Other	350,000
16	Provides for the transfer of allocation from the Special Education - State Agency Client program.	
18	Learning Systems	
20	All Other	25,000
22	Provides for the transfer of allocation from the Division of Applied Technology.	
24	Learning Systems	
26	All Other	42,195
28	Provides for the transfer of allocation from the Division of Instruction	
30	Learning Systems	
32	Positions - Other Count	(2.0)
34	Personal Services	80,678
36	All Other	15,313
38	TOTAL	95,991
40	Provides for the transfer of	

2	allocation and positions from the Division of Instruction.	
4	Division of School Business Services	
6	All Other	(5,015)
8	Provides for the transfer of allocation to the Support Systems program.	
12	Special Education - State Agency Client	
14	All Other	(350,000)
16	Provides for the transfer of allocation to the Learning Systems program.	
20	Support Systems	
22	All Other	552
24	Provides for the transfer of allocation from the Division of Finance.	
28	Support Systems	
30	All Other	5,015
32	Provides for the transfer of allocation from the Division of School Business Services.	
36	Support Systems	
38	Positions - Other Count	(7.0)
40	Personal Services	358,302
42	Provides for the transfer of allocation and positions from the Division of Higher Education.	
46	DEPARTMENT OF EDUCATION	
48	TOTAL	-0-
50	ENVIRONMENTAL PROTECTION, DEPARTMENT OF	

2	Administration - Environmental Protection		
4	Positions - Other Count	(0.5)	(0.5)
6	Provides for a correction in headcount to Public Law 1995, chapter 502, Part B, section 3. One Conservation Aide position was transferred to the Administrative Services Center program, Other Special Revenue as one instead of 1/2 headcount.		
12	Administration - Environmental Protection		
14	Personal Services	815	2,656
16	Provides for the allocation of funds for the reclassification of one Personnel Assistant position to one Staff Development Specialist III position to implement recommendations of the Productivity Realization Task Force.		
20	Administrative Service Center		
22	Positions - Other Count	(-0.5)	(-0.5)
24	Provides for a correction in headcount to Public Law 1995, chapter 502, Part B, section 3. One Conservation Aide position was transferred from the Administration - Environmental Protection program, Other Special Revenue as one instead of 1/2 headcount.		
28	Administrative Service Center		
30	Positions - Other Count	(0.5)	(0.5)
32	Provides for a correction in headcount to Public Law 1995, chapter 502, Part B, section 3. One Conservation Aide position was transferred from the Administration - Environmental Protection program, Other Special Revenue as one instead of 1/2 headcount.		
34	Administrative Service Center		
36	Positions - Other Count	(0.5)	(0.5)
38	Provides for a correction in headcount to Public Law 1995,		
40	Provides for a correction in headcount to Public Law 1995,		
42	Provides for a correction in headcount to Public Law 1995,		
44	Provides for a correction in headcount to Public Law 1995,		
46	Provides for a correction in headcount to Public Law 1995,		
48	Provides for a correction in headcount to Public Law 1995,		
50	Provides for a correction in headcount to Public Law 1995,		

chapter 502, Part B, section
 2 3. One Conservation Aide
 4 position was eliminated as
 one instead of 1/2 headcount.

6 Maine Environmental Protection Fund

8	Positions - Other Count	(1.0)	(1.0)
	Personal Services	25,719	44,580

10 Provides for the allocation
 12 of funds from the transfer of
 one Environmental Specialist
 14 II position from the Land
 Quality Control program,
 16 General Fund.

18 Maine Environmental Protection Fund

20	Positions - Other Count	(1.0)	(1.0)
	Personal Services	19,434	41,402
22	All Other	485	1,035
24	TOTAL	<u>19,919</u>	<u>42,437</u>

26 Provides for the allocation
 28 of funds from the transfer of
 one Energy Conservation
 30 Specialist position from the
 Energy Conservation Division
 32 program in the Department of
 Economic and Community
 34 Development.

36 Land Quality Control

38	Positions - Other Count	(-1.0)	
	Personal Services	(37,908)	
40	All Other	(1,024)	
42	TOTAL	<u>(38,932)</u>	

44 Provides for the deallocation
 of funds from the elimination
 of one Environmental
 46 Specialist II position.

48 Municipal Sewerage Construction

50	Positions - Other Count	(-2.0)	
----	-------------------------	--------	--

2	Personal Services		(71,059)
	All Other		(1,307)
4	TOTAL		<u>(72,366)</u>

6 Provides for the deallocation
 of funds from the elimination
 8 of one Clerk Typist II
 position and one Assistant
 10 Environmental Engineer
 position.

12 Oil and Hazardous Materials Control

14	Personal Services	606	2,070
----	-------------------	-----	-------

16 Provides for the allocation
 of funds for the
 18 reclassification of one
 Director, Environmental
 20 Services position to one
 Director, Innovation and
 22 Assistance position.

24 Oil and Hazardous Materials Control

26	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(19,337)	(64,148)

28 Provides for the deallocation
 of funds through the
 30 elimination of one Division
 Director, Environmental
 32 Service's position.

34 Oil and Hazardous Materials Control

36	Positions - Other Count	(-2.0)	
	Personal Services	(81,404)	
40	All Other	(1,498)	
42	TOTAL	<u>(82,902)</u>	

44 Provides for the deallocation
 of funds from the elimination
 of 2 Oil and Hazardous
 46 Material Specialist positions.

48 Solid Waste Management

50	Positions - Other Count	(-2.0)	
----	-------------------------	--------	--

2	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(10,703)	(33,655)
4	Provides for the deallocation of funds through the elimination of one Clerk IV position.		
8	DEPARTMENT OF ENVIRONMENTAL PROTECTION		
10	TOTAL	<u>17,019</u>	<u>(200,260)</u>
14	HISTORIC PRESERVATION COMMISSION, MAINE		
16	Historic Preservation Commission		
18	Positions - Other Count	(-5.5)	(-5.5)
	Personal Services	(137,817)	(161,316)
20	All Other	137,817	161,316
22	Provides for the transfer of funds from Personal Services to All Other from the elimination of 15 part-time seasonal Museum Technician I positions and to allow for contracting these services.		
30	MAINE HISTORIC PRESERVATION COMMISSION		
32	TOTAL	<u>-0-</u>	<u>-0-</u>
34	HUMAN SERVICES, DEPARTMENT OF		
36	Administration - Human Services		
38	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(11,119)	(38,793)
40	All Other	(750)	(1,500)
42	TOTAL	<u>(11,869)</u>	<u>(40,293)</u>
44	Provides for the deallocation of funds from the elimination of one Statistician II position and related All Other.		
50	Administration - Regional -		

2	Human Services		
4	Positions - Other Count		(5.0)
	Personal Services		158,410
6	Provides for the allocation of funds to transfer 5 Clerk Typist III positions into the Regional Clerical Pool.		
10	Administration - Income Maintenance		
12	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(20,263)	(58,539)
16	All Other	(1,500)	(1,500)
18	TOTAL	<u>(21,763)</u>	<u>(60,039)</u>
20	Provides for the deallocation of funds from the elimination of one Support Enforcement Field Supervisor position and related All Other.		
24	Administration - Income Maintenance		
26	Positions - Other Count		(-5.0)
	Personal Services		(158,410)
30	Provides for the deallocation of funds to transfer 5 Clerk Typist III positions into the Regional Clerical Pool.		
34	Administration - Income Maintenance		
36	Personal Services		(6,520)
38	Provides for the deallocation of funds from the salary savings derived through the transfer of one Secretary position from the Department of Education and the elimination of one Clerk Typist III position.		
44	Administration - Income Maintenance		
46	Elder and Adult Services - Bureau of		
50	Positions - Other Count	(0.5)	(0.5)

2	Personal Services	6,425	27,097
	All Other	411	1,688
4	TOTAL	<u>6,836</u>	<u>28,785</u>
6	Provides for the allocation of funds to allow the transfer of one part-time Health Care Financial Analyst position and related All Other from the Office of Health Planning and Development.		
14	Health - Bureau of		
16	Positions - Other Count	(-2.0)	(-2.0)
18	Personal Services	(19,037)	(62,520)
	All Other	(3,750)	(4,500)
20	TOTAL	<u>(22,787)</u>	<u>(67,020)</u>
22	Provides for the deallocation of funds from the elimination of one part-time Laboratory Technician II position, one part-time Stores Clerk position, one Safety Compliance Specialist position and related All Other.		
32	Health - Bureau of		
34	Positions - Other Count	(-1.0)	(-1.0)
36	Personal Services	(14,755)	(49,821)
	All Other	(750)	(1,500)
38	TOTAL	<u>(15,505)</u>	<u>(51,321)</u>
40	Provides for the deallocation of funds from the elimination of one Chemist II position and related All Other.		
46	Health Planning and Development		
48	Positions - Other Count	(-0.5)	(-0.5)
	Personal Services	(1,694)	(10,648)
50	All Other	(750)	(1,500)

2	TOTAL	(2,444)	(12,148)
4	Provides for the deallocation of funds from the elimination of one part-time Clerk Typist II position and related All Other.		
8	Health Planning and Development		
10	Positions - Other Count	(-0.5)	(-0.5)
12	Personal Services	(6,425)	(27,097)
	All Other	(411)	(1,688)
14	TOTAL	<u>(6,836)</u>	<u>(28,785)</u>
16	Provides for the deallocation of funds to be transferred to the Bureau of Elder and Adult Services, including one part-time Health Care Financial Analyst position and related All Other.		
24	Medical Care Administration		
26	Positions - Other Count	(-1.0)	(-1.0)
28	Personal Services	(11,786)	(34,050)
	All Other	(1,500)	(1,500)
30	TOTAL	<u>(13,286)</u>	<u>(35,550)</u>
32	Provides for the deallocation of funds from the elimination of one Planning and Research Assistant position and related All Other.		
38	Plumbing - Control Over		
40	Positions - Other Count	(-1.0)	(-1.0)
42	Personal Services	(11,046)	(31,908)
	All Other	(1,500)	(1,500)
44	TOTAL	<u>(12,546)</u>	<u>(33,408)</u>
46	Provides for the deallocation of funds from the elimination of one Clerk Typist III		

2	position and related All Other.		
4	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	(106,720)	(299,779)
6			
8	JUDICIAL DEPARTMENT		
10	Courts - Supreme, Superior, District and Administrative		
12			
14	All Other	132,000	400,000
16	Provides for the allocation of funds for mediation services as a result of the productivity plan.		
18			
20	JUDICIAL DEPARTMENT		
22	TOTAL	132,000	400,000
24	LABOR, DEPARTMENT OF		
26	Administration - Labor		
28	Personal Services	8,447	53,935
30	Provides for the allocation of funds for the Other Special Revenue proportionate share of position actions as a result of recommendations of the Productivity Realization Task Force.		
32			
34			
36			
38	Safety Education and Training Programs		
40	Positions - Other Count	(-1.0)	(-1.0)
42	Personal Services	(32,655)	(33,638)
	All Other	(1,500)	(1,500)
44	TOTAL	(34,155)	(35,138)
46	Provides for the deallocation of funds through the elimination of one Labor Statistician Technician position to implement		
48			
50			

2	recommendations of the Productivity Realization Task Force.		
4			
6	Safety Education and Training Programs		
8	Personal Services	1,792	12,021
10	Provides for the allocation of funds for the reclassification of one Occupational Health Specialist position to one Senior Occupational Health Specialist position and of one Occupational Safety Engineer position to one Senior Occupational Safety Engineer position to implement recommendations of the Productivity Realization Task Force.		
12			
14			
16			
18			
20			
22			
24	Safety Education and Training Programs		
26	Personal Services	(4,876)	(27,867)
28	Provides for the deallocation of funds through changes in allocation ratios for fiscal year 1995-96 and fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.		
30			
32			
34			
36			
38	DEPARTMENT OF LABOR		
	TOTAL	(28,792)	2,951
40			
42	MARINE RESOURCES, DEPARTMENT OF		
44	Marine Development - Bureau of		
46	Positions - Other Count	(-4.5)	(-4.5)
	Personal Services	(65,383)	(136,598)
48	All Other	(28,945)	(56,702)
	Capital Expenditures	(2,285)	(2,285)
50	TOTAL	(96,613)	(195,585)

2 Provides for the deallocation
of funds for the transfer of
4 one Marine Resource
Technician position, one
6 Marine Resource Specialist I
position and 4 Conservation
8 Aide positions from the
Division of Community
10 Resource Development to the
Bureau of Resource Management.

12 Marine Development - Bureau of

14 All Other (4,670) (32,497)

16 Provides for the deallocation
18 of funds to transfer
allotment from the Division
20 of Community Resource
Development to the Bureau of
22 Resource Management. This
brings the dedicated accounts
24 into alignment with the
General Fund accounts.

26 Marine Development - Bureau of

28 All Other (17,216) (56,035)

30 Provides for the deallocation
32 of funds to transfer
allotment from the Division
34 of Community Resource
Development to the Bureau of
36 Resource Management. This
brings the dedicated accounts
38 into alignment with the
General Fund accounts.

40 Marine Development - Bureau of

42 Positions - Other Count (-4.0) (-4.0)
44 Personal Services (87,085) (182,045)
All Other (29,046) (59,212)
46 Capital Expenditures (20,310) (40,622)

48 TOTAL (136,441) (281,879)

50 Provides for the deallocation

2 of funds for the transfer of
one Marine Resource Scientist
II position, one Marine
4 Resource Specialist I
position, one Marine Patrol
6 Officer position and 2
Conservation Aide positions
8 from the Division of
Community Resource
10 Development to the Bureau of
Resource Management.

12 Marine Development - Bureau of

14 All Other (34,838) (69,983)

16 Provides for the deallocation
18 of funds to transfer
allotment from the Division
20 of Community Resource
Development to the Bureau of
22 Resource Management. This
brings the dedicated accounts
24 into alignment with the
General Fund accounts.

26 Marine Development - Bureau of

28 All Other (17,588) (35,000)
30 Capital Expenditures (12,500) (25,000)

32 TOTAL (30,088) (60,000)

34 Provides for the deallocation
of funds to transfer
36 allotment from the Division
of Community Resource
38 Development to the Bureau of
Resource Management. This
brings the dedicated accounts
40 into alignment with the
General Fund accounts.

42 Marine Sciences - Bureau of

44 Positions - Other Count (4.5) (4.5)
46 Personal Services 65,383 136,598
All Other 28,945 56,702
48 Capital Expenditures 2,285 2,285

2	TOTAL	96,613	195,585
4	Provides for the allocation of funds for the transfer of one Marine Resource Technician position, one Marine Resource Specialist I position and 4 Conservation Aide positions from the Division of Community Resource Development to the Bureau of Resource Management.		
14	Marine Sciences - Bureau of		
16	All Other	4,670	32,497
18	Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.		
28	Marine Sciences - Bureau of		
30	Positions - Other Count	(4.0)	(4.0)
	Personal Services	87,085	182,045
32	All Other	29,046	59,212
	Capital Expenditures	20,310	40,622
34	TOTAL	<u>136,441</u>	<u>281,879</u>
36	Provides for the allocation of funds for the transfer of one Marine Resource Scientist II position, one Marine Resource Specialist I position, one Marine Patrol Officer position, and 2 Conservation Aide positions from the Division of Community Resource Development to the Bureau of Resource Management.		
50	Marine Sciences - Bureau of		

2	All Other	17,216	56,035
4	Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund Accounts.		
14	Marine Sciences - Bureau of		
16	All Other	17,588	35,000
	Capital Expenditures	12,500	25,000
18	TOTAL	<u>30,088</u>	<u>60,000</u>
20	Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.		
28	Marine Sciences - Bureau of		
30	All Other	34,838	69,983
34	Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.		
44	DEPARTMENT OF MARINE RESOURCES		
46	TOTAL	<u>-0-</u>	<u>-0-</u>
48	MENTAL HEALTH AND MENTAL RETARDATION,		
50	DEPARTMENT OF		

2	Augusta Mental Health Institute		
4	Positions - Other Count	(-17.0)	(-24.0)
	Personal Services	(527,083)	(730,023)
6	All Other		(22,795)
8	TOTAL	<u>(527,083)</u>	<u>(752,818)</u>

10 Provides for the deallocation
 12 of funds through the
 14 elimination of the following
 16 positions: one Assistant to
 18 the Superintendent, one
 20 Director, Social Services,
 22 one Carpenter Supervisor, one
 24 Medical Records
 26 Administrator, one
 28 Rehabilitation Services
 30 Director, one Nurse Manager,
 32 one Chief Operations Officer,
 34 one part-time Clerk Typist
 36 III, one Custodial Worker II,
 38 one part-time Food Service
 40 Worker, one Housekeeper II,
 42 one Institutional Custodial
 44 Worker, one Locksmith, one
 46 Medical Secretary, one
 48 Payroll Supervisor, one
 50 Plumber II, one Safety
 Compliance Officer, 5
 intermittent Mental Health
 Worker I, one intermittent
 Nurse II, one Switchboard
 Operator and the reduction of
 13 hours for 2 Clerk Typist
 III positions pursuant to
 plans submitted to the
 Productivity Realization Task
 Force and approved by the
 Governor. Also deallocates
 funds from the elimination of
 one Habilitation Aide
 position, one Mental Health
 Worker III position, one
 Mental Health Worker V
 position, one Nurse I
 position, one Nurse II
 position, one Psychiatric
 Therapy Instructor position,

2	one Habilitation position, 5 intermittent Mental Health Worker I positions and one intermittent Nurse II position effective September 30, 1996 to maintain a reserve capacity for acute admissions until adequate community alternatives are in place.
---	---

12 Bangor Mental Health Institute

14	Positions - Other Count	(-38.5)	(-38.5)
16	Personal Services	(363,703)	(942,651)
	All Other		(36,567)
18	TOTAL	<u>(363,703)</u>	<u>(979,218)</u>

20 Provides for the deallocation
 22 of funds through the
 24 reduction from full-time to
 26 part-time one Personnel
 28 Officer position and one
 30 Clerk Typist II position, and
 32 the elimination of the
 34 following positions: one
 36 Account Clerk II, 9 Mental
 38 Health Worker I, one Mental
 40 Health Worker II, 3 Nurse I,
 42 3 Nurse II, 6 Nurse III, one
 44 Nurse IV, one Switchboard
 46 Operator, one Psychiatric
 48 Social Worker I, one
 Psychiatric Social Worker II,
 2 LPN, one Custodial Worker
 II, one Custodial Worker III,
 one Laborer II, one Safety
 Officer, one Physician
 Assistant, 2 Ward Clerk, one
 Assistant Team Leader, one
 18-hour-per-week Clinical
 Dietitian, and one part-time
 Psychiatric Nursing
 Instructor pursuant to the
 plans submitted to the
 Productivity Realization Task
 Force.

50 DEPARTMENT OF MENTAL HEALTH AND

2	MENTAL RETARDATION		
	TOTAL	(890,786)	(1,732,036)
4			
6	PROFESSIONAL AND FINANCIAL		
	REGULATION, DEPARTMENT OF		
8	Insurance - Bureau of		
10	Personal Services	500	2,000
12	Provides for the allocation		
	of funds for the		
14	reorganization of one		
	Principal Insurance Examiner		
16	position to one Managing		
	Insurance Examiner position		
18	as part of the department's		
	productivity plan.		
20	Insurance - Bureau of		
22	Personal Services	450	1,800
24	Provides for the allocation		
26	of funds for the range change		
	of one Insurance Rate Analyst		
28	position from range 21 to		
	range 22 as part of the		
30	department's productivity		
	plan.		
32	Licensing and Enforcement		
34	Positions - Other Count		(3.0)
36	Personal Services		89,989
	All Other		43,500
38	Capital Expenditures		7,500
40	TOTAL		140,989
42	Provides for the allocation		
	of funds for the transfer of		
44	one Chief Boiler Elevator		
	Inspector position and 2		
46	Clerk Typist III positions in		
	fiscal year 1996-97 from the		
48	Regulation and Enforcement		
	program, General Fund in the		
50	Department of Labor to		

2	implement recommendations of		
	the Productivity Realization		
	Task Force.		
4			
6	DEPARTMENT OF PROFESSIONAL AND		
	FINANCIAL REGULATION		
8	TOTAL	950	144,789
10	PUBLIC SAFETY, DEPARTMENT OF		
12	Administration - Public Safety		
14	Positions - Other Count		(30.0)
	Personal Services		1,207,227
16	All Other		254,407
18	TOTAL		1,461,634
20	Provides for the allocation		
	of funds for the		
22	establishment, through		
	transfer from the Office of		
24	the State Fire Marshal and		
	the Licensing and Enforcement		
26	Unit of the Maine State		
	Police, of 3 Clerk Typist III		
28	positions, 5 Clerk Typist II		
	positions, one Account Clerk		
30	II position, one State Police		
	Sergeant position, 2 State		
32	Police Detective positions, 2		
	Public Safety Inspector III		
34	positions, 4 Public Safety		
	Inspector II positions, 11		
36	Public Safety Inspector I		
	positions and one Senior		
38	Information Systems Support		
	Specialist position to the		
40	Licensing and Inspections		
	Unit within the		
42	Administrative Services		
	Division of the Department of		
44	Public Safety.		
46	Drug Enforcement Agency		
48	Positions - Other Count	(-2.0)	(-3.0)
	Personal Services	1,829	(152,361)
50			

2 Provides for the deallocation
of funds through the
4 elimination of one Business
Manager I position and one
6 Senior Agent position in
fiscal year 1995-96 and the
8 transfer of one Senior
Information Systems Support
10 Specialist position in fiscal
year 1996-97 to the Licensing
12 and Inspection Unit within
the Administrative Services
14 Division of the Department of
Public Safety.

16 Fire Marshal - Office of

18	Positions - Other Count	(-25.0)
	Personal Services	(901,955)
20	All Other	(153,589)
22	TOTAL	<u>(1,055,544)</u>

24 Provides for the deallocation
of funds through the
26 elimination of one Clerk
Typist II position, 2 Clerk
28 Stenographer II positions,
one Fire Inspector position,
30 one Fire Protection
Specialist Assistant
32 position, the transfer and
reclassification of one Fire
34 Inspector Supervisor
position, 7 Fire Inspector
36 positions, one Fire
Protection Specialist
38 position, 7 Fire Protection
Specialist Assistant
40 positions and one Clerk
Stenographer II position and
42 the transfer of 2 Clerk
Typist II positions and one
44 Account Clerk II position to
the Licensing and Inspection
46 Unit within the
Administrative Services
48 Division of the Department of
Public Safety.

50

2 Fire Marshal - Office of

2	Positions - Other Count	(-1.0)
4	Personal Services	(40,495)
	All Other	(6,683)
6	TOTAL	<u>(47,178)</u>

8 Provides for the deallocation
of funds for one Fire
10 Protection Specialist
12 Assistant position
transferred to the Licensing
14 and Inspection Unit within
the Administrative Services
16 Division of the Department of
Public Safety.

18

20 Licensing and Enforcement -
Public Safety

22	Positions - Other Count	(-8.0)
	Personal Services	(338,299)
24	All Other	(94,135)
26	TOTAL	<u>(432,434)</u>

28 Provides for the deallocation
of funds through the transfer
and reclassification of 2
30 Clerk Stenographer III
32 positions, the transfer of 2
Clerk Typist II positions,
34 one Clerk Typist III
position, one State Police
36 Sergeant position and 2 State
Police Detective positions to
38 the Licensing and Inspection
Unit within the
40 Administrative Services
Division of the Department of
42 Public Safety.

44 Traffic Safety - Commercial Vehicle
Enforcement

46	Personal Services	(13,988)	(60,540)
----	-------------------	----------	----------

48 Provides for the deallocation
of funds as a result of a

50

2 classification change of 2
 2 State Trooper positions to 2
 4 Motor Carrier Inspector
 4 positions.

6 Turnpike Enforcement

8 Positions - Other Count (-1.0) (-1.0)
 8 Personal Services (6,479) (28,733)

10 Provides for the deallocation
 12 of funds through the
 14 elimination of one vacant
 14 Clerk Typist III position.

16 DEPARTMENT OF PUBLIC SAFETY
 18 TOTAL (18,638) (315,156)

20 SECTION
 22 TOTAL ALLOCATIONS (1,257,948) (2,370,789)

24 **Sec. A-5. Allocations.** The following funds are allocated from
 24 the Federal Block Grant Fund for the fiscal years ending June 30,
 26 1996 and June 30, 1997 to carry out the purposes of this Part.

28 1995-96 1996-97

30 EDUCATION, DEPARTMENT OF
 30 Division of Instruction

32 Positions - Legislative Count (-2.0)
 34 Personal Services (114,801)
 34 All Other (5,420)

36 TOTAL (120,221)

38 Provides for the transfer of
 40 allocation and positions to
 42 the Learning Systems program.

44 Learning Systems

44 Positions - Legislative Count (2.0)
 46 Personal Services 114,801
 46 All Other 5,420

48 TOTAL 120,221

2 Provides for the transfer of
 4 allocation and positions from
 4 the Division of Instruction.

6 Management Information Systems

8 Positions - Legislative Count (5.0)
 8 Personal Services 268,100
 10 All Other 2,320,605
 10 Capital Expenditures 30,000

12 TOTAL 2,618,705

14 Provides for the transfer of
 16 allocation and positions from
 18 the Support Services Unit.

20 Support Services Unit

20 Positions - Legislative Count (-5.0)
 22 Personal Services (268,100)
 22 All Other (2,320,605)
 24 Capital Expenditures (30,000)

26 TOTAL (2,618,705)

28 Provides for the transfer of
 30 allocation and positions to
 30 the Management Information
 32 Systems program.

34 DEPARTMENT OF EDUCATION
 34 TOTAL -0-

36 HUMAN SERVICES, DEPARTMENT OF

38 Administration - Regional -
 40 Human Services

42 Positions - Legislative Count (5.0)
 42 Personal Services 142,395

44 Provides for the allocation
 46 of funds to transfer clerical
 46 positions into the Regional
 48 Clerical Pool, which includes
 50 5 Clerk Typist II positions.

2	Maternal and Child Health		
4	Positions - Legislative Count	(-5.0)	
	Personal Services	(142,395)	
6	Provides for the deallocation		
8	of funds to transfer 5 Clerk		
	Typist II positions into the		
10	Regional Clerical Pool.		
12	Maternal and Child Health		
14	Positions - Legislative Count	(-1.0)	(-1.0)
	Personal Services	(13,807)	(13,807)
16	All Other	(1,500)	(1,500)
18	TOTAL	(15,307)	(15,307)
20	Provides for the deallocation		
22	of funds from the elimination		
24	of one Comprehensive Health		
	Planner I position and		
	related All Other.		
26	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	(15,307)	(15,307)
30	SECTION		
32	TOTAL ALLOCATIONS	(15,307)	(15,307)
34	Sec. A-6. Allocations. The following funds are allocated from		
36	the Telecommunications Fund for the fiscal years ending June 30,		
	1996 and June 30, 1997 to carry out the purposes of this Part.		
38		1995-96	1996-97
40	ADMINISTRATIVE AND FINANCIAL		
	SERVICES, DEPARTMENT OF		
42	Intergovernmental Telecommunications		
	Fund		
44	All Other	(9,000)	(18,000)
46	Provides for the deallocation		
48	of funds from productivity		
50	savings as a result of		
	streamlining operations.		

2	DEPARTMENT OF ADMINISTRATIVE		
4	AND FINANCIAL SERVICES		
	TOTAL	(9,000)	(18,000)
6	SECTION		
8	TOTAL ALLOCATIONS	(9,000)	(18,000)
10	Sec. A-7. Allocations. The following funds are allocated from		
12	the Data Processing 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	ADMINISTRATIVE AND FINANCIAL		
18	SERVICES,		
	DEPARTMENT OF		
20	Data Processing Services		
22	Positions - Other Count	(-10.0)	(-10.0)
	Personal Services	(251,091)	(396,651)
24	All Other	(213,376)	(325,392)
26	TOTAL	(464,467)	(722,043)
28	Provides for the deallocation		
30	of funds to reflect the		
32	savings produced through		
	productivity efforts in		
	operations through the		
	elimination of one Computer		
	Operator position, one		
	Database Analyst position,		
	one Programmer Analyst		
	position, one Data		
	Communications Technician		
	position, one Computer		
	Support Supervisor position,		
	one Computer Operations		
	Assistant Manager position,		
	one Data Control Librarian		
	Supervisor position, one		
	Storekeeper I position, one		
	Data Control Specialist		
	position and one Computer		
	Operations Supervisor		
	position.		

2	DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
4	TOTAL	<u>(464,467)</u>	<u>(722,043)</u>
6	SECTION		
8	TOTAL ALLOCATIONS	<u>(464,467)</u>	<u>(722,043)</u>
10	Sec. A-8. Allocations. The following funds are allocated from Internal Services Fund - Statewide 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	ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
18	Executive Branch Departments and Independent Agencies - Statewide		
20			
22	Personal Services	14,975	23,656
24	Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through the productivity plans.		
26			
28	Executive Branch Departments and Independent Agencies - Statewide		
30			
32			
34	Personal Services	3,849	11,328
36	Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through the productivity plans.		
38			
40			
42			
44	DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
46	TOTAL	<u>18,824</u>	<u>34,984</u>
48	SECTION		
50	TOTAL ALLOCATIONS	<u>18,824</u>	<u>34,984</u>

2	Sec. A-9. Allocations. The following funds are allocated from the Alcoholic Beverage Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry the purposes of this Part.		
4		1995-96	1996-97
6	ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
8	Alcoholic Beverages - General Operation		
10			
12			
14	Positions - Legislative Count	(-9.5)	(-9.5)
16	Positions - Other Count	(-4.5)	(-4.5)
18	Personal Services	(391,846)	(471,462)
20	Provides for the deallocation of funds through the elimination of 2 Assistant Manager Retail Store positions, 6.5 Retail Store Clerk positions, one Retail Store Manager I position, 3.5 seasonal Retail Store Clerk positions, 12 intermittent Retail Store Clerk positions and one seasonal Store Clerk position.		
22			
24			
26			
28			
30	DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
32	TOTAL	<u>(391,846)</u>	<u>(471,462)</u>
34	SECTION		
36	TOTAL ALLOCATIONS	<u>(391,846)</u>	<u>(471,462)</u>
38	Sec. A-10. Allocations. The following funds are allocated from the Enterprise Fund - Statewide for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.		
40			
42		1995-96	1996-97
44	ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
46	Executive Branch Departments and Independent Agencies - Statewide		
48			

2	Personal Services	23,370	28,118
4	Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through the productivity plans.		
10	Executive Branch Departments and Independent Agencies - Statewide		
12	Personal Services	6,007	13,465
14	Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through the productivity plans.		
22	DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
24	TOTAL	29,377	41,583
26	SECTION		
28	TOTAL ALLOCATIONS	\$29,377	\$41,583

PART B

32 **Sec. B-1. 5 MRSA §12004-I, sub-§§87 and 88**, as amended by PL
34 1989, c. 875, Pt. M, §§1 and 13, are further amended to read:

36 **87.** Maine Tourism Expenses 5 MRSA
Tourism Commission Only \$12067
38 \$13080-R

40 **88.** Maine State Expenses 5 MRSA
Video and Film Only @12069
42 Film Commission \$13080-T

44 **Sec. B-2. 5 MRSA §13055, sub-§1, ¶B**, as amended by PL 1991, c.
46 622, Pt. F, §7, is further amended to read:

48 B. The Office of Tourism and Community Development.

50 **Sec. B-3. 5 MRSA §13062-A, sub-§§1 and 3**, as enacted by PL
1993, c. 410, Pt. NNN, §1, are amended to read:

2 **1. Economic Conversion Division; establishment.** The
Economic Conversion Division, referred to in this section as the
4 "division," is established within the Office of Business Tourism
and Community Development to implement the recommendations of the
6 Task Force on Defense Realignment and the Economy.

8 **3. Responsibilities.** The Economic Conversion Division, in
conjunction with ~~the Office of Business Development~~ and the Task
10 Force on Defense Realignment and the Economy, shall perform the
following functions:

12 A. Serve as a clearinghouse for any firm, community or
14 worker concerning economic conversion or defense dislocation
assistance;

16 B. Coordinate all interagency state economic conversion and
18 diversification resources, activities and programs;

20 C. Provide necessary support and coordination of
22 established and future regional conversion task force
efforts in the State;

24 D. Pursue federal economic conversion assistance programs;
and

26 E. Assist the Task Force on Defense Realignment and the
28 Economy in monitoring shifts in federal defense spending
trends and related impacts on the State's major
30 defense-dependent firms and military installations, in
serving as a liaison and legislative advocate to the
32 Governor, Legislature and congressional delegation on
conversion activities and related matters, and in developing
a public awareness program on the State's defense
34 dependency, conversion efforts and related assistance
36 programs.

38 **Sec. B-4. 5 MRSA §13063-B** is enacted to read:

40 **§13063-B. Energy conservation programs**

42 The Director of the Office of Business Development, referred
44 to in this section as the "director," shall administer the
following energy conservation programs.

46 **1. Federally mandated programs.** The director shall
48 administer the following federally mandated programs, formerly
administered by the Office of Energy Resources:

50 A. State Energy Conservation Program:

2 B. Energy Extension Service; and

4 C. Institutional Conservation Program.

6 2. Energy conservation standards. The director shall adopt
8 energy conservation standards and adopt rules for administration
10 of the standards and the certification of energy-efficient
12 buildings, as defined in Title 10, chapter 214.

14 3. Approval; denial of certificates. The director shall
16 provide for the approval or denial of certificates of energy
18 efficiency, as required in Title 10, chapter 214.

20 4. Preparation of manual. The director shall prepare the
22 Manual of Accepted Practices, as described in Title 10, chapter
24 214.

26 5. Review; inspection. The director may review plans and
28 specifications and may inspect buildings to determine compliance
30 with the energy conservation standards, established in Title 10,
32 chapter 214.

34 6. Rule-making authority. If the Residential Conservation
36 Service, as established by the federal National Energy
38 Conservation Policy Act, Public Law 95-619, November 9, 1978, 92
40 STAT. 3206 as amended by the federal Energy Security Act, Public
42 Law 96-294, June 30, 1980, 94 STAT. 611, is repealed or amended
44 by deleting the requirements for providing energy conservation
46 information and energy audits and arranging financing for energy
48 conservation improvements for residential customers, the director
may adopt rules pursuant to the Maine Administrative Procedure
Act to continue these services. In establishing these rules, the
director shall simplify federal rules without preventing
fulfillment of the program objectives and the director may not
impose rules containing additional requirements for utilities.

Until the director adopts new rules under this subsection, the
previously existing federal regulations and any state rules
implementing them are deemed state rules with full force.

Sec. B-5. 5 MRSA c. 383, sub-c. II, art. 3, as amended, is repealed.

Sec. B-6. 5 MRSA c. 383, sub-c. III is amended by repealing the
subchapter headnote and enacting the following in its place:

**SUBCHAPTER III
TOURISM AND COMMUNITY DEVELOPMENT**

2 Sec. B-7. 5 MRSA c. 383, sub-c. III, art. 1 is amended by repealing
4 the article headnote and enacting the following in its place:

**Article 1
COMMUNITY DEVELOPMENT**

6 Sec. B-8. 5 MRSA §13072, as amended by PL 1995, c. 395, Pt.
8 D, §§6 to 9, is further amended by repealing and replacing the
10 headnote to read:

§13072. Community development

12 Sec. B-9. 5 MRSA §13072, first ¶, as amended by PL 1987, c.
14 816, Pt. P, §8, is further amended to read:

16 The Office of Tourism and Community Development shall assist
18 municipalities in planning for and achieving economic growth and
20 development while, at the same time, preserving and protecting
22 their resources and assets. To achieve this purpose, the
24 department, through the office, shall strive to remove barriers
26 to balanced economic growth and provide planning, technical and
28 financial resources to the municipalities to enhance economic
30 development.

32 Sec. B-10. 5 MRSA §13072, 2nd ¶, as enacted by PL 1987, c.
34 534, Pt. A, §§17 and 19, is amended to read:

36 ~~The Deputy Commissioner for Community Development shall be~~
38 ~~the Director of the Office of Tourism and Community Development~~
40 ~~and shall administer the office in accordance with the policies~~
42 ~~of the commissioner and the provisions of this chapter. The~~
44 ~~director shall have the following powers and duties.~~

46 Sec. B-11. 5 MRSA c. 383, sub-c. III, art. 1-C is enacted to read:

Article 1-C

TOURISM

§13080-O. Tourism

42 1. Tourism; establishment. The Office of Tourism and
44 Community Development shall administer a program to support and
46 expand the tourism industry and promote the State as a tourist
destination. The Director of the Office of Tourism and Community
Development shall administer the office in accordance with the
policies of the commissioner and the provisions of this article.

2 The office includes the Maine Tourism Commission and the Maine
3 State Film Commission.

4 2. Duties. The Director of the Office of Tourism and
5 Community Development shall:

6 A. Implement advertising and promotion programs to market
7 the State's travel industry and to attract on-location
8 filming of movies, advertisements and videos in the State;

9 B. Print, or cause to have printed, alone or in cooperation
10 with other travel promotion agencies and groups, booklets,
11 brochures, pamphlets and other materials as required to
12 fulfill requests for information on the State's travel
13 products and the State's facilities, sites and services for
14 the filming of movies and videos in the State;

15 C. Encourage the development of travel product facilities
16 and activities by locating potential developers, providing
17 market and feasibility analysis, assisting developers in
18 complying with applicable laws and rules and providing
19 technical assistance to local decision making, including
20 decisions regarding site selection, financing and utilities;

21 D. Review and comment upon the policies and programs of
22 state agencies that directly affect the achievement of the
23 duties and responsibilities of the office;

24 E. Provide basic support and discretionary matching grants
25 to local, regional and statewide nonprofit agencies that
26 directly affect the achievement of the duties and
27 responsibilities of the office;

28 F. Staff or cause to be staffed any information center
29 constructed, owned, leased, acquired or operated by the
30 State;

31 G. Employ or engage outside technical or professional
32 consultants or organizations as are necessary or appropriate
33 to assist the office in carrying out its functions;

34 H. Accept fees as the director may designate for the
35 preparation and distribution of books, booklets, brochures,
36 pamphlets, films, photos, maps, exhibits, mailing lists and
37 all similar materials and media advertising. There is
38 established within the office a revolving fund for the use
39 of the office to help offset the preparation and
40 distribution costs of these materials. The office shall
41 retain, without charge, an appropriate number of each
42 publication for complimentary distribution. Income from the

2 sale of publications and other materials charged to the
3 revolving fund is credited to the revolving fund to be used
4 as a continuing carrying account to carry out the purposes
5 of the revolving fund;

6 I. Subject to the approval of the commissioner, adopt,
7 amend and repeal rules to carry out the purposes of this
8 section; and

9 J. Undertake other activities that the commissioner
10 considers appropriate and necessary to ensure the
11 successful implementation of this section.

12 **§13080-P. Historical marker program**

13 1. Historical markers. The Director of the Office of
14 Tourism and Community Development may erect historical markers or
15 signs on any highway. No more than 10 historical markers may be
16 erected in one year. Markers that would interfere with
17 reasonable use of highways may not be erected.

18 2. Review council. The Director of the Office of Tourism
19 and Community Development shall consult with the Maine Historic
20 Preservation Commission and the Department of Transportation on
21 the historical marker program. Before erecting any marker, the
22 director shall secure the Maine Historic Preservation
23 Commission's approval of the marker, the marker's location and
24 the maker's wording. The Maine Historic Preservation Commission
25 shall obtain, or cause to be obtained, as needed, information on
26 the event to be commemorated and on the appropriate location for
27 the marker, including consulting historians and holding public
28 hearings.

29 3. Municipal permission. Municipal officers may permit the
30 erection of monuments, tablets and markers by individuals or
31 societies on public highways or other public grounds, in places
32 and of a character as may be approved by the municipal officers,
33 to indicate the occurrence of historic events and matters of
34 public interest, as long as the markers do not interfere with
35 reasonable use of the highways or other public places.

36 4. Cooperative agreements. The Maine Historic Preservation
37 Commission may enter into cooperative agreements with any
38 municipality or historical society to erect a historical marker
39 on any highway. The agreement must provide for reasonable
40 sharing of the initial expense and for the municipality or
41 society to maintain and care for the marker.

42 5. Damages. If a person's property is damaged by the
43 erection of a monument, tablet or marker, that person may apply

to the municipal officers within 6 months after the erection to assess and recover damages.

6. Change of location. A person whose rights or interests are affected by the location of a monument, tablet or marker may, within 60 days after the approval of the municipal officers, petition the municipal officers for a change of location and, after notice to parties and hearing, the municipal officers may alter or revoke approval to use the location.

7. Petition to court. If the municipal officers neglect or refuse after 30 days to decide upon any petition addressed to them or if a party whose interests are affected by the decision is dissatisfied with the decision, the dissatisfied petitioner or party may apply to the Superior Court for relief within 60 days of the decision.

8. Return; record; fees. The municipal officers shall, within 30 days, decide upon every petition presented to them and upon every location approved under this section, and shall cause this information to be recorded by the town clerk. The fees of the municipal officers and town clerk must be paid by the petitioner.

§13080-Q. Tourism marketing and development strategy

1. Development. The Office of Tourism and Community Development shall develop a 5-year marketing and development strategy for state tourism growth that maximizes the effectiveness of state and private sector contributions in attracting visitors to the State and increasing tourism-based revenues. The strategy must incorporate components of direct marketing in maintenance and primary markets, matching grants programs, trade markets, regional development and research.

2. Administration. The Office of Tourism and Community Development shall administer the components of the strategy after development. Administration includes development of new markets, creation of an image of the State to entice visitor inquiries and provision of appropriate technical assistance and response mechanisms. The Office of Tourism and Community Development shall support staffing of the visitor information centers and fulfill tourism information requests and shall work in partnership with the tourism industry in the State in administering the strategy.

3. Tourism Marketing and Development Fund. The Tourism Marketing and Development Fund is established within the department. The fund must be used for the development and administration of a tourism marketing and development strategy.

All receipts of taxes pursuant to Title 36, section 1811, 3rd paragraph must be credited to the fund in an aggregate amount not to exceed the legislatively authorized allocations for fiscal years 1993-94, 1994-95, 1995-96 and 1996-97.

This subsection is repealed July 1, 1997.

§13080-R. Maine Tourism Commission

1. Maine Tourism Commission. The Maine Tourism Commission, established by section 12004-I, subsection 87 and referred to in this section as the "commission," shall assist and advise the Office of Tourism and Community Development to achieve its purpose under section 13080-O. The commission consists of 9 members of major tourism trade associations and 8 public members who must represent their respective regions and have experience in the field or have demonstrated concern for the travel industry. The terms of the members are for 4 years each, except that, for the members first appointed, 4 members are appointed for terms of 4 years, 4 members for terms of 3 years, 4 members for terms of 2 years and 5 members for terms of one year. The members are appointed by the Governor, who shall fill a vacancy in the membership for the unexpired term. The commissioner, director or a designee of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: the department; the State Planning Office; the Department of Conservation; the Department of Transportation; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Education; the Bureau of Public Improvements; and the Canadian Affairs Coordinator. A chair and vice-chair must be elected annually from the appointed membership.

2. Powers and duties. The commission shall:

A. Recommend rules for the implementation of section 13080-S and make recommendations on the award of matching funds to the commissioner and the Director of the Office of Tourism and Community Development;

B. Recommend policy guidelines on marketing, promotion and advertising strategies to the Office of Tourism and Community Development;

C. Conduct public hearings necessary to obtain input concerning tourism policy development from a broad cross-section of travel interests;

2 D. Assist the Office of Tourism and Community Development
3 in providing technical assistance to the travel industry and
4 in planning and conducting periodic tourism conferences;

5 E. Prepare a report for annual submission to the Governor
6 and the Legislature relative to the programs, policies and
7 accomplishments of the commission; and

8 F. Assist the Office of Tourism and Community Development
9 in other areas the commissioner considers appropriate and
10 necessary to ensure the successful implementation of this
11 section.

12 3. Compensation. Commission members are entitled to
13 compensation as provided by chapter 379.

14 **§13080-S. Travel Promotion Matching Fund Program**

15 1. Statement of purpose. The Travel Promotion Matching
16 Fund Program is established for the following purposes:

17 A. To allow the State to provide part of the funds
18 necessary for public and private, nonprofit travel
19 promotional organizations to conduct promotional programs;
20 and

21 B. To strengthen the State's image by coordinating the
22 promotional efforts of the private sector with those of the
23 Office of Tourism and Community Development.

24 2. Eligible organization. Matching funds must be made
25 available to those nonprofit travel promotional organizations
26 that best meet the purposes of this section. An organization may
27 not disburse state matching funds to a private, for-profit
28 business for the purpose of promoting its goods, services,
29 functions or activities.

30 3. Limitations. This section does not reduce any
31 organization's financial participation in any ongoing project,
32 but rather to increase or develop new programs. The grant
33 program as established in subsection 4, must be geared to
34 specific promotional efforts and costs and is not intended to
35 match any administrative costs, including any form of personal
36 services.

37 4. Administration. The Office of Tourism and Community
38 Development shall administer the Travel Promotion Matching Fund
39 Program with such flexibility as to bring about the most
40 effective and economical travel promotion program possible.
41 Applications from all regions of the State must be equally
42
43
44
45
46
47
48
49
50

2 considered. The Maine Tourism Commission shall recommend rules
3 and procedures necessary and appropriate to the proper operation
4 of the Travel Promotion Matching Fund Program. These rules must
5 establish eligibility requirements, allocation formulas,
6 application procedures and criteria subject to the final approval
7 of the commissioner. The Maine Tourism Commission shall
8 establish a schedule for review of grant applications and make
9 timely recommendations of grant awards to the Office of Tourism
10 and Community Development. Grants recommended by the Maine
11 Tourism Commission to the Office of Tourism and Community
12 Development must be approved by the Director of the Office of
13 Tourism and Community Development prior to any disbursement of
14 funds.

15 5. Bookkeeping systems. The department and all tourist
16 promotional organizations qualifying for matching funds under
17 this section shall keep accurate records of any applications,
18 transactions, payment receipts and correspondence relating to the
19 implementation of the Travel Promotion Matching Fund Program.

20 A. The department shall establish a standard accounting
21 procedure to be used by any organization receiving money
22 under this section.

23 B. The records of any organization pertaining to accounts
24 and contracts funded with money under this section must be
25 open to audit by the State or by any firm employed by the
26 State to audit these records.

27 Additional matching funds may not be awarded to an organization
28 until the provisions of this subsection have been met.

29 **§13080-T. Maine State Film Commission**

30 1. Maine State Film Commission established. The Maine
31 State Film Commission, as established by section 12004-I,
32 subsection 88, is within the Office of Tourism and Community
33 Development and shall advise and assist the office as necessary.
34 The commission shall advise the commissioner and the Director of
35 the Office of Tourism and Community Development with respect to
36 the operation of the Maine State Film Commission program.

37 A. The commission consists of 11 members appointed by the
38 Governor.

39 (1) The members appointed must be involved in a
40 related business field or have experience or
41 familiarity with media marketing or public relations.
42 The Governor shall ensure an equitable regional
43 representation from the State.
44
45
46
47
48
49
50

2 (2) The Director of the Maine Arts Commission and the
3 commissioner shall serve as ex officio, nonvoting
4 members of the commission.

6 B. The terms of office of commission members are as follows.

8 (1) All members are appointed for 3-year terms. Of
9 those first appointed, 3 are appointed for 3-year
10 terms, 4 are appointed for 2-year terms and 4 are
11 appointed for one-year terms. The Governor shall
12 designate the terms of office of those first appointed
13 at the time of appointment.

14 (2) Members shall serve until their successors are
15 appointed and take office. The Governor may terminate
16 the membership of any appointee for just cause and the
17 reason for the termination must be communicated in
18 writing to each member whose term is so terminated.

19 (3) Vacancies must be filled in the same manner as
20 original appointments, except that any person appointed
21 to fill a vacancy shall serve for the remainder of the
22 unexpired term of the vacancy.

23 C. The chair and vice-chair are appointed by the Governor
24 annually at the first meeting of the commission and serve
25 for one-year terms.

26 (1) The chair shall call meetings of the commission.

27 D. Members are compensated for expenses only in accordance
28 with chapter 379.

29 E. Financing of promotional and development materials and
30 expenses pursuant to this section must be made with funds
31 within the limit of the budget of the department for the
32 Office of Tourism and Community Development.

33 2. Powers and duties. The Maine State Film Commission has
34 the following powers and duties:

35 A. To recommend rules for the implementation of the
36 provisions relating to the promotion of filming activities
37 in the State;

38 B. To advise and assist the Director of the Maine State
39 Film Office and the Director of the Office of Tourism and
40 Community Development with respect to this section and
41 section 13080-U;

2 C. To raise and accept funds from public and private
3 sources to be used to promote filming activities in the
4 State; and

5 D. To promote the State for in-state, on-location filming
6 of movies, advertisements and videos.

7 **§13080-U. Maine State Film Office**

8 The Maine State Film Office is established within the Office
9 of Tourism and Community Development. The Director of the Maine
10 State Film Office is responsible for undertaking a program of
11 film promotion and implementing the recommendations and policies
12 of the commissioner.

13 Sec. B-12. 5 MRSA §13084, as amended by PL 1991, c. 548, Pt.
14 A, §1, is repealed.

15 Sec. B-13. 5 MRSA §13085, as enacted by PL 1989, c. 875, Pt.
16 M, §§7 and 13, is repealed.

17 **PART C**

18 Sec. C-1. 5 MRSA §948, sub-§1, ¶¶I and J, as amended by PL 1991,
19 c. 837, Pt. B, §4, are further amended to read:

20 I. Director, Maine Drug Enforcement Agency; and

21 J. Assistant Director, Maine Drug Enforcement Agency; and

22 Sec. C-2. 5 MRSA §948, sub-§1, ¶K is enacted to read:

23 K. Two majors, Bureau of State Police.

24 Sec. C-3. 25 MRSA §1501, 3rd ¶, as amended by PL 1985, c. 785,
25 Pt. B, §108, is further amended to read:

26 Subject to the approval of the Commissioner of Public
27 Safety, the chief may appoint 2 commissioned officers of the
28 State Police to act as his the chief's deputies and serve-at-his
29 pleasure 2 commissioned officers of the State Police to act as
30 the chief's majors, all of whom serve at the pleasure of the
31 chief. Subject to the Civil Service Law, the Chief of the State
32 Police may enlist suitable persons as members of the State Police
33 to enforce the law and employ such other employees as may be
34 necessary. The Chief of the State Police shall make rules,
35 subject to the approval of the State Civil Service Appeals Board,
36 for the discipline and control of the State Police. If a deputy
37 chief or major is removed or fails to be reappointed for any

reason other than malfeasance of office and, at that time, does not have at least 20 years of service with the State Police, he shall ~~the deputy chief or major must~~ be reinstated at the commissioned rank held at the time of the appointment with all the rights and privileges as provided by law and personnel rules.

Sec. C-4. Effective date. This Part takes effect October 31, 1996.

PART D

Sec. D-1. Calculation and transfer. The State Budget Officer shall calculate the amounts in section 3 of this Part that apply against each General Fund account for all departments and agencies based on the proportionate share of data processing in the All Other appropriations of the affected account. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Budget Office shall distribute the calculated amounts resulting from section 3 of this Part among the affected accounts as appropriated adjustments.

Sec. D-2. Data processing rates. The Bureau of Information Services shall calculate new data processing rates in fiscal years 1995-96 and 1996-97 based on savings resulting from streamlining operations pursuant to plans submitted to the Productivity Realization Task Force.

Sec. D-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1995-96	1996-97
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Departments and Agencies - Statewide		
All Other	(\$317,902)	(\$488,492)
Provides for the deappropriation of funds related to the General Fund share of savings associated with the reductions in data processing costs resulting from the streamlining of		

operations within the Bureau of Information Services pursuant to plans submitted to the Productivity Realization Task Force.

PART E

Sec. E-1. 5 MRSA §938, sub-§1, as amended by PL 1995, c. 368, Pt. UU, §§2 to 5 and 7 and affected by c. 395, Pt. U, §3, is repealed.

Sec. E-2. 5 MRSA §938, sub-§1-A is enacted to read:

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

A. Deputy Commissioner;

B. Director, Office of Management Services;

C. Director, Policy Development and Implementation;

D. Director, Education and Outreach;

E. Director, Innovation and Assistance;

F. Director, Bureau of Air Quality Control;

G. Director, Bureau of Remediation and Waste Management; and

H. Director, Bureau of Land and Water Quality.

Sec. E-3. 38 MRSA §342, sub-§2, as amended by PL 1989, c. 890, Pt. A, §15 and affected by §40, is further amended to read:

2. Employment of personnel. The commissioner may employ, subject to the Civil Service Law, personnel for the department and prescribe the duties of these employees, except persons occupying the positions defined in Title 5, section 938, subsection 1 ~~1-A~~, as the commissioner ~~deems~~ determines necessary to fulfill the duties of the department. For purposes of this subsection, personnel for the department does not include staff of the board.

2 **Sec. E-4. 38 MRSA §342, sub-§5-A, ¶C**, as amended by PL 1987,
c. 787, §4, is further amended to read:

4 C. Directors as defined in Title 5, section 938, subsection
6 1-A.

8 **Sec. E-5. Nonlapsing funds.** Any unencumbered balance of
10 General Fund appropriations remaining on June 30, 1996 in the
12 Statewide - Unfunded Liability - Retirement account and the
Statewide - Retiree Health account in the Department of
Administrative and Financial Services may not lapse but must be
carried forward to be used for the same purposes.

14 **Sec. E-6. Nonlapsing funds.** Any unencumbered balance of
16 Highway Fund allocations remaining on June 30, 1996 in the
18 Statewide - Unfunded Liability - Retirement account and the
20 Statewide - Retiree Health account in the Department of
Administrative and Financial Services may not lapse but must be
carried forward to be used for the same purposes.

22 **Sec. E-7. Nonlapsing funds.** Notwithstanding any other
24 provision of law, any unencumbered balance of Highway Fund
26 allocations or General Fund appropriations remaining on June 30,
1996 in the Personal Services line category of accounts as a
28 result of Public Law 1995, chapter 502, Part R may not lapse but
must be carried forward to be used in fiscal year 1996-97 for the
same purposes.

30 **Sec. E-8. Transfer of funds.** Notwithstanding any other
32 provision of law, the Department of Labor may periodically
34 transfer up to \$70,000 during fiscal year 1996-97, from the
36 Safety Education and Training Fund to the Licensing and
38 Enforcement Program, Other Special Revenue, in the Department of
Professional and Financial Regulation. The transfers are for the
purpose of meeting start-up costs for the boiler, elevator and
tramway certification program and are to be repaid to the Safety
Education and Training Fund as program receipts become available.

40 PART F

42 **Sec. F-1. 5 MRSA §48, sub-§3**, as amended by PL 1995, c. 426,
§1, is further amended to read:

44 3. **Interpreting services and coordination for interpreters;**
46 **request to the Bureau of Rehabilitation Services; interpreter**
48 **compensation; continuation of services.** Interpreting services
and coordination for interpreters are governed as follows.

2 A. With the cooperation of the Maine Association of the
4 Deaf and the Registry of Interpreters for the Deaf, Inc.,
the ~~Office~~ **Bureau** of Rehabilitation Services is authorized
and directed to prepare and continually update a listing of
qualified and available interpreters.

6 B. When requested by an agency or court, the ~~Office~~ **Bureau**
8 of Rehabilitation Services shall furnish the agency or court
10 with a directory of information on appropriate and qualified
interpreter sources.

12 C. An interpreter appointed under this section must be
14 reimbursed by the ~~Office~~ **Bureau** of Rehabilitation Services,
upon certification by the appropriate agency or court of
16 services performed, at a fixed rate reflecting the current
fee schedule as established by the ~~Office~~ **Bureau** of
18 Rehabilitation Services, plus travel expenses; except that
20 employees of the State or any of its political subdivisions,
public employees and public or private school, university
22 and college teachers or administrators for interpreting
services or anyone who receives salary during regular work
24 hours may not be reimbursed under this section for
interpreter services performed during their regular working
26 hours. Nothing in this section prevents any agency or court
from employing a qualified interpreter on a full-time basis
or under contract at a mutually agreed upon compensation
28 rate.

30 D. It is the sole responsibility of the Director of the
32 ~~Office~~ **Bureau** of Rehabilitation Services to ensure
implementation and continuation of the provisions of this
34 section.

34 **Sec. F-2. 5 MRSA §937, sub-§1, ¶¶G and H**, as repealed and
36 replaced by PL 1995, c. 465, Pt. A, §6, are amended to read:

38 G. Federal and State Education Program Coordinator; ~~and~~

40 H. Executive Director, Interdepartmental Council, with the
42 approval of the other commissioners of the Interdepartmental
44 Council; ~~and~~.

44 **Sec. F-3. 5 MRSA §937, sub-§1, ¶I**, as repealed and replaced by
46 PL 1995, c. 465, Pt. A, §6, is repealed.

48 **Sec. F-4. 5 MRSA §1822**, as amended by PL 1993, c. 708, Pt. J,
§3, is further amended to read:

50 **§1822. Blind-made products**

A Blind-made Products Committee, comprising the State Purchasing Agent, the Director of the Office Bureau of Rehabilitation Services and the Director of the Division of the Blind and Visually Impaired, Office Bureau of Rehabilitation Services, and in this section and sections 1823 and 1824 called "the committee," shall determine the price of all products that meet specifications prescribed by the State Purchasing Agent and are agreeable to all members of the committee and are manufactured by the Maine Center for the Blind and Visually Impaired and offered for sale to the State or a political subdivision, governmental agency or public benefit corporation of the State. The committee shall revise prices from time to time in accordance with changing cost factors and shall make rules and regulations regarding selection of products, time of delivery and other relevant matters necessary to carry out the purpose of this section and sections 1823 and 1824.

Sec. F-5. 5 MRSA §1826-C, sub-§1, as amended by PL 1993, c. 708, Pt. J, §5, is further amended to read:

1. Committee established. There is established the Work Center Purchases Committee, consisting of the State Purchasing Agent, the Director of the Office Bureau of Rehabilitation Services, a representative of the Department of Mental Health and Mental Retardation, a representative of work centers, a disabled person and a representative of the business community.

Sec. F-6. 5 MRSA §12004-I, sub-§11-A, as enacted by PL 1993, c. 708, Pt. E, §1, is repealed.

Sec. F-7. 5 MRSA §12004-I, sub-§40, as amended by PL 1993, c. 708, Pt. J, §6, is repealed.

Sec. F-8. 5 MRSA §12004-I, sub-§§54-A and 54-B are enacted to read:

54-A.	Advisory	As Autho-	26 MRSA
Education:	Committee	rized by	§1416-A
Office of	on Improving	Committee	
Rehabilita-	Outdoor		
tion Servi-	Recreational		
ces	Opportunities		
	for Persons		
	with Disa-		
	bilities,		
	commonly known		
	as Maine Outdoor		
	Recreation for		
	Everyone.		
	M.O.R.E.		

54-B.	Advisory	Expenses	26 MRSA
Labor:	Council to	Only	§1413-C
Rehabilitation	Division of		
Services	Deafness		

Sec. F-9. 20-A MRSA §203, sub-§1, ¶¶G and H, as amended by PL 1993, c. 708, Pt. J, §7, are further amended to read:

G. Federal and State Education Program Coordinator; and

H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council; and,

Sec. F-10. 20-A MRSA §203, sub-§1, ¶I, as enacted by PL 1993, c. 708, Pt. J, §7, is repealed.

Sec. F-11. 20-A MRSA Pt. 8, as amended, is repealed.

Sec. F-12. 26 MRSA c. 19 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 19

DEPARTMENT OF LABOR

SUBCHAPTER I

DEPARTMENT OF LABOR

Sec. F-13. 26 MRSA c. 19, sub-c. II is enacted to read:

SUBCHAPTER II

REHABILITATION SERVICES

Article 1

REHABILITATION ACT

§1411. Short title

This article may be known and cited as the "Rehabilitation Act."

§1411-A. Definitions

2 As used in this article, unless the context otherwise
3 indicates, the following terms have the following meanings.

4 1. Community rehabilitation program. "Community
5 rehabilitation program" means a facility operated for the primary
6 purpose of providing rehabilitation services to or gainful
7 employment for people with disabilities, or evaluation and
8 vocational services for disadvantaged individuals, that provides
9 one or more of the following services for people with
10 disabilities:

11 A. Comprehensive rehabilitation services, which must
12 include medical, psychological, social and vocational
13 services under one management;

14 B. Testing, fitting or training in the use of prosthetic or
15 orthotic devices;

16 C. Prevocational conditioning or recreational therapy;

17 D. Physical and occupational therapy;

18 E. Speech and hearing therapy;

19 F. Psychological and social services;

20 G. Vocational evaluation;

21 H. Personal and work adjustment;

22 I. Vocational training in combination with other
23 rehabilitation services;

24 J. Placement;

25 K. Transitional and supported employment; and

26 L. Extended employment for people with severe disabilities
27 who can not readily enter the competitive labor market.

28 2. Disadvantaged individuals. "Disadvantaged individuals"
29 means:

30 A. Persons with disabilities as defined in this section;

31 B. Individuals disadvantaged by reason of youth or advanced
32 age, low educational attainments, ethnic or cultural
33 factors, prison or delinquency records or other conditions;
34 and

35 C. Other members of their families when the provision of
36 rehabilitation services to family members is necessary for
37 the rehabilitation of individuals described in paragraph A
38 or B.

39 3. Evaluation and vocational services. "Evaluation and
40 vocational services" includes, as appropriate in each case, such
41 services as:

42 A. A preliminary diagnostic study to determine that the
43 individual is disadvantaged or has a disability-related
44 barrier to employment and that services are needed;

45 B. A diagnostic study consisting of a comprehensive
46 evaluation of pertinent medical, psychological, vocational,
47 educational, cultural, social and environmental factors that
48 bear on the individual's barrier to employment and
49 rehabilitation potential, including, to the degree needed,
50 an evaluation of the individual's personality, intelligence
level, educational achievements, work experience, vocational
aptitudes and interests, personal and social adjustments,
employment opportunities and other pertinent data helpful in
determining the nature and scope of services needed;

C. Services to appraise the individual's patterns of work
behavior and ability to acquire occupational skills and to
develop work attitudes, work habits, work tolerances and
social and behavior patterns suitable for successful job
performance, including the utilization of work, simulated or
real, to assess and develop the individual's capacities to
perform adequately in a work environment;

D. Any other goods or services provided to a disadvantaged
individual that are determined in accordance with federal
regulations to be necessary for, and are provided for the
purpose of, ascertaining the nature of the barrier to
employment and whether it may reasonably be expected that
the individual can benefit from vocational rehabilitation
services or other services available to disadvantaged
individuals;

E. Outreach, referral and advocacy; and

F. The administration of these evaluation and vocational
services.

4. Gainful employment. "Gainful employment" includes
employment in the competitive labor market; practice of a
profession; self-employment; homemaking; farm or family work,
including work for which payment is in kind rather than in cash;

supported employment; sheltered employment; and home industries or other gainful homebound work.

5. Person with disability. "Person with a disability" means an individual who has a physical or mental disability that constitutes a substantial barrier to employment but is of such a nature that vocational rehabilitation services may reasonably be expected to render the individual fit to engage in gainful employment that is consistent with the individual's capacities and abilities. "Person with a disability" also means an individual who has a physical or mental disability that constitutes a substantial barrier to employment and for whom vocational rehabilitation services are necessary to determine rehabilitation potential. An "individual who is under a physical or mental disability" means an individual who has a physical or mental condition that materially limits, contributes to limiting or, if not corrected, results in limiting that individual's activities or functions.

6. Rehabilitation services. "Rehabilitation services," which may be provided directly or through public or private resources, means goods and services necessary to assist a person with a disability to engage in a gainful occupation or to determine the individual's rehabilitation potential, including but not limited to vocational rehabilitation services. Vocational rehabilitation services available to people with disabilities include:

A. Evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

B. Counseling, guidance and placement services for people with disabilities, including follow-up services to assist those individuals to maintain employment;

C. Training services for people with disabilities, which must include personal and vocational adjustment, on-the-job training and books and other training materials;

D. Interpreting and other specific services necessary to meet the unique needs of those persons who are deaf or who have impaired hearing. These services must include the aid of qualified personnel and interpreters who can relate to and communicate on an effective and meaningful basis with persons who are deaf or have impaired hearing;

E. Recruitment and training services for people with disabilities to provide them with suitable employment opportunities;

F. Physical restoration services, including but not limited to:

(1) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive and constitutes a substantial barrier to employment but is of such a nature that correction or modification may reasonably be expected to eliminate or substantially reduce the barrier within a reasonable length of time;

(2) Necessary hospitalization in connection with surgery or treatment;

(3) Prosthetic and orthotic devices; and

(4) Eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;

G. Maintenance as necessary during rehabilitation, as established by the rules of the department;

H. Occupational licenses, tools, equipment and initial stocks and supplies;

I. In the case of a small business operated by people with severe disabilities, the operation of which can be improved by management services and supervision provided by the department, the provision of those services and that supervision, alone or together with the acquisition by the department of vending stands or other equipment and initial stocks and supplies;

J. The construction or establishment, in accordance with federal regulations, of public or other nonprofit community rehabilitation programs and the provision of other facilities and services that may contribute substantially to the rehabilitation of a group of individuals but are not related directly to the rehabilitation plan of any one person with a disability;

K. Transportation in connection with the rendering of any other rehabilitation service;

L. Any other goods and services necessary to render a person with a disability employable; and

2 M. Services to the families of people with disabilities
3 when the services will contribute substantially to the
4 rehabilitation of the individuals.

6 **§1411-B. Rehabilitation services unit created**

8 There is created within the department a functional unit of
9 rehabilitation services, which is equal in administrative level
10 and status with the other major administrative units within the
11 department.

12 **§1411-C. Authority**

14 The department is designated and established as the sole
15 state agency to provide rehabilitation services, including but
16 not limited to vocational rehabilitation services, and to provide
17 evaluation and vocational services for purposes of the Federal
18 Rehabilitation Act and acts amendatory and additional to the
19 Federal Rehabilitation Act. The commissioner shall make those
20 rules that the commissioner finds necessary and appropriate for
21 the administration of a program of rehabilitation services and
22 shall organize such a program within the department in a manner
23 that is consistent with existing federal and state laws, rules
24 and regulations.

26 **§1411-D. Powers and duties of department**

28 In carrying out this article, the commissioner:

30 1. Cooperates with other departments. Shall cooperate with
31 other departments, agencies and institutions, both public and
32 private, in providing for the rehabilitation of people with
33 disabilities and the evaluation and vocational services of
34 disadvantaged individuals, in studying the problems involved and
35 in establishing, developing and providing, in conformity with the
36 purposes of this article, programs, facilities and services
37 necessary or desirable;

38 2. Reciprocal agreements with other states. May enter into
39 reciprocal agreements with other states to provide for the
40 rehabilitation of people with disabilities and disadvantaged
41 individuals who are residents of the states concerned;

42 3. Community rehabilitation programs. May establish,
43 construct and operate community rehabilitation programs and make
44 grants to public or other nonprofit organizations for those
45 purposes;

46 4. Vending stands and other businesses. May supervise the
47 operation of vending stands and other small businesses

2 established pursuant to this article to be conducted by people
3 with severe disabilities;

4 5. Research fellowships and traineeships. May make
5 studies, investigations, demonstrations and reports and provide
6 training and instruction, including the establishment and
7 maintenance of research fellowships and traineeships, with
8 stipends and allowances as determined necessary, in matters
9 relating to rehabilitation;

10 6. Joint project. May share funding and administrative
11 responsibility with another state agency in order to carry out a
12 joint project to provide services to people with disabilities;

13 7. Joint undertakings. May enter into joint undertakings
14 with public and private agencies to further the effectiveness of
15 services for disadvantaged individuals;

16 8. Eligibility and priority. Shall determine the
17 eligibility of individuals for rehabilitation services or
18 evaluation and vocational services and the priority for those
19 services in accordance with rules established by the department;
20 and

21 9. Transitional services coordination projects. Shall
22 participate in the coordination of rehabilitation services with
23 local transitional services coordination projects for youth with
24 disabilities, as established in Title 20-A, chapter 308,
25 assigning appropriate regional staff and resources as available
26 and necessary in each region to be served by a project.

28 **§1411-E. Acceptance of federal provisions**

30 The department shall cooperate with the Federal Government
31 in carrying out the purposes of federal statutes pertaining to
32 vocational rehabilitation and is authorized to adopt methods of
33 administration found by the Federal Government to be necessary
34 for the proper and efficient operation of agreements or other
35 conditions as necessary to secure the full benefits of the
36 federal statutes to the State and its residents.

37 The department is authorized, subject to the approval of the
38 Governor, to:

39 1. Apply for assistance. Apply for federal assistance
40 under the Federal Rehabilitation Act and acts amendatory and
41 additional to the Federal Rehabilitation Act, and to comply with
42 conditions, not inconsistent with this article, that are required
43 for such assistance; and

2 2. Perform for Federal Government. Perform functions and
3 services for the Federal Government in addition to those provided
4 for in this section.

6 **§1411-F. Receipt and disbursement of funds**

8 The Treasurer of State is the appropriate officer of the
9 State to receive and administer federal grants for rehabilitation
10 programs, as contemplated by the Federal Rehabilitation Act and
11 acts amendatory and additional to the Federal Rehabilitation Act,
12 and the State Controller shall authorize expenditures as approved
13 by the department.

14 **§1411-G. Gifts**

16 The commissioner, with the approval of the Governor, may
17 accept and use gifts made unconditionally by will or otherwise
18 for carrying out the purposes of this article. Gifts made under
19 conditions that in the judgment of the department are proper and
20 consistent with this article may be accepted, with the approval
21 of the Governor, and must be held, invested, reinvested and used
22 in accordance with the conditions of the gift. All money
23 received as gifts or donations must be deposited in the State
24 Treasury and constitutes a permanent fund to be called the
25 Special Fund for Rehabilitation of People with Disabilities and
26 to be used by the department to defray the expenses of
27 rehabilitation in special cases as determined by the
28 commissioner, including the payment of necessary expenses of
29 persons undergoing training.

30 **§1411-H. Maintenance not assignable**

32 The right of a handicapped or disadvantaged individual to
33 maintenance under this article is not transferable or assignable
34 at law or in equity and none of the money paid or payable or
35 rights existing under this article are subject to execution,
36 levy, attachment, garnishment or other legal process or to the
37 operation of bankruptcy or insolvency law.

38 **§1411-I. Hearings and judicial review**

40 An individual applying for or receiving rehabilitation under
41 this article who is aggrieved by an action or inaction of the
42 department is entitled to a fair hearing by the commissioner or
43 the commissioner's designated representative. An individual
44 aggrieved because of the decision made on the basis of the fair
45 hearing may appeal to the Superior Court.

46 **§1412. Misuse of lists and records**

2 Except for purposes directly connected with the
3 administration of the rehabilitation program and in accordance
4 with its rules, it is unlawful for a person or individual to
5 solicit, disclose, receive or make use of, authorize, knowingly
6 permit or participate in or acquiesce in the use of a list of
7 names of, or information concerning, individuals applying for or
8 receiving rehabilitation when that list or information is
9 directly or indirectly derived from the records, papers, files or
10 communications of the State or subdivisions of the State or
11 acquired in the course of the performance of official duties. A
12 person who violates a provision of this section is subject to a
13 fine of not less than \$50 nor more than \$300 or by imprisonment
14 for not more than 60 days, or both.

16 **§1412-A. Employees not to engage in political activities**

18 An officer or employee engaged in the administration of the
19 rehabilitation program may not use that officer's or employee's
20 official authority to influence or permit the use of the
21 rehabilitation program for the purpose of interfering with an
22 election or affecting the results of an election or for a
23 partisan political purpose. An officer or employee may not
24 solicit or receive or be obliged to contribute or render a
25 service, assistance, subscription, assessment or contribution for
26 a political purpose. An officer or employee violating this
27 provision is subject to appropriate disciplinary action.

28 **§1412-B. Continuing study of rehabilitation needs**

30 The department shall make continuing study of the needs of
31 people with disabilities and disadvantaged individuals in the
32 State and how these needs may be met most effectively. The study
33 and planning must include appraisal of community rehabilitation
34 programs in the State and their effectiveness and adequacy in
35 meeting the overall needs of people with disabilities and
36 disadvantaged. The continuing study and recommendations must be
37 reflected in the biennial reports of the commissioner.

38 **§1412-C. Bureau of Rehabilitation Services**

40 The commissioner shall establish within the department the
41 Bureau of Rehabilitation Services, which shall administer that
42 group of rehabilitation services specifically related to the
43 federal vocational rehabilitation programs.

44 **§1412-D. Provision of rehabilitation services**

46 Rehabilitation services may be provided directly or through
47 public or private resources to people with disabilities,
48 including those who are eligible for rehabilitation services
49

2 under the terms of an agreement with another state or with the
3 Federal Government.

4 **§1412-E. Rules**

6 The department is authorized to establish rules required for
7 the proper administration of a vocational rehabilitation program
8 under the Federal Rehabilitation Act and acts amendatory and
9 additional to the Federal Rehabilitation Act. These rules must
10 include procedures for ensuring access to records by the
11 protection and advocacy agencies designated under Title 5, Part
12 24 pursuant to an investigation of alleged rights violations.

14 **§1412-F. Adoption of a grievance procedure concerning**
15 **discrimination on the basis of disability**

16 The commissioner shall adopt rules pursuant to Title 5,
17 chapter 375, subchapter II to create a grievance procedure
18 applicable to all bodies of State Government in accordance with
19 45 Code of Federal Regulations, Section 84.7 and with 28 Code of
20 Federal Regulations, Section 35.107(b). To the extent that a
21 grievance procedure adopted under this section conflicts with a
22 grievance procedure otherwise adopted by a state agency to comply
23 with 45 Code of Federal Regulations, Section 84.7, the procedure
24 adopted under this section controls, except in cases of conflict
25 with other federal regulations.

28 **Article II**

30 **DIVISION OF DEAFNESS**

32 **§1413. Division of Deafness**

34 There is established the Division of Deafness within the
35 Department of Labor, Bureau of Rehabilitation Services.

38 **§1413-A. Definitions**

40 As used in this article, unless the context otherwise
41 indicates, the following terms have the following meanings.

42 **1. Advisory council.** "Advisory council" means the advisory
43 council for the Division of Deafness.

44 **2. Deaf.** "Deaf" means that the sense of hearing of an
45 individual is nonfunctional for the purpose of communication and
46 that individual must depend primarily upon visual communication.

2 **3. Hard of hearing.** "Hard of hearing" means a hearing loss
3 in an individual that results in a functional loss, but not to
4 the extent that the individual must depend primarily upon visual
5 communication.

6 **4. Statewide registry.** "Statewide registry" means a
7 current listing, developed in cooperation with various registries
8 throughout the State, of those persons in the State who are deaf
9 or hard-of-hearing persons.

12 **§1413-B. Powers and duties**

14 To provide the following services and information to deaf
15 and hard-of-hearing persons, the Division of Deafness shall:

16 **1. Provide advocacy.** Provide cooperative agreements or
17 coordinate with agencies or community resources to provide
18 advocacy for the rights of deaf and hard-of-hearing persons in
19 the areas of employment, education, legal aid, health care,
20 social services, finance, housing and other personal assistance
21 while avoiding duplication of effort in these areas:

22 **2. Statewide registry.** Maintain, coordinate and update a
23 voluntary statewide registry of deaf and hard-of-hearing persons
24 developed in cooperation with various registries throughout the
25 State. Use of this list is restricted by the provisions of
26 section 1420:

28 **3. Information and referral.** Provide information and
29 referral services to deaf and hard-of-hearing persons and their
30 families on questions related to their disorder:

32 **4. Develop objectives.** Develop a plan with goals and
33 objectives for development, planning and implementation within a
34 framework for greater cooperation and coordination among agencies
35 and organizations now serving or having the potential to serve
36 deaf and hard-of-hearing persons:

38 **5. Community service center.** Continue to study the need to
39 establish, maintain and fund at least one community service
40 center where deaf and hard-of-hearing persons and their families
41 can receive pertinent information relating to the coordination of
42 services that each requires:

44 **6. Promote accessibility.** Promote accessibility to all
45 governmental services for residents of the State who are deaf or
46 hard-of-hearing persons; and

48 **7. Recommendations.** Make recommendations to the Governor
49 and the joint standing committee of the Legislature having
50

jurisdiction over labor matters with respect to modifications in existing services or establishment of additional services for deaf and hard-of-hearing persons and their families.

§1413-C. Advisory council

There is established within the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness, an advisory council consisting of 24 members and 3 members-at-large appointed by the Director of the Bureau of Rehabilitation Services in conjunction with the Director of the Division of Deafness and representing equally consumers, professionals and the public. Members are entitled to compensation in accordance with Title 5, chapter 379.

The Director of the Bureau of Rehabilitation Services, in conjunction with the Director of the Division of Deafness, shall appoint, from the advisory council, a chair and vice-chair to serve 2-year terms. The council shall meet at the call of the chair but not less than 4 times during a calendar year. The chair may delegate duties to members to carry out the functions of the council.

§1413-D. Advisory council: powers and duties

The advisory council shall advise the Director of the Bureau of Rehabilitation Services and shall prepare an annual report, which is a public document to the extent that it complies with section 1412. The report must include, but is not limited to:

1. **Review.** Review of the status of services to deaf and hard-of-hearing persons;

2. **Recommendations.** Recommendations for priorities for the development and coordination of services to deaf and hard-of-hearing persons;

3. **Evaluation.** An evaluation of the progress made as the result of recommendations made in the preceding report of the chair;

4. **Statement of goals.** A statement of goals for activities of the division during the subsequent fiscal year; and

5. **Implementation of functions.** The steps to be taken by the division to implement the functions listed in section 1413-B.

§1413-E. Director of the Division of Deafness

1. **Director.** The Director of the Bureau of Rehabilitation Services shall appoint the Director of the Division of Deafness, who is responsible for administering the Division of Deafness and its programs and policies, including generating and seeking out financial aid, grants and money.

2. **Director of the Division of Deafness: staff: qualifications.** The Director of the Division of Deafness and the staff must be knowledgeable of the needs of the deaf and hard of hearing and possess the ability to communicate on a meaningful basis with those persons.

Article III

INDEPENDENT LIVING SERVICES FOR PEOPLE WITH DISABILITIES

§1414. Definitions

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

1. **Independent living services.** "Independent living services" means services that promote or train people with severe disabilities in managing their personal affairs, participating in day-to-day life in the community, fulfilling a range of social roles and making decisions that lead to self-determination and the minimization of physical or psychological dependence on others.

§1414-A. Grants

The department may make grants to establish independent living services. Funds must be disbursed and audited in accordance with departmental grant policies and procedures. The department shall submit an annual accounting of the program to the joint standing committee of the Legislature having jurisdiction over labor matters.

Article IV

ASSISTANCE TO PEOPLE WITH SEVERE PHYSICAL DISABILITIES TO ENABLE THEM TO WORK

§1415. Definitions

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

2 1. Bureau. "Bureau" means the Bureau of Rehabilitation
Services in the Department of Labor.

4 2. Employed. "Employed" means engaged in activity of 20 or
6 more hours per week for remuneration.

8 3. Personal care assistance services. "Personal care
assistance services" means services required by an individual
10 with a severe physical disability for that individual to become
physically independent in connection with that individual's
12 capability for or actual employment. These services include, but
are not limited to:

14 A. Routine bodily functions, such as bowel or bladder care;

16 B. Dressing;

18 C. Preparation and consumption of food;

20 D. Moving in and out of bed;

22 E. Routine bathing;

24 F. Ambulation; and

26 G. Any other similar function of daily living.

28 4. Severe physical disability. "Severe physical disability"
30 means a functional loss of 3 extremities when it is anticipated
that the loss is permanent.

32 **§1415-A. Subsidy**

34 The bureau shall subsidize, in whole or in part, personal
36 care assistance services for individuals eligible under section
38 1415-B. The amount of the subsidy for each hour of personal care
40 assistance services is determined by the director of the bureau.
The director of the bureau shall establish a sliding scale for
42 financial participation by individuals who receive subsidies for
personal care assistance services under this article.

44 The sliding scale must be based on the net income of
46 individuals who apply for or receive subsidies for personal care
48 assistance services. The expenses associated with each
50 individual's disabilities must be factored into the calculation
of net income for the individual. Information needed to
determine net income must be furnished through the
self-declaration of individuals who apply for or receive
subsidies, or their representatives.

2 **§1415-B. Eligibility**

4 An individual is eligible for a subsidy under section 1415-A
6 if that individual:

8 1. Severe physical disability. Has a severe physical
disability;

10 2. Employed. Is employed or ready for employment;

12 3. Need for services. Has a need documented under section
1415-C for no fewer than 14 nor more than 35 hours a week of
14 personal care assistance services, which services are necessary
to enable the individual to be employed. The limitation of 35
16 hours may be exceeded as provided in section 1415-C;

18 4. Not otherwise eligible. Is not otherwise eligible for
personal care assistance services under other state or federal
20 programs;

22 5. Agrees to reevaluation. Agrees to a periodic
reevaluation of the individual's need for personal care
24 assistance services and of the extent of that need; and

26 6. Income and support. Has no or insufficient personal
income or other support from public services, family members or
28 neighbors.

30 **§1415-C. Evaluation team report**

32 1. Team designation. The director of the bureau shall
designate one or more evaluation teams, which must consist of at
34 least 2 persons, one of whom must be a registered nurse licensed
under Title 32, chapter 31, subchapter III and one of whom must
36 be a registered occupational therapist.

38 2. Duties. An individual who applies to the bureau for a
personal care assistance services subsidy must be evaluated by an
40 evaluation team, which shall determine the need of that
individual for personal care assistance services and the extent
42 of that need. If the team determines that the individual needs
more than 35 hours a week of personal care assistance services,
44 that recommendation must be part of the report to the director.

46 3. Redetermination. An individual receiving a personal
care assistance services subsidy under section 1415-A must be
48 periodically reevaluated by an evaluation team to determine the
individual's continuing need for personal care assistance
50 services and the extent of that need.

2 **§1415-D. Rules**

4 The director of the bureau may adopt rules necessary to
6 carry out the director's duties under this article.

8 **Article V**

10 **ADVISORY COMMITTEE ON IMPROVING**
OUTDOOR RECREATIONAL OPPORTUNITIES
12 **FOR PERSONS WITH DISABILITIES**

14 **§1416. Definitions**

16 As used in this article, unless the context otherwise
18 indicates, the following terms have the following meanings.

20 1. **Committee.** "Committee" means the Advisory Committee on
Improving Outdoor Recreational Opportunities for Persons with
Disabilities, commonly known as "Maine Outdoor Recreation for
Everyone" or M.O.R.E.

22 **§1416-A. Advisory Committee on Improving Outdoor Recreational**
24 **Opportunities for Persons with Disabilities**

26 The Advisory Committee on Improving Outdoor Recreational
Opportunities for Persons with Disabilities, as established in
28 Title 5, section 12004-I, subsection 54-A, is within the Bureau
of Rehabilitation Services. The following provisions apply to
30 the committee.

32 1. **Membership.** The committee consists of the following 19
34 members:

36 A. **One person or that person's designee from the Bureau of**
Rehabilitation Services, appointed by the commissioner;

38 B. **One person or that person's designee from the Department**
of Conservation, Bureau of Parks and Recreation, appointed
40 by the Commissioner of Conservation;

42 C. **One person or that person's designee from the Department**
of Inland Fisheries and Wildlife who is knowledgeable about
44 outdoor recreation, appointed by the Commissioner of Inland
Fisheries and Wildlife;

46 D. **One person or that person's designee from the Department**
of Marine Resources who is knowledgeable about outdoor
48 recreation, appointed by the Commissioner of Marine
50 Resources;

2 E. **One person or that person's designee from the Department**
of Transportation who is knowledgeable about highway parks
4 and rest areas, appointed by the Commissioner of
Transportation;

6 F. **One person or that person's designee from the Department**
of Economic and Community Development who is knowledgeable
8 about local recreation planning, appointed by the
10 Commissioner of Economic and Community Development;

12 G. **Nine persons with disabilities, appointed by the**
14 Governor;

16 H. **Two persons involved in the business of providing**
recreational opportunities, appointed by the Governor;

18 I. **One person representing an association of municipal**
recreation and parks officials, appointed by the Governor;
20 and

22 J. **One member of the Legislature, appointed by the Chair of**
24 the Legislative Council.

26 2. **Term; vacancy.** All members are appointed for a term of
3 years. A vacancy is filled in the same manner as the initial
28 appointment and for the remainder of the vacant term.

30 3. **Compensation.** If funds permit, the committee, by
majority vote, may set an amount for reimbursement of nonstate
32 employee members, which may not exceed the compensation provided
in Title 5, chapter 379.

34 4. **Chair.** Annually, the committee shall choose one of its
members to serve as chair. The committee may select other
36 officers and designate their duties.

38 5. **Funds.** The committee is authorized to accept state and
federal funds, private grants and donations. As funding permits,
40 the committee may award grants, enter into contracts and
otherwise expend funds to carry out the purposes of this
42 article. Expenditures may not be incurred that have an impact on
the General Fund.

44 6. **Duties.** The committee shall:

46 A. **Advise the commissioner, the Commissioner of Human**
Services, the Commissioner of Conservation, the Commissioner
48 of Transportation, the Commissioner of Marine Resources, the

2 Commissioner of Economic and Community Development and the
3 Commissioner of Inland Fisheries and Wildlife on ways:

4 (1) To provide technical assistance to outdoor
5 recreational providers and users with regard to
6 improving access for persons with disabilities;

7 (2) To promote the expansion of existing, and the
8 creation of new, recreational areas that are accessible
9 to persons with disabilities;

10 (3) To make the public aware of existing outdoor
11 recreational opportunities that are accessible to
12 persons with disabilities; and

13 (4) To provide and disseminate information and
14 education to public and private clubs, organizations
15 and civic groups on making outdoor recreation
16 accessible to persons with disabilities; and

17 B. Conduct accessibility evaluations upon request and
18 provide technical assistance to outdoor recreational
19 providers and users with regard to providing access for
20 persons with disabilities.

21 Article VI

22 REHABILITATION SERVICES

23 §1417. Rehabilitation services

24 The department, under the direction of the Governor, may
25 establish, conduct and maintain rehabilitation work as part of
26 its program of aid and assistance for students with
27 disabilities. That rehabilitation work must be in cooperation
28 with vocational education, as provided by Title 20-A, chapter 313.

29 Funds provided for aid and assistance carried on by the
30 department may be used in providing rehabilitation services.

31 Article VII

32 SERVICES FOR BLIND AND VISUALLY 33 IMPAIRED INDIVIDUALS

34 §1418. Definitions

35 As used in this article, unless the context otherwise
36 indicates, the following terms have the following meanings.

37 1. Blind person. "Blind person" means a person having not
38 more than 20/200 central visual acuity in the better eye after
39 correction or an equally disabling loss of the visual field so
40 that the widest diameter of the visual field subtends an angle no
41 greater than 20 degrees.

42 2. Director. "Director" means the Director of the Division
43 for the Blind and Visually Impaired.

44 3. Division. "Division" means the Division for the Blind
45 and Visually Impaired in the department.

46 4. Jurisdiction. "Jurisdiction" means the control of the
47 maintenance, operation and protection of public buildings and
48 property of the State or of a county or a municipality.

49 5. Licensing agency. "Licensing agency" means the Division
50 for the Blind and Visually Impaired, which is the state agency
51 designated by the Rehabilitation Services Administration in the
52 United States Department of Education to issue licenses to blind
53 persons for the operation of vending facilities.

54 6. Manager. "Manager" means the blind person, duly
55 licensed by the division, who personally operates the vending
56 facility.

57 7. Public building or property. "Public building or
58 property" means a building or land owned, leased or occupied by a
59 department, agency or authority of the State or a county or a
60 municipality of the State.

61 8. Vending facility. "Vending facility" means a
62 restaurant, a cafeteria, including the cafeteria located in the
63 State Office Building in Augusta, a snack bar, a vending machine
64 for food and beverages and goods and services customarily offered
65 in connection with a restaurant, a cafeteria, a snack bar or a
66 vending machine.

67 §1418-A. Division for the Blind and Visually Impaired

68 The Division for the Blind and Visually Impaired is
69 established within the department under the jurisdiction of the
70 Director of the Division for the Blind and Visually Impaired.
71 The commissioner shall appoint the director, subject to the Civil
72 Service Law.

73 §1418-B. Jurisdiction of director defined

2 "Jurisdiction of the director" means having direct
3 administrative responsibility for all programs and personnel
4 under this article.

6 **§1418-C. Program established**

8 The division shall provide a program of services for the
9 blind, including prevention of blindness, locating of blind
10 persons, vocational guidance and training of the blind, placement
11 of blind persons in employment, assistance to local schools in
12 meeting the special needs of blind students, instruction of adult
13 blind persons in their homes and other social services to the
14 blind.

16 **§1418-D. Education of blind children**

18 1. Division services. The division shall provide the
19 following services to blind and visually impaired persons from
20 birth to age 21:

22 A. Itinerant teacher services;

24 B. Mobility instruction;

26 C. Braille instruction;

28 D. Low-vision services;

30 E. Special aids and supplies needed to participate in the
31 educational process; and

32 F. Advocacy, counseling and guidance services to students
33 and their parents.

34 2. School administrative units. Nothing in this section
35 relieves school administrative units from fulfilling their
36 responsibilities under Title 20-A, Part 4, subpart 1.

38 **§1418-E. Mandatory report of blindness**

40 Whenever, upon examination at a clinic, hospital or other
41 institution, or elsewhere, by a physician, optometrist,
42 institutional superintendent or other qualified person, the
43 visual acuity of a person is found to be with correction 20/200
44 or less in the better eye, or the peripheral field of the
45 person's vision is found to have contracted to a 20-degree
46 diameter or less, regardless of visual acuity, the person
47 conducting the examination shall, within 30 days, report to the
48 director the result of the examination and that blindness of the
49 person examined has been established. The report may not be made
50

2 if the person examined so requests. If blindness of the person
3 examined has been established, the division shall inform and
4 advise that person as to services for the blind provided by the
5 division.

6 **§1418-F. Business enterprise program**

8 To provide blind persons with remunerative employment,
9 enlarge the economic opportunities of blind persons and encourage
10 blind persons to become self-supporting, the officer, board or
11 other authority in charge of a public building or property shall
12 grant to the division authority:

14 1. Vending facility. To install in that building or
15 property a vending facility whenever a vending facility may be
16 operated by a blind person; and

18 2. Vending machines. To place vending machines operated by
19 the division in a building or property if a vending facility
20 operated by a blind person is not warranted. Income from these
21 vending machines must be used for the purposes set forth in this
22 section.

24 **§1418-G. Preference**

26 The officer, board or other authority in charge of a public
27 building or property shall:

28 1. Policies. Adopt policies and take actions necessary to
29 ensure that blind persons are given preference in the
30 establishment and the operation of vending facilities on property
31 under its jurisdiction;

32 2. Surveys. Cooperate with the division in surveys of
33 properties and buildings under its control in order to find
34 suitable locations for the operation of vending facilities by
35 managers and, after a determination that a facility may be
36 operated by a manager, shall cooperate with the division in the
37 installation of a vending facility;

38 3. Income. To achieve and protect the preference of blind
39 persons in the operation of vending facilities, arrange for the
40 assignment of the income derived from vending machines that are
41 located in reasonable proximity to and in direct competition with
42 a vending facility for which authority is granted pursuant to
43 this article to the manager or managers affected. A vending
44 machine that vends articles authorized for vending pursuant to
45 section 1418, subsection 8 and is so located that it attracts
46 customers who would otherwise patronize the vending facility is
47

2 considered to be in reasonable proximity to and in direct
3 competition with the vending facility;

4 4. Licensing. Inform the division not less than 60 days
5 prior to the termination, issuance or renewal of a contract for
6 the operation of a vending facility; and

7 5. Vending machines. Allow the division to place vending
8 machines in a building where a vending facility operated by a
9 manager would not be feasible. Income from these machines
10 accrues to the division's set-aside account for purposes stated
11 in section 1418-F.

12 **§1418-H. Powers and duties of the division**

13 In carrying out this article the division shall:

14 1. Rules. Prescribe rules governing:

15 A. The maintenance of a roster of blind persons eligible to
16 become managers and the issuance of licenses;

17 B. A fair hearing. In the case of a manager desiring to
18 appeal a decision, the division shall appoint a hearing
19 board consisting of 3 persons, one to be chosen by the
20 manager, one to be chosen by the division and the 3rd person
21 chosen by the other 2 persons. The decision of the board is
22 final;

23 C. The right to, the title to and the interest in vending
24 facility equipment and stock; and

25 D. The civil rights of managers;

26 2. Other. Prescribe rules necessary to carry out the
27 purposes of this article;

28 3. Surveys. Conduct surveys to find locations where
29 vending facilities may be operated by blind persons and establish
30 vending facilities as it determines appropriate;

31 4. Management. Provide management and supervisory services
32 determined necessary to ensure that each vending facility is
33 operated in the most effective and productive manner possible;

34 5. Plans. Provide plans and specifications for proposed
35 vending facilities and equipment to the appropriate officer,
36 board or authority for approval prior to installation; and

37 6. Other action. Take any other action necessary or
38 appropriate to carry out the purposes of this article.

39 **§1418-I. Construction; remodeling; planning for vending facility**

40 To carry out the purposes of this article, when new
41 construction, remodeling, leasing, acquisition or improvement of
42 public buildings or properties is authorized, the agency
43 directing that construction, remodeling, leasing, acquisition or
44 improvement shall, when the size of the building or property
45 warrants, make available suitable space and facilities for
46 vending facilities to be operated in the building or property by
47 blind persons.

48 **§1418-J. Construction of buildings**

49 If a suitable location is available for a vending facility
50 that requires the construction of a portable building, the
51 division may construct such a building and may have the use of
52 the land on which to construct the building.

53 **§1418-K. Fees**

54 A rental fee may not be required or received for the
55 granting of authority to the division to operate a vending
56 facility.

57 **§1418-L. Correctional, mental and certain educational institutions**

58 This article does not apply to or authorize the installation
59 of vending facilities in a building wholly used by a correctional
60 or mental institution or by an educational institution of any
61 type supported in whole or in part from public funds, unless that
62 educational institution is a university, college, junior college
63 or a technical college.

64 **§1418-M. Application**

65 If a vending facility not under the control of the division
66 exists in a building or on property of the State, a county or a
67 municipality, the person having jurisdiction over that building
68 or property shall give preference to the division to continue
69 operation of the vending facility when an existing lease or
70 contract expires or is terminated.

Article VIII

DEAF AND HARD-OF-HEARING PERSONS

2 Subarticle 1

4 GENERAL PROVISIONS

6 §1419. General provisions

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

10 A. "Deaf person" means a person whose sense of hearing is
nonfunctional for the purpose of ordinary communication.

12 B. "Hard-of-hearing person" means a person whose sense of
hearing is defective, but still functional, with or without
amplification.

14 C. "Speech-impaired person" means a person whose speech is
nonfunctional or defective for the purpose of ordinary
communication.

16 D. "Telecommunications device for the deaf" means a
teletypewriter or other telecommunication equipment used by
deaf, hard-of-hearing or speech-impaired persons to conduct
telephone communications.

18 E. "Telecommunications relay service" means a service
transmitting messages and information between a person using
standard telephone equipment for spoken communications and a
deaf, hard-of-hearing or speech-impaired person using a
telecommunications device for the deaf.

20 2. Teletypewriter system. The department shall consult
with appropriate agencies and organizations serving the deaf
community concerning the needs of the teletypewriter system. To
the extent that funds are available, the department shall take
steps necessary to preserve and maintain a viable teletypewriter
system for use by the deaf population in this State, including,
but not limited to, providing for repair services and equipment
for loaning to persons whose teletypewriter equipment is being
repaired.

22 §1419-A. Telecommunication equipment for deaf, hard-of-hearing
and speech-impaired persons

24 1. Money for telecommunication equipment. The Bureau of
Rehabilitation Services within the department, pursuant to
appropriation of money to the bureau for special
telecommunication equipment for deaf, hard-of-hearing and
speech-impaired persons, shall, upon request, provide up to 50%

2 of the cost of special telecommunication equipment to an
organization or municipality that makes available the remaining
funds for this equipment in a manner satisfactory to the Director
of the Bureau of Rehabilitation Services.

4 2. Telecommunications Equipment Fund. There is established
the Telecommunications Equipment Fund to be used by the Division
of Deafness within the Bureau of Rehabilitation Services. The
Division of Deafness may accept gifts or grants for the purposes
of this section. These gifts and grants and authorized
appropriations must be deposited in the Telecommunications
Equipment Fund and disbursed in accordance with this section.
The Telecommunications Equipment Fund may be used for purchase,
lease, upgrading, installation, maintenance and repair of special
telecommunications equipment for deaf, hard-of-hearing or
speech-impaired persons. The Division of Deafness may draw on
the Telecommunications Equipment Fund in accordance with the
telecommunications equipment plan required under subsection 3.

6 3. Telecommunications equipment plan. The Division of
Deafness shall develop a plan to make special telecommunications
equipment available to deaf, hard-of-hearing or speech-impaired
persons and to distribute money from the Telecommunications
Equipment Fund. The plan must be developed by the Division of
Deafness annually, not later than January 1st, in accordance with
the rule-making procedures in Title 5, chapter 375. The plan
must provide for the expenditure of money from the
Telecommunications Equipment Fund for the benefit of deaf,
hard-of-hearing or speech-impaired persons for the purchase,
lease, upgrading, installation, maintenance and repair of special
telecommunications equipment capable of serving their needs.
Persons who are profoundly deaf or speech impaired so that they
are unable to use the telephone for expressive or receptive
communications, as verified by a written report from an
otologist, an audiologist or a physician, are eligible for
assistance from the Telecommunications Equipment Fund. The plan
must include specific criteria that govern the priorities
assigned to various persons who need this equipment. The
criteria must take into account household income, degree of
impairment, need for emergency communications, living
arrangements and other factors determined relevant by the
Division of Deafness.

26 Subarticle II

28 RIGHTS OF DEAF AND HARD-OF-HEARING PERSONS

30 §1420. Policy

It is the policy of this State to encourage and enable deaf and hard-of-hearing persons to participate fully in the social and economic life of this State and to engage in remunerative employment. The provisions of rights and penalties for denial of those rights, as specified in this subarticle, are not intended to abrogate any actions or penalties provided for violation of human rights, as specified in the Maine Human Rights Act, Title 5, chapter 337.

§1420-A. Rights

The rights, established by this subarticle, of deaf and hard-of-hearing persons are as follows.

1. Streets and public places. Deaf and hard-of-hearing persons have the same rights as able-bodied persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

2. Public conveyances. Deaf and hard-of-hearing persons are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation or amusement, or resorts and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Guide dogs. Every deaf or hard-of-hearing person has the right to be accompanied by a guide dog, described and known as a "hearing dog," especially trained for the purpose, and identified by a collar and leash colored hunter orange, as that color is defined in Title 12, section 7001, subsection 16, in a place listed in subsection 2 without being required to pay an extra charge for the guide dog, except that the person is liable for any damage done to the premises or facilities by that dog. When the deaf or hard-of-hearing person is accompanied by a guide dog, the person must also carry a card, issued by the Bureau of Rehabilitation Services, that states that the dog is an especially trained guide dog and cites section 1420 and this section that allow for access by the person and the person's dog to streets, public places and public conveyances.

4. Especially trained guide dog trainer; access to public facilities; responsibilities. An especially trained hearing dog trainer, while engaged in the actual training of hearing dogs, has the same rights, privileges and responsibilities with respect to access to public facilities as a deaf or hard-of-hearing person.

5. Housing accommodations; persons with hearing-assistance animals. Every hard-of-hearing person who has a hearing-assistance animal is entitled to full and equal access to all housing accommodations provided for in this section. Hard-of-hearing persons may not be required to pay extra compensation to keep hearing-assistance animals. A hard-of-hearing person is liable for any damage done to the premises by the animal.

6. Housing accommodations; defined. "Housing accommodations," as used in this section, means a real property, or portion of real property, that is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single-family and multifamily rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

A. The rental of a housing accommodation in a building that contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or

B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation.

§1420-B. Motor vehicle drivers

The driver of a vehicle approaching a deaf or hard-of-hearing person using a properly identified guide dog shall take all necessary precautions to avoid injury to that person and the guide dog. A driver who fails to take such precautions is liable in damages for any injury caused to that person or dog. A deaf or hard-of-hearing person not using a guide dog in any of the places, accommodations or conveyances listed in section 1420-A has all of the rights and privileges conferred by law upon other persons. The failure of a deaf or hard-of-hearing person to use a guide dog in those places, accommodations or conveyances does not constitute nor is it evidence of contributory negligence.

§1420-C. Penalty; misrepresentation of hearing dog

2 A person or the person's agent who denies or interferes with
3 admittance to or enjoyment of the public facilities described in
4 section 1420-A or otherwise interferes with the rights of a deaf
5 or hard-of-hearing person under section 1420-A commits a Class E
6 crime.

7 A person who fits a dog with a collar and leash of the type
8 required by section 1420-A, subsection 3 in order to represent
9 that the dog is a hearing dog when training of the type that a
10 hearing dog normally receives has not in fact been provided
11 commits a civil violation for which a forfeiture not to exceed
12 \$100 may be adjudged.

14 **Article IX**

16 **PERSONAL CARE ASSISTANCE SERVICES**
17 **FOR ADULTS WITH SEVERE PHYSICAL**
18 **DISABILITIES**

20 **§1421. Program established**

22 The department shall establish a program of personal care
23 assistance services, including consumer-directed personal care
24 assistance services, for adults with long-term care needs who are
25 eligible under section 1421-A.

26 **§1421-A. Eligibility**

28 An adult with long-term care needs is eligible for personal
29 care assistance services under this article if the department or
30 its designee determines that the adult:

32 1. **Severe disability.** Has a severe disability;

34 2. **Need for services.** Needs personal care assistance
35 services or an attendant at night, or both, which services are
36 necessary to prevent, or remove the adult from, inappropriate
37 placement in an institutional setting; and

38 3. **Income and support.** Has no or insufficient personal
39 income or other support from public services, family members and
40 neighbors. A sliding scale must be established for services
41 provided under this article. The sliding scale must be based on
42 the net income of individuals who receive subsidies for personal
43 care assistance services. The expenses associated with each
44 individual's disabilities must be factored into the calculation
45 of net income for the individual.

46 **§1421-B. Evaluation teams**

2 1. **Team designation.** The commissioner shall designate
3 evaluation teams in the State to assist the department with
4 evaluations of adults with long-term care needs who apply for
5 personal care assistance services pursuant to this article.

6 2. **Membership.** Each evaluation team includes at least one
7 registered nurse, one registered occupational therapist and the
8 adult with long-term care needs.

9 3. **Duties.** For each adult with long-term care needs
10 evaluated by an evaluation team, the team shall assist the
11 department to:

14 A. **Determine the eligibility of the adult for personal care**
15 **assistance services;**

16 B. **Determine the capability of the adult, at the time of**
17 **evaluation or after skills training provided pursuant to**
18 **subsection 4, to hire and direct a personal care assistant;**

20 C. **Reevaluate the adult periodically to determine the**
21 **adult's continuing need for the services; and**

22 D. **Consult when possible with the adult's attending**
23 **physician.**

24 4. **Skills training.** The commissioner may authorize an
25 evaluation team to arrange for skills training for an adult with
26 long-term care needs who applies for consumer-directed personal
27 care assistance services pursuant to this article. Skills
28 training may be provided in the following areas by the following
29 individuals:

30 A. **Personal health management to maximize personal**
31 **well-being in relation to the adult's disability, provided**
32 **by a registered nurse or other qualified person experienced**
33 **in the rehabilitation of the severely disabled, including**
34 **all aspects of prevention, maintenance and treatment**
35 **techniques;**

36 B. **Personal care assistant management, provided by a**
37 **registered nurse experienced in the rehabilitation of the**
38 **severely disabled, including training in recruiting, hiring**
39 **and managing a personal care assistant; scheduling; and**
40 **potential problems; and**

41 C. **Functional skills required to maximize the adult's**
42 **abilities in activities of daily living, provided by a**
43 **registered occupational therapist experienced in the**
44 **rehabilitation of the severely disabled.**

2 **Sec. F-14. 26 MRSA §475, 2nd ¶**, as amended by PL 1993, c. 708,
4 Pt. J, §8, is further amended to read:

6 The board consists of 9 members, of whom 6 are appointed by
8 the director, subject to the approval of the Governor. Each
10 member holds office until a successor is duly appointed. At the
12 expiration of each member's term, that member's successor is
14 appointed by the director, subject to the approval of the
16 Governor, from the same classification in accordance with this
18 section for a term of 4 years. In case of a vacancy in board
20 membership, the director, with the approval of the Governor,
22 appoints a member of the proper classification to serve the term
24 of the absent member. Of the 6 members of the board appointed by
26 the director, one must represent owners or lessees of elevators
28 in the State; one must represent manufacturers of elevators; one
must be a licensed elevator mechanic; one must be a
representative of a ski area operator presently operating
tramways in the State; one must be a qualified licensed
professional engineer who is familiar with tramway design,
inspection and operation; and one must be a public member. The
7th member of the board must be a physically handicapped person
appointed by the Director of the ~~Office~~ Bureau of Rehabilitation
Services, subject to the approval of the Governor, for a term of
4 years. The 8th member of the board must be a member of the
Division of Fire Prevention appointed by the Commissioner of
Public Safety and the 9th member of the board is the Director of
the Bureau of Labor Standards, who is chair of the board.

30 **Sec. F-15. 35-A MRSA §7302, sub-§1**, as repealed and replaced
32 by PL 1995, c. 462, Pt. A, §66, is amended to read:

34 **1. Rate reduction.** The commission shall establish a 70%
36 rate reduction for intrastate toll calls made on lines, or via
credit cards assigned to lines, used for making calls from
38 certified deaf, hard-of-hearing or speech-impaired persons who
must rely on teletypewriters for residential telephone
communications. In addition, the 70% rate reduction must apply
40 to all calls using the state telecommunications relay service.
Upon request, this discount must be provided to any noncertified
42 user making calls to a certified user, provided the noncertified
user informs the local exchange carrier or toll provider of the
44 relevant billed calls made during each billing period. This
reduction must also apply to intrastate toll calls made by
46 agencies certified by the Division of Deafness in the Department
of ~~Education~~ Labor as eligible to receive a discount, while
48 providing vocal relay services to deaf, hard-of-hearing or
speech-impaired persons, as well as to community service centers
50 serving deaf, hard-of-hearing or speech-impaired persons
certified by the Division of Deafness of the Department of

Education Labor as eligible to receive a discount. The costs
incurred by a telephone company under this subsection are just
and reasonable expenses for rate-making purposes.

8 **Sec. F-16. Transition provisions: Division for the Blind and Visually
10 Impaired; and Office of Rehabilitation Services of the Department of
12 Education**

14 **1. Funds transferred.** Notwithstanding the Maine Revised
16 Statutes, Title 5, sections 1585 and 1586, all accrued
18 expenditures, assets, liabilities, balances, appropriations or
allocations, transfers, revenues and other available funds in any
account or subdivision of any account of the Division for the
Blind and Visually Impaired and the Office of Rehabilitation
Services of the Department of Education or any subunit of those
offices affected by this Part are transferred to the Department
of Labor as required by the assignment of responsibilities of
this Part.

20 **2. Personnel and employment benefits transferred.** All
22 employees of the Division for the Blind and Visually Impaired and
the Office of Rehabilitation Services of the Department of
24 Education or any subunit of those offices are transferred to the
Department of Labor as required by the assignment of
26 responsibilities of this Part.

28 **3. Equipment and property transferred.** All equipment,
30 records and property of the State used by employees and officials
of the Division for the Blind and Visually Impaired and the
32 Office of Rehabilitation Services of the Department of Education
or any subunit of those offices are transferred to the Department
of Labor as required by the assignment of responsibilities of
34 this Part.

36 **4. Financial order required.** The Commissioner of Labor and
38 the Commissioner of Education shall jointly request, by financial
order through the State Budget Office, the Governor's approval of
the funds, positions, equipment and property to be transferred.

40 **5. Rules and procedures.** All rules and procedures
42 currently in effect and in operation pertaining to the Division
for the Blind and Visually Impaired and the Office of
44 Rehabilitation Services of the Department of Education or any
subunit of those offices remain in effect until rescinded or
46 amended as provided by state law.

48 **6. Contracts and agreements.** All contracts and agreements
50 currently in effect with respect to the Division for the Blind
and Visually Impaired and the Office of Rehabilitation Services
of the Department of Education or any subunit of those offices

2 remain in effect until rescinded, terminated or modified as
3 provided by state law.

4 **7. Organization and operation.** Notwithstanding any other
5 provision of law, any planning or preparatory work may occur
6 prior to the effective date of this Part, but is not binding
7 until the effective date of this Part.

8 **Sec. F-17. Memorandum of agreement.** The Commissioner of
9 Education and the Commissioner of Labor shall jointly establish a
10 memorandum of agreement that guarantees continuing support and
11 assistance from the Department of Education to the education
12 programs of the Division for the Blind and Visually Impaired.
13 The memorandum of agreement must be developed with input from all
14 identifiable groups and individuals with an interest in the
15 division.

16 **Sec. F-18. Report.** The Commissioner of Education and the
17 Commissioner of Labor shall jointly report to the joint standing
18 committee of the Legislature having jurisdiction over education
19 and cultural affairs no later than January 15, 1997 on the status
20 of the transfer of the Office of Rehabilitation Services and the
21 development of the memorandum of agreement established pursuant
22 to section 17 of this Part.

23 PART G

24 **Sec. G-1. 4 MRSA §807, sub-§3, ¶F,** as repealed and replaced by
25 PL 1989, c. 755, is amended to read:

26 F. A person who is not an attorney, but is representing the
27 Bureau of ~~Employment--Security~~ Unemployment Compensation or
28 the Bureau of Taxation under section 807-A;

29 **Sec. G-2. 4 MRSA §807-A,** as amended by PL 1989, c. 508, §1,
30 is further amended to read:

31 **§807-A. Representation by Bureau of Unemployment Compensation or 32 Bureau of Taxation employees**

33 Upon the promulgation of and in accordance with rules
34 adopted by the Supreme Judicial Court, employees of the Bureau of
35 ~~Employment--Security~~ Unemployment Compensation may serve civil
36 process and represent the bureau in District Court in disclosure
37 proceedings pursuant to Title 14, chapter 502, ancillary to the
38 collection of taxes and overpayments for which warrants have been
39 issued pursuant to Title 26, chapter 13.

2 Upon promulgation of and in accordance with rules adopted by
3 the Supreme Judicial Court, employees of the Bureau of Taxation
4 may serve civil process and represent the bureau in District
5 Court in disclosure proceedings pursuant to Title 14, chapter
6 502, ancillary to the collection of taxes for which warrants have
7 been issued pursuant to Title 36, and may represent the State Tax
8 Assessor in arraignment proceedings in District Court in cases in
9 which a criminal complaint has been filed alleging violation of
10 Title 36, section 2113, 3234 or 5332.

11 If the Supreme Judicial Court adopts rules under this
12 section, the rules shall must include the establishment of
13 standards and a method to certify employees of the Bureau of
14 ~~Employment--Security~~ Unemployment Compensation and the Bureau of
15 Taxation who may represent the State in court under this section
16 as being familiar with court procedures.

17 **Sec. G-3. 5 MRSA §943,** as amended by PL 1995, c. 462, Pt. B,
18 §1, is further amended to read:

19 **§943. Department of Labor**

20 **1. Major policy-influencing positions.** The following
21 positions are major policy-influencing positions within the
22 Department of Labor. Notwithstanding any other provision of law,
23 these positions and their successor positions shall ~~be~~ are
24 subject to this chapter:

25 B. Director, Bureau of Labor Standards;

26 C. Executive Director, Maine Labor Relations Board;

27 D. Assistant to the Commissioner;

28 E. Assistant to the Commissioner for Public Affairs;

29 ~~F. Director, Planning and Program Services;~~

30 ~~F-1. Director, Grants Management;~~

31 ~~G. Executive Director, Bureau of Employment Security;~~

32 ~~G-1. Beginning April 15, 1996, Executive Director, Bureau
33 of Employment Services;~~

34 ~~H. Executive Secretary, Maine Occupational Information
35 Coordinating Committee; and~~

36 ~~I. Executive Director, Bureau of Employment Training
37 Programs.~~

2 J. Executive Director, Office of Operations; and

4 K. Director, Bureau of Rehabilitation Services.

6 **Sec. G-4. 5 MRSA §7036, sub-§12**, as enacted by PL 1985, c.
785, Pt. B, §38, is amended to read:

8 **12. Coordinate and use State Government services.**

10 Coordinate and use the services available to State Government to
11 create an effective, motivated state employee labor force,
12 including the services of the ~~Maine--Job--Service~~ Bureau of
13 Employment Services; the Welfare Employment, Education and
14 Training, WEET, program of the Department of Human Services; and
15 any other services that are appropriate to the purpose of the
16 Bureau of Human Resources;

18 **Sec. G-5. 20-A MRSA §12704, sub-§2, ¶D**, as enacted by PL 1985,
c. 695, §11, is amended to read:

20 D. The employment and training programs funded under the
21 United States Job Training Partnership Act, Public Law
22 97-300, or its successor, and overseen by the Department of
23 Labor, Bureau of Employment Services, or its successor; and

26 **Sec. G-6. 20-A MRSA §12709, sub-§11**, as amended by PL 1989, c.
700, Pt. A, §68 and Pt. B, §46, is further amended to read:

28 **11. Interagency cooperation and communication.** To promote
29 cooperation and communication with the Department of Education
30 and the Bureau of Employment ~~and Training Programs~~ Services, or
31 their successors, with the University of Maine System and with
32 other public and private educational and training institutions;

34 **Sec. G-7. 20-A MRSA §12727, sub-§2**, as enacted by PL 1993, c.
707, Pt. CC, §1, is amended to read:

36 **2. Recruitment and screening.** Recruitment of trainees and
37 preliminary screening and testing for programs developed through
38 the centers must be conducted by the technical colleges in
39 conjunction with the ~~Maine--Job--Service~~ Bureau of Employment
40 Services, state job training providers, human service offices and
41 other referring agencies.

42 **Sec. G-8. 24-A MRSA §2386, sub-§7**, as enacted by PL 1991, c.
885, Pt. B, §12 and affected by §13, is amended to read:

44 **7. Mandatory deductible.** A deductible applies to all
45 workers' compensation insurance policies issued to employers in

2 the Accident Prevention Account that meet the following
3 qualifications:

4 A. A net annual premium of \$20,000 or more subject to
5 adjustment pursuant to this section in the State;

6 B. A premium not subject to retrospective rating; and

7 C. The employer's threshold loss ratio, as determined under
8 subsection 4, paragraph B, subparagraph (1), is 1.0 or
9 greater.

10 The deductible is \$1,000 per claim but applies only to wage loss
11 benefits paid on injuries occurring during the policy year. ~~In~~
12 ~~no event may the~~ The sum of all deductibles in one policy year
13 ~~may not~~ may not exceed the lesser of 15% of net annual premium or
14 \$25,000. Each loss to which a deductible applies must be paid in
15 full by the insurer. After the policy year has expired, the
16 employer shall reimburse the insurer the amount of the
17 deductibles. This reimbursement must be considered as premium
18 for purposes of cancellation or nonrenewal.

20 For purposes of calculations required under this section, losses
21 must be evaluated 60 days from the close of the policy year.

22 Annually, on July 1st, the superintendent shall, by rule, adjust
23 the \$20,000 premium level established in this subsection to
24 reflect any change in rates for the Accident Prevention Account
25 and any change in wage levels in the preceding calendar year.
26 Changes in wage levels are determined by reference to changes in
27 the state average weekly wage, as computed by the Department of
28 Labor, ~~Bureau of Employment Security~~. Any adjustment is rounded
29 off to the nearest \$1,000 increment.

31 This subsection takes effect on the effective date of the first
32 approved rate filing after the effective date of this Act.

34 **Sec. G-9. 24-A MRSA §3712, sub-§3, ¶E**, as enacted by PL 1991,
c. 885, Pt. C, §8, is amended to read:

36 E. Deductibles in the high-risk division are subject to
37 this paragraph.

38 (1) A deductible applies to all coverage for
39 policyholders in the high-risk division that meet the
40 following qualifications:

42 (a) A net annual premium of \$20,000 or more
43 subject to adjustment, pursuant to this section,
44 in the State;

(b) A premium not subject to retrospective rating; and

(c) The policyholder's threshold loss ratio, as determined under paragraph D, subparagraph (1), is 1.0 or greater.

The deductible is \$1,000 a claim but applies only to wage loss benefits paid on injuries occurring during the year of coverage. The sum of all deductibles in one year of coverage may not exceed the lesser of 15% of net annual payment for coverage or \$25,000. Each loss to which a deductible applies must be paid in full by the company. After the year of coverage has expired, the policyholder shall reimburse the company the amount of the deductibles. This reimbursement is considered as payment for coverage for purposes of cancellation or nonrenewal.

Unless otherwise acted upon as provided for in subsection 2, beginning October 1, 1996, the board shall adjust, annually, the \$20,000 payment of coverage level established in this subsection to reflect any change in rates for the high-risk division and any change in wage levels in the preceding calendar year. Changes in wage levels are determined by reference to changes in the state average weekly wage, as computed by the Department of Labor, ~~Bureau of Employment Security~~. Any adjustment is rounded off to the nearest \$1,000 increment.

(2) For policies effective on or after January 1, 1994, the board may modify, with the approval of the superintendent, the mandatory deductible elements. Any modification or elimination of this rating feature must consider the incentive impact on an employer, the reasonableness of the retained cost relative to the claim history, safety record or claims management practices of impacted employers and the ability of employers of all sizes to absorb these costs.

Sec. G-10. 26 MRSA §1043, sub-§5-A, as enacted by PL 1979, c. 651, §4, is repealed and the following enacted in its place:

5-A. Bureau of Unemployment Compensation. "Bureau" means the Bureau of Unemployment Compensation, the former Division of Unemployment Compensation in the Bureau of Employment Security.

Sec. G-11. 26 MRSA §1082, sub-§1, as amended by PL 1993, c. 710, §1, is further amended to read:

1. Powers and duties of the commissioner. Except as otherwise provided, it is the duty of the Commissioner of Labor to administer this chapter, through an organization to be known as the Bureau of Employment-Security Unemployment Compensation. ~~The commissioner shall appoint a Director of Employment Security to serve at the commissioner's pleasure.~~ The commissioner may employ persons, make expenditures, require reports, make investigations and take other actions the commissioner determines necessary or suitable to that end. The commissioner is responsible and possesses the necessary authority for the operation and management of the Bureau of Employment-Security Unemployment Compensation. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter. The commissioner may adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to achieve this purpose, except rules pertaining to unemployment insurance as provided in subsection 2. The commissioner may adopt rules with respect to a self-employment assistance program as provided in section 1197. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter and by the Maine Administrative Procedure Act, Title 5, chapter 375. The commissioner shall make recommendations for amendments to this chapter ~~that~~ the commissioner determines proper. When the commissioner believes that a change in contribution or benefit rates is necessary to protect the solvency of the fund, the commissioner shall promptly inform the Governor and the Legislature and make recommendations with respect to the change in rates.

Sec. G-12. 26 MRSA §1084, sub-§1, as enacted by PL 1981, c. 648, is amended to read:

1. Authorization. The legislative body of a municipality may authorize its municipal officers or their designee to enter into an agreement, not financed by the State, with the ~~Director of the Maine Job Service or the Executive Director of the Bureau of Employment-Security~~ commissioner for the purpose of providing job services or job service facilities, or both.

Sec. G-13. 26 MRSA §1230, sub-§4, ¶A, as amended by PL 1983, c. 351, §36, is further amended to read:

A. The warrant ~~shall have~~ has the force and effect of an execution issued upon a judgment in a civil action for the collection of taxes and benefit overpayments and may be in substantially the following form:

2 "..... (Name of County) SS. -- To the sheriffs of
4 our respective counties or their deputies or any agent of
the Commissioner of Labor

6 Whereas, the Bureau of Employment--Security Unemployment
8 Compensation or the Attorney General have certified that,
pursuant to the terms of Title 26, section 1230, subsection
10 1, or section 1051, subsection 6, of the Revised Statutes,
the amount of certain unemployment compensation tax, or
12 benefit overpayment, assessed against of
..... with interest and penalties, has become final as
to law and fact, to wit:

Period	Contri- butions	Benefit Over payment	Interest	Penal- ties	Weeks Involved
Interest will accrue at \$.00 per day for each day after					
Total \$ and \$ costs of this proceeding,					

24 We command you, therefore, that of the money, goods and
26 chattels of said debtor, in your precinct, or the value
thereof in money, you cause to be paid and satisfied unto
the Bureau of Employment--Security Unemployment Compensation,
28 to satisfy the sums aforesaid and cents more for
this warrant, together with your own fees.

30 Hereof fail not, and make due return of this warrant, with
32 your doings thereon, unto my office within one year from the
date hereof.

34
Clerk of Courts, County of
36
Date....."

38 **Sec. G-14. 26 MRSA §1401**, as amended by PL 1987, c. 542, Pt.
40 F, §§1.2 and 5, is repealed.

42 **Sec. G-15. 26 MRSA §§1401-A and 1401-B** are enacted to read:

44 **§1401-A. Department: commissioner**

46 1. Establishment. There is created and established the
48 Department of Labor, referred to in this chapter as the
"department," to achieve the most effective utilization of the
50 employment and training resources in the State by developing and
maintaining an accountable state employment and training policy.

2 by ensuring safe working conditions and protection against loss
3 of income and by enhancing the opportunities of individuals to
4 improve their economic status.

6 2. Commissioner: entities incorporated. The department
7 consists of a Commissioner of Labor, referred to in this chapter
8 as the "commissioner," appointed by the Governor and subject to
9 review by the joint standing committee of the Legislature having
10 jurisdiction over labor matters and to confirmation by the
11 Legislature, to serve at the pleasure of the Governor, and the
12 following entities as previously created or established are
incorporated into the Department of Labor:

14 A. The Bureau of Unemployment Compensation;

16 B. Beginning April 15, 1996, the Bureau of Employment
17 Services;

18 C. The Bureau of Labor Standards;

20 D. The Bureau of Rehabilitation Services;

22 E. The Division of Administrative Hearings;

24 F. The Division of Labor Market Information Services;

26 G. The Human Resource Development Council; and

28 H. The Private Industry Council staff.

30 The Department of Labor may consist of other advisory,
32 planning and coordinating council staff, and such other advisory,
33 planning and coordinating committees or administrative units as
34 the commissioner determines necessary to carry out the purposes
35 of this chapter.

36 **§1401-B. Commissioner**

38 The Commissioner of Labor is entitled to receive a fixed
40 weekly salary in accordance with Title 2, section 6, and must be
41 paid from the administrative funds of the Bureau of Employment
42 Services, the Bureau of Unemployment Compensation, the Bureau of
43 Labor Standards, the Bureau of Rehabilitation Services and from
44 other program administrative funds that the commissioner is
45 authorized by statute or Executive Order to administer. The
46 commissioner may establish an Office of the Commissioner,
47 consisting of such personnel as determined necessary to carry out
48 the duties and responsibilities of the commissioner, and paid
49 from administrative funds from programs that the commissioner is
50 authorized to administer.

2 1. Duties. The commissioner has the following duties.

4 A. The commissioner shall prepare a budget for the
6 department.

8 B. The commissioner shall appoint to serve at the
10 commissioner's pleasure:

12 (1) Assistant to the Commissioner;

14 (2) Assistant to the Commissioner for Public Affairs;

16 (3) Director, Grants Management;

18 (4) Director, Bureau of Labor Standards;

20 (5) Beginning April 15, 1996, Executive Director,
22 Bureau of Employment Services;

24 (6) Executive Director, Office of Operations; and

26 (7) Director, Bureau of Rehabilitation Services.

28 The commissioner may appoint, subject to the Civil Service Law,
30 such other personnel as may be necessary to carry out the
32 functions of the department. The commissioner may transfer
34 personnel within the department to ensure the efficient
36 utilization of department personnel. The commissioner may
38 require reports and take other actions necessary to carry out the
40 functions of the department.

34 2. Purchase. The commissioner shall coordinate the
36 purchase and use of all department equipment.

38 3. Review. The commissioner shall review the functions and
40 operations of the department to ensure that overlapping functions
42 and operations are brought to the attention of the Governor and
44 the Legislature.

46 4. Data collection. The commissioner shall conduct a
48 survey of manufacturing and nonmanufacturing industries
50 throughout the State once every 2 years to determine hourly
occupational wage rates by gender.

5. Dispute resolution services. The commissioner may
provide, by agreement with other agencies, dispute resolution
services, including, but not limited to, adjudicatory
proceedings, mediation and other alternative dispute resolution
techniques.

2 Sec. G-16. 26 MRSA §1452, as amended by PL 1989, c. 700, Pt.
4 A, §106, is further amended to read:

6 **§1452. Maine Occupational Information Coordinating Committee**

8 The Maine Occupational Information Coordinating Committee,
10 as established by Title 5, chapter 379, shall support the
12 development, maintenance and operation of the Comprehensive
14 Career, Occupational and Economic Data-based System and foster
16 communication and coordination of education, employment and
18 training programs through the use of the system. The committee's
20 responsibilities are under the administrative control of the
22 Bureau of Employment Services. The committee shall--consist
24 consists of the Commissioner of Labor, Commissioner of Human
26 Services, Commissioner of Education, Commissioner of Economic and
28 Community Development, Director of the State Planning Office and
30 the chairs of the Maine Human Resource Development Council, the
32 State Board of Education and the Board of Trustees of the Maine
34 Technical College System. The Commissioner of Labor and the
36 Commissioner of Education may serve as the representatives of the
38 chairs of the Maine Human Resource Development Council and the
40 State Board of Education, respectively, upon the agreement of
42 that designation by the Maine Human Resource Development Council
44 and the State Board of Education. The Commissioner of Labor
46 shall be is the chair of the committee, with the Department of
48 Labor serving as the fiscal agent for the committee.

30 Sec. G-17. 26 MRSA §1454, as amended by PL 1985, c. 785, Pt.
32 B, §122, is further amended to read:

34 **§1454. Operational authority**

36 ~~The--chairman--shall--nominate--an--executive--director--for~~
38 ~~appointment by the committee, who shall serve at the committee's~~
40 ~~pleasure.--With the committee's approval, the executive director~~
42 ~~The Executive Director of the Bureau of Employment Services may~~
44 ~~appoint, subject to the Civil Service Law, such personnel as are~~
46 ~~necessary to carry out the functions of the committee and who are~~
48 ~~authorized by the committee.~~

46 The committee may accept gifts, grants or other moneys ~~money~~
48 from any source and may enter into contracts, charge fees and
50 make grants for services consistent with this chapter.

46 Sec. G-18. 32 MRSA §14055, sub-§3, ¶B, as enacted by PL 1991,
48 c. 468, §4 and affected by §6, is amended to read:

50 B. The employee leasing company shall report all
unemployment contributions due under its state employer

identification number, using its contribution rate. The employee leasing company shall keep separate records and submit separate quarterly wage reports to the Bureau of ~~Employment--Security~~ Unemployment Compensation for each of its client companies.

Sec. G-19. 36 MRSA §5215, sub-§2, ¶B, as amended by PL 1993, c. 672, §1 and affected by §2, is further amended to read:

B. The term "new jobs credit base" means the excess of ~~Maine--Employment--Security--Commission~~ Bureau of Unemployment Compensation wages for the taxable year of the qualified investment or either of the next 2 calendar years over the ~~Maine--Employment--Security--Commission~~ Bureau of Unemployment Compensation wages for the highest of the 3 calendar years preceding the year of the qualified investment. In computing its new jobs credit base, a successor-taxpayer shall add to its own ~~Maine--Employment--Security--Commission~~ Bureau of Unemployment Compensation wages the ~~Maine--Employment--Security--Commission~~ Bureau of Unemployment Compensation wages of its predecessor.

Sec. G-20. 36 MRSA §5215, sub-§2, ¶C, as enacted by PL 1977, c. 722, is amended to read:

C. The term "~~Maine--Employment--Security--Commission~~ Bureau of Unemployment Compensation wages" means the total amount of wages paid by an employer subject to tax under Title 26, section 1221, less any excesses attributable to statutory increases.

Sec. G-21. 39-A MRSA §102, sub-§4, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. "Average weekly wages, earnings or salary" of an injured employee means the amount that the employee was receiving at the time of the injury for the hours and days constituting a regular full working week in the employment or occupation in which the employee was engaged when injured; except that this does not include any reasonable and customary allowance given to the employee by the employer for the purchase, maintenance or use of any chainsaws or skidders used in the employee's occupation if that employment or occupation had continued on the part of the employer for at least 200 full working days during the year immediately preceding that injury. For purposes of this paragraph, "reasonable and customary allowance" is the allowance provided in a negotiated contract between the employee and the employer or, if not provided for by a negotiated contract, an

allowance determined by the Department of Labor, ~~Bureau of Employment--Security~~. In the case of piece workers and other employees whose wages during that year have generally varied from week to week, wages are averaged in accordance with the method provided under paragraph B.

Sec. G-22. 39-A MRSA §211, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

§211. Maximum benefit levels

Effective January 1, 1993, the maximum weekly benefit payable under section 212, 213 or 215 is \$441 or 90% of state average weekly wage, whichever is higher. Beginning on July 1, 1994, the maximum benefit level is the higher of \$441 or 90% of the state average weekly wage as adjusted annually utilizing the state average weekly wage as determined by the ~~Bureau--of~~ Employment--Security Department of Labor.

Sec. G-23. 39-A MRSA §214, sub-§1, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. If an employee receives a bona fide offer of reasonable employment from the previous employer or another employer or through the Bureau of ~~Employment Security Services~~ and the employee refuses that employment without good and reasonable cause, the employee is considered to have voluntarily withdrawn from the work force and is no longer entitled to any wage loss benefits under this Act during the period of the refusal.

Sec. G-24. 39-A MRSA §214, sub-§§2, 3 and 4, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

2. **Notice to Bureau of Employment Services.** An insurance carrier or self-insurer shall notify the Bureau of ~~Employment Security Services~~ of the name of any injured employee who is unemployed and to whom the insurance carrier or self-insurer is paying benefits under this Act.

3. **Priority.** The Bureau of ~~Employment Security Services~~ shall give priority to finding employment for those persons whose names are supplied under subsection 2.

4. **Notice of refusal; termination of benefits.** The Bureau of ~~Employment Security Services~~ shall notify the board in writing of the name of any employee who refuses any bona fide offer of reasonable employment. Upon notification to the board, the board

shall notify the insurance carrier or self-insurer who shall terminate the benefits of the employee pursuant to subsection 1, paragraph A.

Sec. G-25. 39-A MRSA §352, sub-§6, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

6. Monitoring of lump-sum settlement recipients. The board shall establish and maintain a program to monitor the postsettlement employment experience of employees who settle their claims pursuant to this section to help develop future policy. The ~~Bureau of Employment Security~~ Department of Labor shall cooperate with the board in the establishment and operation of this monitoring program.

Sec. G-26. 39-A MRSA §356, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2. Death of an employee. In every case of the death of any employee when there is no person entitled to compensation, the employer shall pay to the Treasurer of State a sum equal to 100 times the average weekly wage in the State as computed by the ~~Employment Security Commission~~ Department of Labor to be credited to the Employment Rehabilitation Fund.

Sec. G-27. 39-A MRSA §403, sub-§5, ¶F, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

F. If an employer is a partnership or a sole proprietorship and is a member of a self-insurance group associated pursuant to this section, the employer may elect to include as an employee any member of the partnership or owner of the sole proprietorship for purposes of obtaining workers' compensation coverage under this Act. In the event of such an election, the electing employer shall serve upon the group self-insurance association written notice naming the partner or sole proprietor to be covered, and an election is deemed not to have been made within this Act until such notice has been given. By making such an election, the partnership member or sole proprietor is deemed to have stipulated that for premium payment purposes the annual salary or wage of the electing partnership member or sole proprietor is the average weekly wage in the State as computed by the ~~Bureau of Employment Security~~ Department of Labor multiplied by 52 and rounded to the nearest \$100. The assumed average annual wage must be adjusted as of July 1st using the average weekly wage from the prior calendar year.

Sec. G-28. 39-A MRSA §614, sub-§7, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. If an employee is determined to be entitled to compensation for periods of total incapacity occurring on or after October 1, 1983, or if a dependent of an employee is determined to be entitled to full death benefits for periods occurring on or after October 1, 1983, and the employee became incapacitated or died on or after November 30, 1967 and before January 1, 1972, then the weekly compensation paid is equal to 2/3 of the average weekly wage in the State, as computed by the ~~Bureau of Employment Security~~ Department of Labor, that exists on the date the worker files a claim for compensation. If an employee is determined to be entitled to compensation for periods of partial incapacity occurring on or after October 1, 1983, and the employee became incapacitated on or after November 30, 1967 and before January 1, 1972, then the weekly compensation paid is equal to 2/3 of the difference, due to the injury, between the average weekly wage in the State, as computed by the ~~Bureau of Employment Security~~ Department of Labor, that exists on the date the worker files a claim for compensation and the weekly wages, earnings or salary that the employee is able to earn after the claim is filed. If a dependent of an employee is determined to be entitled to partial death benefits for periods occurring on or after October 1, 1983 and the employee died on or after November 30, 1967 and before January 1, 1972, then the weekly compensation paid is equal to the same proportion of the weekly payment provided in this paragraph for full death benefits, as the total amount contributed by the employee to such partial dependents for their support during the year prior to incapacity bears to the employee's earnings during that period.

Sec. G-29. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 5, section 7036, subsection 12; Title 20-A, section 12704, subsection 2, paragraph D; Title 20-A, section 12709, subsection 11; Title 20-A, section 12727, subsection 2; Title 26, section 1452; Title 26, section 1454; Title 39-A, section 102, subsection 4, paragraph A; Title 39-A, section 214, subsection 1, paragraph A; and Title 39-A, section 214, subsections 2, 3 and 4 take effect April 15, 1996.

PART H

Sec. H-1. 5 MRSA §12004-A, sub-§7, as enacted by PL 1987, c. 786, §5, is amended to read:

2 7. Board of Expenses 26-MRSA-§171
Boiler Rules Only 32 MRSA §15103

4 Sec. H-2. 5 MRSA §12004-A, sub-§14, as amended by PL 1989, c.
6 503, Pt. A, §2, is further amended to read:

8 14. Board of Expenses 26-MRSA-§475
Elevator and Tramway Only 32 MRSA §15205
10 Safety

12 Sec. H-3. 10 MRSA §8001, sub-§38, ¶¶II and JJ, as enacted by PL
1995, c. 502, Pt. H, §8, are amended to read:

14 II. Propane and Natural Gas Board; and

16 JJ. Real Estate Commission

18 Sec. H-4. 10 MRSA §8001, sub-§38, ¶¶KK and LL are enacted to
20 read:

22 KK. Board of Boiler Rules; and

24 LL. Board of Elevator and Tramway Safety.

26 Sec. H-5. 14 MRSA §752-B, as amended by PL 1979, c. 514, §2,
is further amended to read:

28 §752-B. Ski areas

30 All civil actions for property damage, bodily injury or
32 death against a ski area owner or operator or tramway owner or
operator or its employees, as defined under Title 26 §2, chapter
34 5, ~~subchapter--V-A 133~~, whether based on tort or breach of
contract or otherwise, arising out of participation in skiing or
36 ~~hang-gliding~~ hang gliding or the use of a tramway associated with
skiing or ~~hang-gliding--shall~~ hang gliding must be commenced
38 within 2 years after the cause of action accrues.

40 Sec. H-6. 17 MRSA §2509, as amended by PL 1979, c. 127,
§121, is further amended to read:

42 §2509. Tampering with passenger tramway

44 Whoever shall willfully ~~break--injure--tamper~~ breaks,
46 injures or tampers with or ~~remove~~ removes part or parts of any
tramway as defined in Title 26 §2, section 472 15202, shall must
48 be punished by a fine of not more than \$500 or by imprisonment
for not more than 11 months, or by both.

2 Sec. H-7. 26 MRSA §41, as amended by PL 1989, c. 410, §24,
is further amended to read:

4 §41. Director; personnel; salaries; expenses

6 A ~~The~~ Bureau of Labor Standards within the Department of
Labor, as ~~heretofore~~ established and ~~hereinafter~~ referred to in
8 this Title called as the "bureau," shall ~~be is~~ maintained under
the direction of an officer whose title shall ~~be is~~ Director of
10 Labor Standards and state factory inspector, ~~hereinafter~~ referred
to in this Title, except in chapter 13, called as the "director."
12 The director shall ~~be is~~ appointed by the Commissioner of Labor
and shall ~~hold~~ holds office at the pleasure of the commissioner.
14 The director shall ~~have~~ has an office at the seat of government.
The director shall appoint, subject to the Civil Service Law,
16 such employees as may be necessary ~~and a deputy who shall be~~
~~clerk of the bureau and deputy state factory inspector.~~

18 Sec. H-8. 26 MRSA c. 5, sub-c. II, as amended, is repealed.

20 Sec. H-9. 26 MRSA c. 5, sub-c. V-A, as amended, is repealed.

22 Sec. H-10. 26 MRSA §569, as amended by PL 1979, c. 541, Pt.
24 A, §169, is further amended to read:

26 §569. Rules

28 The rules ~~and regulations~~ formulated under this chapter may
supplement, but shall ~~in no manner do not~~ supersede, the rules
30 ~~and regulations duly promulgated~~ adopted by the Board of Boiler
Rules and the Board of Elevator and Tramway Safety, whose
rulemaking authority is clearly set forth in ~~sections 173 and 476~~
32 Title 32, chapters 131 and 133, respectively, and the rules ~~and~~
~~regulations duly promulgated~~ adopted by the Department of Human
34 Services under the laws administered by that department. All
36 rules ~~and regulations shall~~ must be adopted pursuant to Title 5,
~~section 8051 et seq~~ the Maine Administrative Procedure Act.

38 Sec. H-11. 26 MRSA §2106, as repealed and replaced by PL
40 1987, c. 769, Pt. A, §110, is amended to read:

42 §2106. Inspection by and assistance of Bureau of Labor Standards

44 The Bureau of Labor Standards shall inspect each fire
46 ~~department at least once every 2 years~~ departments to determine
compliance with this chapter. The bureau shall assist fire
48 departments in complying with this chapter.

50 Sec. H-12. 32 MRSA §1102, sub-§6, as amended by PL 1995, c.
114, §2, is further amended to read:

2 6. **Elevator mechanics.** Any person licensed under Title 26,
sections 484 to 487 32, chapter 133 subject to the restrictions
4 of the license as issued;

6 Sec. H-13. 32 MRSA §2401-A, sub-§4, as enacted by PL 1979, c.
569, §13, is amended to read:

8 4. **Engineers and operators.** A person holding an engineer's
10 license issued under Title 26, section 178 15102, or working
under the general supervision of one so licensed while performing
12 such oil or solid fuel burner repair and maintenance as is
necessary in the steam or heating plant where he that person is
14 employed, provided such if that work is performed in compliance
with section 2313, or a person employed by companies under the
16 jurisdiction of the Public Utilities Commission or the United
States Nuclear Regulatory Commission whose facilities are subject
18 to inspection under Title 26, chapter 5, subchapter II, Article 4;

20 Sec. H-14. 32 MRSA cc. 131 and 133 are enacted to read:

22 **CHAPTER 131**

24 **BOILER AND PRESSURE VESSEL INSTALLERS AND OPERATORS**

26 **§15101. Definitions**

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

30 1. **Approved.** "Approved" means approved by the board.

32 2. **Authorized inspector.** "Authorized inspector" means a
34 person holding a certificate of authority to inspect boilers
within this State issued under section 15107 or a person,
36 employed by a company licensed to insure boilers in this State,
holding a certificate to inspect boilers within this State issued
38 under section 15120.

40 3. **Board.** "Board" means the Board of Boiler Rules.

42 4. **Chief inspector.** "Chief inspector" means the Chief
Inspector of Boilers approved under section 15106.

44 5. **Code.** "Code" means the boiler and pressure vessel code
46 of the American Society of Mechanical Engineers and amendments
and interpretations made and approved by the council of the
48 society.

2 6. **Commissioner.** "Commissioner" means the Commissioner of
Professional and Financial Regulation.

4 7. **Department.** "Department" means the Department of
Professional and Financial Regulation.

6 8. **Deputy inspector.** "Deputy inspector" means a person,
8 employed by the State and supervised by the chief inspector,
authorized to inspect boilers within this State.

10 9. **Miniature boiler.** "Miniature boiler" means a boiler as
12 defined by the code.

14 10. **Schoolhouse.** "Schoolhouse" includes, but is not limited
16 to, any structure used by schools or colleges, public or private,
for the purpose of housing classrooms, gymnasiums, auditoriums or
18 dormitories.

20 **§15102. Exemptions**

22 1. **Boilers.** This chapter does not apply to:

24 A. Boilers that are under federal control;

26 B. Boilers used solely for propelling motor road vehicles;

28 C. Boilers of steam fire engines brought into the State for
temporary use in times of emergency to check conflagrations;

30 D. Boilers used for agricultural purposes only;

32 E. Steam heating boilers, hot water heating boilers and hot
water supply boilers, except boilers located in schoolhouses
34 or boilers owned by municipalities, constructed and
installed in accordance with the rules adopted by the board;
36 or

38 F. Miniature boilers exempt by section 15118.

40 2. **Pressure vessels.** This chapter does not apply to:

42 A. Pressure vessels that are under federal control;

44 B. Pressure vessels used for the transportation and storage
of compressed or liquefied gases constructed in compliance
46 with specifications of the United States Department of
Transportation;

2 C. Pressure vessels located on vehicles operating under the
3 rules of other state authorities and used for carrying
4 passengers or freight;

6 D. Pressure vessels installed on the right-of-way of
7 railroads and used directly in the operation of trains;

8 E. Pressure vessels used solely for agricultural purposes
9 on farms;

10 F. Pressure vessels located in private residences and
11 apartment houses with fewer than 6 apartments;

12 G. Pressure vessels having an internal or external
13 operating pressure not exceeding 15 pounds per square inch;

14 H. Vessels for containing water under pressure, including
15 those containing air, the compression of which serves only
16 as a cushion, when neither of the following limitations is
17 exceeded;

18 (1) A design pressure of 300 pressure pounds per
19 square inch; or

20 (2) A design temperature of 210 degrees Fahrenheit;

21 I. Pressure vessels containing water heated by steam or any
22 other direct or indirect means when none of the following
23 limitations are exceeded;

24 (1) A heat input of 200,000 British thermal units per
25 hour;

26 (2) A water temperature of 200 degrees Fahrenheit; or

27 (3) A normal water-containing capacity of 120 gallons;

28 J. Pressure vessels that do not exceed;

29 (1) Five cubic feet in volume and 250 pounds per
30 square inch gauge pressure;

31 (2) One and 1/2 cubic feet in volume and 600 pounds
32 per square inch gauge pressure; or

33 (3) An inside diameter of 6 inches with no limitation
34 on pressure; or

35 K. Pressure vessels that are used as an integral part of a
36 circuit breaker or transformer.

2 §15103. Board of Boiler Rules

3 1. Membership. The Board of Boiler Rules, as established
4 by Title 5, section 12004-A, subsection 7, consists of 7 members
5 appointed by the Governor. Of these 7 appointed members, 2 must
6 be representatives of labor within this State who are
7 boilermakers or have boiler licenses, one must be a
8 representative of the owners and users of steam boilers within
9 this State, one must be a representative of the boiler
10 manufacturers within this State, one must be a representative of
11 the operating steam engineers in this State, one must be a
12 representative of a boiler inspection and insurance company
13 licensed to do business within the State and one must be a
14 representative of the public. The board shall annually elect a
15 chair from its membership. Appointments are for 3-year terms.
16 Appointments of members must comply with section 60. A member
17 may be removed by the Governor for cause.

18 2. Compensation. The members of the board are entitled
19 to compensation according to the provisions of Title 5, chapter
20 379.

21 3. Meetings. The board shall meet at least twice yearly.

22 4. Records. The board shall keep a complete record of the
23 type, dimensions, age, conditions, pressure allowed upon,
24 location and date of last inspection of all boilers to which this
25 chapter applies.

26 §15104. Rules

27 The board shall adopt rules for the safe and proper
28 construction, installation, repair, use and operation of boilers
29 and pressure vessels in this State. The rules must conform as
30 nearly as practicable to the code.

31 Rules adopted by the board may not take effect sooner than
32 90 days after the date on which they are adopted. Any change in
33 the rules that would raise the standards governing the methods of
34 construction of new boilers and pressure vessels or the quality
35 of material used in them may not take effect sooner than 6 months
36 after the date of adoption of a change in the rules. All rules
37 must be adopted pursuant to the Maine Administrative Procedure
38 Act.

39 The board shall publish and distribute among boiler
40 manufacturers and others requesting them copies of the rules
41 adopted by the board at a cost sufficient only to cover the
42 printing and mailing expenses of distribution.

2 **§15105. Installation of new boilers and pressure vessels**

4 A new boiler or pressure vessel that does not conform to the
6 rules adopted by the board governing new installations may not be
installed in this State.

8 Unless otherwise exempt, all new boilers and pressure
10 vessels to be installed must be inspected during construction by
12 an inspector authorized to inspect boilers in this State, or, if
14 constructed outside the State, by an inspector holding a
certificate of authority from the chief inspector of this State
or an inspector who holds a certificate of inspection issued by
16 the National Board of Boiler and Pressure Vessel Inspectors, or
its successor organization.

18 **§15106. Chief and deputy inspectors**

20 The commissioner shall appoint, with the approval of the
Governor, and may remove for cause when so appointed, a citizen
22 of this State to be Chief Inspector of Boilers at any time the
office may become vacant. The Chief Inspector of Boilers must
24 have, at the time of the appointment, not fewer than 5 years'
practical experience with steam boilers as a steam engineer,
mechanical engineer, boilermaker or boiler inspector, and must
26 have passed the same kind of an examination as that prescribed
for deputy and authorized inspectors in section 15107.

28 The commissioner may likewise hire deputy inspectors as
30 necessary to carry out this chapter from among applicants who
32 have successfully passed the examination provided for in section
15107.

34 **§15107. Deputy and authorized inspectors to be examined**

36 The examination for deputy inspectors and authorized
inspectors must be given by the Chief Inspector of Boilers, or by
38 at least 2 examiners to be appointed by the chief inspector. An
examination fee for authorized inspectors must be set by the
40 board, but may not exceed \$100. The examination must be written
or partly written and partly oral, recorded in writing, and must
42 be confined to determining the fitness and competency of the
applicant for the intended service and must be of uniform grade
44 throughout the State. The chief inspector shall certify to the
board the names of applicants who have successfully passed the
46 examination. If an applicant for an inspector's certificate of
authority fails to pass this examination, the applicant may
48 appeal to the board for a subsequent examination that must be
given by the board or by examiners other than those by whom the
50 first examination was given. These examiners must be appointed

2 immediately to give the subsequent examination. Based on the
3 result of this subsequent examination, the board shall determine
4 whether the applicant is qualified to be issued an inspector's
certificate. The record of an applicant's examination, whether
6 original or on appeal, must be accessible to the applicant and to
the applicant's employer.

8 The fee for issuing a certificate of authority as an
authorized inspector must be set by the board, but may not exceed
10 \$50 per year when the certificate is granted under section 15120,
to a person who holds a certificate as an inspector of steam
12 boilers for a state that has a standard of examination equal to
that of this State or a certificate from the National Board of
14 Boiler and Pressure Vessel Inspectors, or its successor
organization, and whose examination has been waived in accordance
16 with section 15120. The certificate is valid for a 3-year period
beginning with the date of issuance.

18 The board may file a complaint with the Administrative Court
20 to revoke a certificate of authority pursuant to Title 4, section
1151, for incompetence or untrustworthiness of the holder of the
22 certificate or for willful falsification of any matter or
statement contained in the application or in a report of any
24 inspection.

26 **§15108. Chief and deputy inspectors to furnish bond**

28 The chief inspector and each deputy inspector shall furnish
30 such bond as may be required by law.

32 **§15109. Stationary steam engineers and boiler operators**

34 **1. Definitions.** As used in this section, unless the
context otherwise indicates, the following terms have the
36 following meanings.

38 A. "Capacity" means the potential output of a steam boiler
designated in pounds per hour of steam flow or its
40 equivalent based on heating surface in the applicable
chapter of the code.

42 B. "Committee" means the examination committee as set forth
in this section.

44 C. "Have charge of" means the general supervisory control
46 over the operation and maintenance of a plant and other
stationary steam engineers or other personnel engaged in the
48 operation of the plant.

2 D. "Operate" means to control by observation and
4 manipulation of mechanical or automatic and remote controls
equipment in connection with a plant, but does not include
persons who "have charge of" the plant.

6 E. "Plant" means heating plant, power plant or process
8 plant.

10 F. "#/HR" means pounds of steam per hour output or
equivalent.

12 G. "Psi" means pounds per square inch.

14 H. "Supervise" means to have supervisory control over the
16 operation and maintenance of a plant, other stationary steam
18 engineers or other personnel engaged in the operation or
maintenance of a plant, but does not mean "have charge of"
as defined in paragraph C.

20 2. Licenses. In order to safeguard life, health and
22 property, the board shall provide for the mandatory licensing of
stationary steam engineers and boiler operators.

24 Those persons operating boilers exempt under section 15102 and
26 those persons employed by companies under the jurisdiction of the
Public Utilities Commission or the United States Atomic Energy
28 Commission, or its successor, are exempt from the licensing
requirements.

30 3. Issuance of license. The board shall issue a license to
32 an applicant in the grade for which the committee certifies to
the board that the applicant has satisfactorily met the
34 examination and other requirements of this section.

36 A. A license is valid for 3 years from the date of
38 issuance. A license must designate the name of the holder,
the license number, the grade of license, the issuing date
40 and the expiration date. Any license issued under this
section is automatically renewable upon payment of the
42 renewal fee as set forth in this section. The expiration
dates for licenses issued under this chapter may be
44 established at such other times as the commissioner may
designate. The board shall notify everyone registered under
46 this chapter of the date of expiration of the license and
the fee required for its renewal for a 3-year period. The
48 notice must be mailed to the person's last known address at
least 30 days in advance of the expiration date of the
license.

2 A license may be renewed up to 90 days after the date of its
4 expiration upon payment of a late fee of \$10 in addition to
the renewal fee. Any person who submits an application for
6 renewal more than 90 days after the license expiration date
is subject to all requirements governing new applicants
8 under this chapter, except that the board may in its
discretion, giving due consideration to the protection of
10 the public, waive examination or other requirements. The
board may levy penalties for nonrenewal. Notwithstanding
12 any other provision of this chapter, the board shall waive
examination if a renewal application is made within 90 days
14 after separation from the United States Armed Forces, under
conditions other than dishonorable, by a person who has
16 failed to renew that person's license because that person
was on active duty in the Armed Forces; except that the
18 waiver of examination may not be granted if the person
served more than 4 years in the Armed Forces, except if that
20 person is required by some mandatory provision to serve a
longer period and that person submits satisfactory evidence
22 of this mandatory provision to the board.

24 B. The license certificate must be displayed in plain view
in the plant where the licensee is employed.

26 C. The committee shall certify to the board as eligible for
28 a license any applicant who holds a current stationary steam
engineering license issued by the proper authority of any
30 state, territory or possession of the United States, the
District of Columbia or Canada that has requirements equal
32 to those of this State and recognizes the license issued by
this State without further examination. The committee shall
34 certify to the board as eligible for a license any applicant
who holds a current Canadian marine or United States Coast
36 Guard marine engineer's license and who has worked as a
boiler engineer or operator 3 of the last 5 years prior to
38 application. The applicant bears the burden of proving those
matters necessary for a license based on reciprocity.

40 4. Denial or revocation of license. The board may file a
42 complaint to revoke the registration of a stationary steam
engineer's or boiler operator's license with the Administrative
44 Court pursuant to Title 4, chapter 25, or may deny the
application for the license if the board finds:

46 A. The licensee or applicant guilty of fraud or
misrepresentation in the license application;

48 B. The licensee or applicant operating or being in charge
of a plant while under the influence of intoxicating

2 beverages or narcotic drugs. Revocation under this
3 paragraph may not exceed 90 days;

4 C. The licensee or applicant suffers from physical or
5 mental incapacity of such nature as would jeopardize
6 physical property or lives in the exercise of the license;

7 D. There is proven against the licensee or applicant
8 evidence of gross incompetence or gross negligence in the
9 exercise of the license; or

10 E. The licensee or applicant has operated or has had charge
11 of a plant over which the licensee or applicant lacked
12 authority.

13 5. Examination committee. The examination committee must
14 be appointed by the board and consists of 5 members, one of whom
15 must be a member of the board, one of whom must be an authorized
16 boiler inspector employed by an insurance carrier licensed to do
17 business in this State, one of whom must be appointed from the
18 public at large and who must be knowledgeable in matters dealing
19 with plant operation, one of whom must have charge of plants and
20 one of whom must be an operator of plants. The secretary of the
21 committee is the chief inspector or a duly appointed designee.
22 The members are appointed for a term of 5 years and until their
23 successors are appointed and duly qualified.

24 6. Examinations. The committee shall cause all
25 examinations required under this section to be conducted and
26 shall certify qualifying applicants to the board for issuance of
27 licenses.

28 A. Examinations given to the applicants must be based on
29 the code and the Maine Boiler Code and standard engineering
30 practices.

31 B. Examinations must be administered at least quarterly and
32 at such times and places as the committee believes are
33 suited to reach the maximum number of applicants.

34 C. Applications for licenses and renewals must be made on
35 forms furnished by the committee and must include a sworn
36 statement by the applicant of the applicant's qualifications
37 as to all matters pertinent for application under this
38 section.

39 7. Class of license. There must be 2 grades of boiler
40 operator's license and 4 classes of engineering licenses as set
41 out in this subsection.

2 A. The holder of a low pressure heating boiler operator's
3 license may operate a heating plant covered by this chapter
4 with steam boilers not exceeding 15 psi or hot water and hot
5 water supply boilers not exceeding 160 psi or 250 degrees
6 Fahrenheit, or both.

7 B. The holder of a boiler operator's license may operate,
8 supervise or have charge of a heating plant having a
9 capacity of not more than 20,000 #/HR or operate or
10 supervise a plant up to the capacity of the license of the
11 engineer in charge of the plant in which the licensee is
12 employed. The applicant for a boiler operator's license
13 must have 6 months' operating experience prior to
14 examination under a permit. The board shall issue a permit
15 for the purpose of gaining that experience. Such a permit
16 must be limited to a specified plant and must be limited to
17 one year.

18 C. The holder of a 4th-class engineer's license may have
19 charge of a plant of not more than 50,000 #/HR or operate or
20 supervise a plant up to the capacity of the license of the
21 engineer in charge of the plant in which the licensee is
22 employed. An applicant for a 4th-class engineer's license
23 must be a high school graduate or have equivalent education
24 and at least one year of operating or supervising experience
25 under a duly licensed engineer having charge of a plant.

26 D. The holder of a 3rd-class engineer's license may have
27 charge of a plant of not more than 100,000 #/HR or operate
28 or supervise a plant up to the capacity of the license of
29 the engineer in charge of the plant in which the licensee is
30 employed. An applicant for a 3rd-class engineer's license
31 must have at least one year operating or supervising
32 experience as a 4th-class engineer.

33 E. The holder of a 2nd-class engineer's license may have
34 charge of a plant of not more than 200,000 #/HR or operate
35 or supervise a plant up to the capacity of the license of
36 the engineer in charge of the plant in which the licensee is
37 employed. An applicant for a 2nd-class engineer's license
38 must have at least 2 years operating or supervising
39 experience as a 3rd-class engineer.

40 F. The holder of a first-class engineer's license may
41 operate, supervise or have charge of a plant of unlimited
42 steam capacity. An applicant for a first-class engineer's
43 license must have at least 2 years operating or supervisory
44 experience as a 2nd-class engineer.

2 G. One year of schooling in the field of boiler operation
4 in a school approved by the board is equivalent to 6 months
6 of operating experience.

8 H. In the event of a lack of qualified personnel in the
10 plant in which the applicant is employed, the committee may
12 waive the operating experience requirements of the applicant
14 for examination for the next higher grade of license. Any
16 such license issued must be limited to that plant.

18 I. Notwithstanding the provisions of this subsection, the
20 examining committee may permit an applicant to take the
22 examination for a license if, in the committee's opinion,
24 the experience or educational qualifications, or both, of
26 the applicant are equivalent to the operating experience
28 required by this subsection.

30 8. Rules. The board may adopt all necessary rules and
32 establish necessary procedures for examination and licensing to
34 carry out this section, pursuant to the Maine Administrative
36 Procedure Act.

38 9. Fees. The fees charged for examination and for licenses
40 issued pursuant to this section are set by the board and may not
42 exceed the following:

44 A. License and license renewal fee for stationary steam
46 engineers, \$100;

48 B. License and license renewal fee for boiler operators,
50 \$100;

C. A late fee not to exceed \$75 on all renewals for which
the board receives a renewal application up to 2 years after
the expiration of the license; and

D. Examination fee for engineers and operators, \$50.

10. Committee expenses. Committee members are entitled
only to reimbursement for all expenses incurred in the
performance of their duties under this section.

§15110. Welding on boilers; certificates for welders

A welder may not make welded repairs to any boiler or
pressure vessel covered by this chapter, without first receiving
authorization from the chief inspector or the authorized
inspector employed by the insurance company responsible for the
inspection of the boiler or pressure vessel. The authorization
may be in the form of a general agreement between the chief

inspector or the appropriate authorized inspector and the owner
or the owner's representative.

The board may adopt rules, pursuant the Maine Administrative
Procedure Act, relating to qualifications of welders performing
welding for compensation and may conduct examinations, issue
certificates and charge a reasonable fee for those examinations
and certificates.

§15111. Operation of condemned vessels

A boiler or pressure vessel that has been condemned for
further use in this or any other state by an authorized boiler
inspector employed by an insurance company or by an inspector
authorized to inspect boilers by a state or the Federal
Government may not be installed or operated in this State.

§15112. Condemned vessels stamped

A boiler or pressure vessel condemned in this State must be
stamped "XXX Me.," and the board must immediately be notified of
the condemnation.

The stamp "XXX Me." placed on condemned boilers must be made
across the registration mark or number of the boiler, or if the
boiler has no registration mark or number, a stamp must be placed
in the location of this mark as determined by the rules of the
code.

The stamping must be done with individual letters, driven
into the plate so far as to thoroughly cancel any previous
registration and must be made with letters at least 3/8 of an
inch high.

The laws and regulations of the code must be used in all
mathematical computations necessary to determine the safety of a
boiler.

§15113. Registration; stamping

A boiler, except one exempt under section 15102, may not be
operated in this State unless the boiler is registered in the
office of the board upon blanks to be furnished by the board upon
request. The completed blanks must contain information regarding
maker's name, type of construction, date of construction, age,
location and when last inspected and other information as may be
required.

A pressure vessel, except those exempt under section 15102,
may not be installed and operated in this State after June 30.

1974, unless it is constructed, inspected and stamped in conformity with Section VIII of the code and is registered with and approved by the board.

A pressure vessel that does not bear the code stamping may be registered with and approved by the board, if the person desiring to install the vessel makes application to the board and files a copy of the manufacturer's data report or a copy of the construction details together with material specifications for review and approval prior to installation.

After a boiler or pressure vessel has been registered with the board, the board shall furnish and the owner or user shall stamp or have stamped a number as given, on the shell of the boiler in the space commonly used for such purposes, with letters and figures not less than 3/8 of an inch high.

If a boiler or pressure vessel subject to this section is moved from one location to another, notice must be given the board of the removal and of the new location in which the boiler or pressure vessel is to be set up.

§15114. Certificate required

It is unlawful for any person, firm, partnership or corporation to operate under pressure in this State a boiler to which this chapter applies without a valid inspection certificate as provided in this chapter. The operation of a boiler without an inspection certificate constitutes a Class E crime on the part of the owner or user of the boiler and is punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both.

§15115. Temporary certificate

If an emergency affecting public safety and welfare exists, the board may authorize the chief inspector to issue a temporary inspection certificate for a period not exceeding 6 months after an inspection certificate has expired. A temporary inspection certificate may be issued without an internal inspection being made. If the boiler is insured, the temporary inspection certificate may not be issued until recommended in writing by the authorized inspector of the company insuring the boiler and by the chief inspector or one of the deputies; or, if the boiler is not insured, the temporary inspection certificate must be recommended in writing by at least 2 authorized state inspectors. The provisions as to posting of the inspection certificate apply to the temporary inspection certificate.

§15116. Insurance

When a boiler is insured and inspected by a duly accredited insurance company licensed to do business in this State, a copy of the record of each internal inspection of the boiler must be filed with the board.

When an insurance company cancels insurance upon any boiler requiring inspection under section 15117 that is not exempt under section 15102 or the policy expires and is not renewed, notice must immediately be given to the board. An insurance company shall notify the board immediately upon insuring a boiler pursuant to this section.

§15117. Inspection required; certificates issued

Each boiler used or proposed for use within this State, except boilers exempt under section 15102, must be thoroughly inspected by the chief inspector or one of the deputy inspectors or authorized inspectors, as to its design, construction, installation, condition and operation. The board shall adopt rules pursuant to the Maine Administrative Procedure Act specifying the method and frequency of inspection. When any boiler inspected as specified by the board is found to be suitable and to conform to the rules of the board, the chief inspector shall issue to the owner or user of that boiler, upon payment of a fee to the board, an inspection certificate for each boiler. The fee must be set by the board and may not exceed \$100. Inspection certificates must specify the maximum pressure that the boiler inspected is allowed to carry. The inspection certificate may be valid for not more than 14 months from its date and must be posted under glass in the engine or boiler room containing the boiler or an engine operated by it or, in the case of a portable boiler, in the office of the plant where it is temporarily located.

In accordance with the provisions of the Maine Administrative Procedure Act, the chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in the inspector's opinion, the boiler for which it was issued may not continue to be operated without menace to the public safety. An authorized inspector has corresponding powers with respect to inspection certificates for boilers insured by the company employing the inspector. This suspension must continue pending decision on the board's application with the Administrative Court for a temporary suspension pursuant to Title 4, section 1153.

§15118. Inspection charge

2 The owner or user of each boiler required by this chapter to
3 be inspected by the chief inspector or a deputy inspector, shall
4 pay the inspector upon inspection a fee or fees to be determined
5 by the board. Not more than \$500 may be collected for the
6 inspection of any one boiler made in any one year, unless
7 additional inspections are required by the owners or users of the
8 boiler or unless the boiler has been inspected and an inspection
9 certificate has been refused, withheld or withdrawn or unless an
10 additional inspection is required because of the change of
11 location of a stationary boiler. The nature and size of miniature
12 boilers to be inspected may be determined by the board.

13 The fees for additional inspections required by the code
14 must be paid by the boiler owner or contractor and those fees
15 must include the wages and expenses of the inspector.

16 **§15119. Powers of chief inspector**

17 The chief inspector may:

18 1. Free access to premises. Have free access for the chief
19 inspector or a deputy or deputies inspectors during reasonable
20 hours to any premises in the State where a boiler is built or
21 where a boiler or power plant apparatus is being installed or
22 operated, for the purpose of ascertaining whether the boiler is
23 built, installed and operated in accordance with this chapter:

24 2. Inspection certificates. Issue, suspend and revoke
25 inspection certificates allowing boilers to be operated, as
26 provided in sections 15115 and 15117, and as provided in the
27 Maine Administrative Procedure Act:

28 3. Enforce laws and rules. Enforce the laws of the State
29 governing the use of boilers and enforce the rules of the board:
30 and

31 4. Examinations and certificates of competency. Hold
32 examinations and issue certificates of competency to inspectors
33 who have successfully passed such examinations.

34 **§15120. Authorized inspectors; duties**

35 In addition to any deputy or authorized boiler inspectors
36 certified and appointed under sections 15106 and 15107, the board
37 shall, upon the request of any company authorized to insure
38 against loss from explosion of boilers in this State, issue to
39 the boiler inspectors of the company certificates of authority as
40 authorized inspectors. Each inspector before receiving a
41 certificate of authority must pass satisfactorily the examination
42 provided for in section 15107 or, in lieu of such an examination,
43

44 hold a certificate as an inspector of steam boilers for a state
45 that has a standard of examination equal to that of this State or
46 a certificate from the National Board of Boiler and Pressure
47 Vessel Inspectors, or its successor organization. Authorized
48 inspectors are not entitled to receive a salary from, nor may any
49 of their expenses be paid by, the State. The continuance of an
50 authorized inspector's certificate is conditioned upon the
51 authorized inspector continuing in the employ of a boiler
52 inspection and insurance company duly authorized and upon
53 maintenance of the standards imposed by this chapter. Authorized
54 inspectors shall inspect all boilers insured by their respective
55 companies, and the owners or users of those insured boilers are
56 exempt from the payment of the fees provided for in section
57 15118. Each company employing authorized inspectors shall, within
58 30 days following each annual internal inspection made by the
59 inspectors, file a report of the inspection with the chief
60 inspector.

61 **CHAPTER 133**

62 **ELEVATOR AND TRAMWAY INSTALLERS AND OPERATORS**

63 **§15201. Declaration of policy**

64 It is the policy of the State to protect its citizens and
65 visitors from unnecessary mechanical hazards in the operation of
66 elevators and tramways and to ensure that reasonable design and
67 construction are used, that accepted safety devices and
68 sufficient personnel are provided and that periodic maintenance,
69 inspections and adjustments considered essential for the safe
70 operation of elevators and tramways are made. The primary
71 responsibility for design, construction, maintenance and
72 inspection rests with the firm, person, partnership, association
73 or corporation that owns or operates elevators or tramways.

74 **§15202. Definitions**

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

77 1. Approved. "Approved" means as approved by the Board of
78 Elevator and Tramway Safety.

79 2. Board. "Board" means the Board of Elevator and Tramway
80 Safety.

81 3. Commissioner. "Commissioner" means the Commissioner of
82 Professional and Financial Regulation.

2 4. Department. "Department" means the Department of
Professional and Financial Regulation.

4 5. Elevator. "Elevator" includes an escalator or a manlift
and means a guided hoisting and lowering mechanism equipped with
6 a car, platform or load-carrying unit, including doors, well,
enclosures, means and appurtenances. "Elevator" does not include
8 a dumbwaiter, conveyor, chain or bucket hoist or a tiering,
piling or feeding device.

10 6. Escalator. "Escalator" means a power-driven, inclined
and continuous stairway used for raising or lowering passengers.

12 7. Freight elevator. "Freight elevator" means an elevator
used for carrying freight on which only the operator and the
14 persons necessary for loading and unloading are permitted to ride.

16 8. Licensed tramway inspector. "Licensed tramway
inspector" means an individual who has been licensed by the Board
18 of Elevator and Tramway Safety to inspect tramways pursuant to
this chapter.

20 9. Manlift. "Manlift" means a device, consisting of a
power-driven, endless belt or chains, provided with steps or
22 platforms and handholds attached to it for the transportation of
personnel from floor to floor.

24 10. Operator. "Operator" means the person or persons who
physically operate an elevator or tramway.

26 11. Owner. "Owner" means a firm, person, partnership,
association, corporation or state or political subdivision that
owns an elevator or tramway.

28 12. Passenger elevator. "Passenger elevator" means an
elevator that is used to carry persons other than the operator
and persons necessary for loading and unloading, except that
30 "passenger elevator" does not mean an escalator or a manlift.

32 13. Physically handicapped person. "Physically handicapped
person" means a person who has a physiological disability,
infirmity, malformation, disfigurement or condition that
34 eliminates or severely limits the person's ability to have access
to the person's environment by normal ambulatory function,
necessitating the use of crutches, a wheelchair or other similar
36 device for locomotion.

38 14. Skier. "Skier" means any person while wearing skis and
any person while actually on a ski slope or trail located at a

2 ski area for the purpose of skiing, including a person engaged in
cross-country, nordic or telemark skiing.

4 15. Ski area. "Ski area" means the ski slopes and trails
and passenger tramways administered or operated as a single
6 enterprise within this State.

8 16. Ski industry. "Ski industry" means the activities of
all ski area operators.

10 17. Ski area operator. "Ski area operator" means a person
or organization having operational responsibility for a ski area,
12 including an agency or a political subdivision of this State.

14 18. State inspector. "State inspector" means an individual
in the employ of the State whose duties include the examination
16 and inspection of elevators and tramways under the direction of
the commissioner.

18 19. Tramway. "Tramway" means a device used to transport
passengers uphill on skis or in cars on tracks or suspended in
20 the air by the use of steel cables, chains or belts or by ropes
usually supported by trestles or towers with one or more spans.
22 "Tramway" includes the following:

24 A. Reversible aerial tramways, which are that class of
aerial passenger tramways and lifts by which passengers are
26 transported in carriers and are not in contact with the
ground or snow surface, and in which the carriers
reciprocate between terminals. This class includes:

28 (1) Single-reversible tramways, which are a type of
reversible lift or aerial tramway having a single
30 carrier, or single group of carriers, that moves back
and forth between terminals on a single path of travel,
sometimes called "to-and-fro" aerial tramways; and

32 (2) Double-reversible tramways, which are a type of
reversible lift or aerial tramway having 2 carriers, or
34 2 groups of carriers, that oscillate back and forth
between terminals on 2 separate paths of travel,
sometimes called "jig-back" aerial tramways;

36 B. Aerial lifts and skimobiles, which are that class of
aerial passenger tramways and lifts by which passengers are
38 transported in carriers and are not in contact with the
ground or snow surface, and in which the carriers circulate
around a closed system and are activated by a wire rope or
40 chain. The carriers usually make U-turns in the terminals
and move along parallel and opposing paths of travel. The

2 carriers may be open or enclosed cabins, chairs, cars or
platforms. The carriers may be fixed or detachable. This
4 class includes:

6 (1) Gondola lifts, which are a type of lift or aerial
tramway by which passengers are transported in open or
enclosed cabins. The passengers embark and disembark
8 while the carriers are stationary or moving slowly
under a controlled arrangement;

10 (2) Chair lifts, which are a type of lift or aerial
tramway by which passengers are transported in chairs,
12 either open or partially enclosed; and

14 (3) Skimobiles, which are a type of lift or aerial
tramway by which passengers are transported in open or
16 enclosed cars that ride on a rigid structural system
and are propelled by a wire rope or chain;

20 C. Surface lifts, which are that class of conveyance by
which passengers are propelled by means of a circulating
22 overhead wire rope while remaining in contact with the
ground or snow surface. Transportation is limited to one
24 direction. Connection between the passengers and the wire
rope is by means of a device attached to and circulating
26 with the haul rope known as a "towing outfit." This class
includes:

28 (1) T-bar lifts, which are a type of lift in which the
device between the haul rope and passengers forms the
30 shape of an inverted "T," propelling passengers located
on both sides of the stem of the "T";

32 (2) J-bar lifts, which are a type of lift in which the
device between the haul rope and passenger is in the
34 general form of a "J," propelling a single passenger
located on the one side of the stem of the "J"; and

36 (3) Platter lifts, which are a type of lift in which
the device between the haul rope and passenger is a
38 single stem with a platter or disk, attached to the
lower end of the stem, propelling the passenger astride
40 the stem of the platter or disk;

42 D. Tows, which are that class of conveyance in which
passengers grasp a circulating haul rope, which may be
44 natural or synthetic fiber or metallic, or a handle or
gripping device attached to the circulating haul rope, and
46 are propelled by the circulating haul rope. The passengers
remain in contact with the ground or snow surface. The
48
50

2 upward-traveling haul rope remains adjacent to the uphill
track at an elevation that permits the passengers to
4 maintain their grasp on the haul rope, handle or gripping
device throughout the portion of the tow length that is
designed to be traveled; and

6 E. Similar equipment not specified in this subsection, but
conforming to at least one of the general descriptions in
8 this subsection.

10 20. Tramway passenger. "Tramway passenger" means a person
being transported or conveyed by a tramway, waiting in the
12 immediate vicinity for transportation or conveyance by a tramway,
moving away from the disembarkation or unloading point of a
14 tramway to clear the way for the following passengers or
boarding, embarking upon or disembarking from a tramway.

16 §15203. Retroactive effect; exception

18 This chapter may not be construed to prevent the use or sale
20 of elevators in this State that were being used or installed
prior to January 1, 1950 and that must be made to conform to the
22 rules of the board covering existing installations and must be
inspected as provided for in this chapter.

24 This chapter does not apply to elevators or tramways on
26 reservations of the Federal Government, to elevators used for
agricultural purposes on farms or to elevators located or
28 maintained in private residences, as long as they are exclusively
for private use.

30 §15204. Appeals; variances

32 A person aggrieved by an order or act of the supervising
34 inspector or the state inspector under this chapter may, within
15 days after notice of the order or act, appeal from the order
36 or act to the board, which shall hold a hearing pursuant to Title
5, chapter 375, subchapter IV. After the hearing, the board
38 shall issue an appropriate order either approving or disapproving
the order or act.

40 Any person who is or will be aggrieved by the application
of any law, code or rule relating to the installation or
42 alteration of elevators or tramways may file a petition for a
variance with the board, whether compliance with that provision
44 is required at the time of filing or at the time that provision
becomes effective. The filing fee for a petition for a variance
46 must be set by the board and may not exceed \$100. The board
shall hold a hearing pursuant to Title 5, chapter 375, subchapter
48 IV. The board shall grant a variance if, owing to conditions

2 especially affecting the particular building or installation
involved, the enforcement of any law, code or rule relating to
4 elevators or tramways would do manifest injustice or cause
substantial hardship, financial or otherwise, to the petitioner
6 or any occupant of the petitioner's building or would be
unreasonable under the circumstances or condition of the
8 property, provided that desirable relief may be granted without
substantial detriment to the public good and without nullifying
10 or substantially derogating from the intent or purpose of that
law, code or rule. In exercising its powers under this section,
12 the board may impose limitations both of time and of use, and a
continuation of the use permitted may be conditioned upon
14 compliance with rules made and amended from time to time. The
board immediately shall send a copy of its decision by registered
16 mail to all interested parties.

18 **§15205. Board of Elevator and Tramway Safety**

20 The Board of Elevator and Tramway Safety, as established by
Title 5, section 12004-A, subsection 14, consists of 9 members,
22 of whom 7 are appointed by the Governor. Each member holds
office until a successor is duly appointed. At the expiration of
24 each member's term, that member's successor is appointed by the
Governor from the same classification in accordance with this
26 section. If a vacancy occurs, the Governor shall appoint a
member of the proper classification to serve the term of the
28 absent member. Of the 7 members of the board appointed by the
Governor, one must represent owners or lessees of elevators in
30 the State; one must represent manufacturers of elevators; one
must represent manufacturers or installers of accessibility
32 lifts; one must be a licensed elevator mechanic; one must be a
representative of a ski area operator presently operating
34 tramways in the State; one must be a qualified licensed
professional engineer who is familiar with tramway design,
36 inspection and operation; and one must be a public member. The
8th member of the board must be a physically handicapped person
38 appointed by the Director of the Bureau of Rehabilitation
Services, subject to the approval of the Governor. The 9th member
40 of the board must be a member of the Division of Fire Prevention
appointed by the Commissioner of Public Safety. The board must
42 annually elect a chair from its membership. Appointments are for
3-year terms. Appointments of members must comply with section
44 60. A member may be removed by the Governor for cause.

46 **1. Compensation.** The appointed members of the board shall
serve without salary and are entitled to compensation according
48 to the provisions of Title 5, chapter 379.

50 **2. Meetings.** The board shall meet at least twice yearly.

2 **§15206. Powers and duties of board**

4 The board shall adopt reasonable rules for the safe and
proper construction, installation, alteration, repair, use,
6 operation and inspection of elevators and tramways in the State.
The rules must include standards for the review and audit of
8 inspections performed by elevator inspectors not employed by the
State. The rules must be adopted pursuant to the Maine
10 Administrative Procedure Act and conform as near as practicable
to the established standards as approved by the American National
12 Standards Institute. The rules may not take effect sooner than
90 days after the date they are adopted, except that rules
14 applying to the construction of new elevators and tramways may
not take effect sooner than 6 months after the date they are
16 adopted.

18 The board shall keep a record of the date of last inspection
and the type, dimensions, age, conditions and location of all
20 elevators to which this chapter applies.

22 The board shall publish and distribute among elevator and
tramway owners, lessees, manufacturers, repair companies and
24 others requesting them copies of the rules as adopted by the
board, at a cost sufficient only to cover the printing and
26 mailing expenses of distribution, except those rules that are
American National Standards Institute standards, which must be
28 obtained from the publisher.

30 **§15207. Appointment of state inspectors**

32 The commissioner may hire employees in conformance with
section 60-F.

34 **§15208. Examination of elevator inspectors: licenses**

36 The board shall set standards necessary for the examination
of elevator inspectors. The board may set standards for the
38 examination of inspectors limited to the inspection of categories
of equipment within the definition of "elevator," including, but
40 not limited to, accessibility lifts. The examination fee is set
by the board and may not exceed \$100. The examination must be
42 written, in part or in whole, and must be confined to questions
the answers to which will aid in determining the fitness and
44 competency of the applicant for the intended service and must be
of uniform standard throughout the State. If an applicant fails
46 to pass this examination, the applicant may appeal to the board
for a 2nd examination within 90 days of notification of the
48 applicant's failure to pass, and the 2nd examination must be
50 given by the board or by examiners other than those by whom the
first examination was given. Upon the result of this 2nd

2 examination, the board shall determine whether the applicant is
3 qualified.

4 The record of the applicant's examination, whether original
5 or on appeal, must be accessible to the applicant. The
6 examinations must be kept on file in the office of the
7 supervising inspector for a period of not less than 2 years.

8 Applications for examination and license must be made on
9 forms furnished by the board.

10 An elevator inspector's license expires on the 3rd
11 anniversary date of the original issue. The license fee must be
12 set by the board and may not exceed \$300.

13 The license may be renewed for a period of 3 years without
14 further examination if a renewal fee in an amount set by the
15 board, not to exceed \$300, is paid and the licensee has worked as
16 an elevator inspector during the initial 3-year period.

17 **§15209. Examination of tramway inspectors; licenses**

18 The board shall license an applicant as a tramway inspector,
19 who may perform the inspections required on tramways, if that
20 applicant:

21 **1. Registration.** Is a professional engineer with a current
22 valid registration in some state. If an applicant for a tramway
23 inspector's license demonstrates to the board that the applicant
24 possesses more than 6 years' experience in the construction,
25 design, inspection and operation of tramways, this registration
26 requirement may be waived by the board;

27 **2. Experience.** Has considerable experience in the
28 construction, design or maintenance of tramways;

29 **3. Experience in inspecting.** Has 4 years' experience
30 inspecting tramways while working for an insurance company, a
31 government agency or a company performing tramway or similar
32 equipment inspections;

33 **4. Capability and aptitude.** Has the physical capability
34 and aptitude to perform the duties of a tramway inspector in a
35 safe and thorough manner; and

36 **5. Examination.** Has sufficient experience and knowledge to
37 achieve a satisfactory rating in an examination designed to test
38 the applicant's knowledge of orders and principles of tramway
39 safety. When an applicant for a tramway inspector's license
40 demonstrates more than 6 years' experience in the construction,

2 design, inspection and operation of tramways, the provisions for
3 examination must be waived.

4 **A.** The examination for a licensed tramway inspector must be
5 given by the supervising inspector or by 2 or more examiners
6 appointed by the supervising inspector. The examination
7 must be written, in whole or in part, and must be confined
8 to questions the answers to which will aid in determining
9 the fitness and competency of the applicant for the intended
10 service and must be of uniform standard throughout the
11 State. If an applicant fails to pass this examination, the
12 applicant may appeal to the board for a 2nd examination
13 within 90 days of notification of the applicant's failure to
14 pass, and the 2nd examination must be given by the board or
15 by examiners other than those by whom the first examination
16 was given. Upon the result of this 2nd examination, the
17 board shall determine whether the applicant is qualified.

18 **B.** The record of the applicant's examination, whether
19 original or on appeal, must be accessible to the applicant.
20 The examinations must be kept on file in the office of the
21 supervising inspector for a period of not less than 2 years.

22 **C.** A tramway inspector's license expires on the 3rd
23 anniversary date of the original issue. The license fee
24 must be set by the board and may not exceed \$150.

25 **D.** Applications for examination and license must be on
26 forms furnished by the board. The examination fee for a
27 tramway inspector's license must be set by the board and may
28 not exceed \$100.

29 **§15210. Revocation of tramway or elevator inspector's license**

30 The board may revoke a tramway or elevator inspection
31 license or remove inspection endorsements from an elevator
32 mechanic's license for the following causes:

33 **1. Failure to submit true reports.** For failure to submit
34 true reports concerning the conditions of a tramway or elevator
35 or for conduct determined by the board to be contrary to the best
36 interests of tramway or elevator safety or the board; or

37 **2. Physical infirmities.** For physical infirmities that
38 develop to a point at which it appears that an inspector or
39 mechanic is no longer able to perform the required duties in a
40 thorough and safe manner.

41 **§15211. Notice of accidents**

Each elevator or tramway accident caused by equipment failure, resulting in injury to a person or in substantial damage to equipment, must be reported by the owner or lessee to the supervising inspector in accordance with the board's rules. When an elevator accident occurs, the inspection certificate for the involved elevator must be summarily revoked in accordance with Title 5, section 10004, pending decision on any application with the Administrative Court for a further suspension.

§15212. Examination of accidents

The board may examine or cause to be examined the cause, circumstances and origin of all elevator or tramway accidents within the State. Upon request, the board shall furnish to the proper district attorney the names of witnesses and all information obtained.

§15213. Elevator mechanics; license; definition

A person may not service, repair, alter or install any elevator unless that person is licensed as an elevator mechanic under sections 15214 and 15216. Elevator work in industrial plants, manufacturing plants and hospitals may be performed by plant personnel who are not licensed under sections 15214 and 15216 if the work is supervised by the plant engineer and performed in compliance with rules adopted by the board.

The word "elevator," as used in this section and sections 15214 and 15216, includes all electrical equipment, wiring, steelwork and piping in the elevator machine room, hoistway and pit pertaining to the operation and control of an elevator, except power feeders and required power equipment up to the control panel, heating, lighting, ventilation and drainage equipment.

§15214. Issuance; qualifications

The board shall issue an elevator mechanic's license to any applicant who has at least 2 years' experience in the service, repair, alteration or installation of elevators while employed by an elevator company, or has equivalent experience as defined by rules of the board, and satisfactorily passes the examination provided for in section 15216.

A licensed elevator mechanic may not have more than 2 helpers under direct supervision. These helpers need not be licensed.

A licensed elevator mechanic shall comply with the elevator rules of this State.

§15215. Inspector endorsement to elevator mechanic's license

An elevator mechanic may inspect elevators if the mechanic has an inspection endorsement to the mechanic's license. The board shall establish rules to examine and qualify mechanics to conduct elevator inspections. The board shall set an examination for endorsement fee and endorsement and endorsement renewal fees, which may not exceed 1/3 of the elevator inspector's license and renewal fees.

§15216. Examination of elevator mechanics; applications; licenses; fees

The examination fee for an elevator mechanic's license must be set by the board and may not exceed \$100. The examination must be written, in whole or in part, and must be confined to questions the answers to which will determine the fitness and competency of the applicant for the intended service.

If an applicant for a mechanic's license fails to pass the examination, the applicant may request a 2nd examination within 90 days of notification of the applicant's failure to pass and the 2nd examination must be given without further fee. Any additional examinations may be given only upon the payment of the examination fee as provided in this section.

The record and examination papers of the applicant must be accessible to the applicant and the applicant's employer and must be kept on file in the office of the supervising inspector for a period of not less than 2 years.

Applications for examination and license must be made on forms furnished by the board.

An elevator mechanic's license expires on the 3rd anniversary date of the original issue and may be renewed for periods of 3 years without further examination, if a renewal fee in an amount set by the board, not to exceed \$100, is paid and the licensee has worked as an elevator mechanic during the initial 3-year period.

§15217. Skiers' and tramway passengers' responsibilities

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

A. "Inherent risks of skiing" means those dangers or conditions that are an integral part of the sport of

2 skiing, including, but not limited to: existing and changing
3 weather conditions; existing and changing snow conditions,
4 such as ice, hardpack, powder, packed powder, slush and
5 granular, corn, crust, cut-up and machine-made snow; surface
6 or subsurface conditions, such as dirt, grass, bare spots,
7 forest growth, rocks, stumps, trees and other natural
8 objects and collisions with or falls resulting from such
9 natural objects; lift towers, lights, signs, posts, fences,
10 mazes or enclosures, hydrants, water or air pipes,
11 snowmaking and snow-grooming equipment, marked or lit trail
12 maintenance vehicles and snowmobiles, and other man-made
13 structures or objects and their components, and collisions
14 with or falls resulting from such man-made objects;
15 variations in steepness or terrain, whether natural or as a
16 result of slope design; snowmaking or snow-grooming
17 operations, including, but not limited to, ski jumps, roads
18 and catwalks or other terrain modifications; the presence of
19 and collisions with other skiers; and the failure of skiers
20 to ski safely, in control or within their own abilities.

21 B. "Skiing" means the use of a ski area for snowboarding or
22 downhill, telemark or cross-country skiing; for sliding
23 downhill on snow or ice on skis or a toboggan, sled, tube,
24 snowboard or any other device; or for similar uses of the
25 ski slopes and trails.

26 C. "Skier" means any person at a ski area who participates
27 in any of the activities described in paragraph B.

28 2. Acceptance of inherent risks. Because skiing as a
29 recreational sport, and the use of passenger tramways associated
30 with skiing, may be hazardous to skiers or passengers,
31 regardless of all feasible safety measures that may be taken,
32 each person who participates in the sport of skiing accepts, as a
33 matter of law, the risks inherent in the sport and, to that
34 extent, may not maintain an action against or recover from the
35 ski area operator, or its agents, representatives or employees,
36 for any losses, injuries, damages or death that result from the
37 inherent risks of skiing.

38 3. Warning notice. A ski area operator shall post and
39 maintain at the ski area where the lift tickets and ski school
40 lessons are sold and at the loading point of each passenger
41 tramway signs that contain the following warning notice:

42 WARNING:

43 Under Maine law, a skier assumes the risk of any injury to
44 person or property resulting from any of the inherent
45 dangers and risks of skiing and may not recover from any ski

2 area operator for any injury resulting from any of the
3 inherent dangers and risks of skiing, including, but not
4 limited to: existing and changing weather conditions;
5 existing and changing snow conditions, such as ice,
6 hardpack, powder, packed powder, corn, crust and slush and
7 cut-up, granular and machine-made snow; surface or
8 subsurface conditions, such as dirt, grass, bare spots,
9 rocks, stumps, trees, forest growth or other natural objects
10 and collisions with such natural objects; lift towers,
11 lights, signs, posts, fences, mazes or enclosures, hydrants,
12 water or air pipes, snowmaking and snow-grooming equipment,
13 marked or lit trail maintenance vehicles and snowmobiles,
14 and other man-made structures or objects; variations in
15 steepness or terrain, whether natural or as a result of
16 slope design, snowmaking or grooming operations, including,
17 but not limited to, ski jumps, roads and catwalks or other
18 terrain modifications; the presence of and collisions with
19 other skiers; and the failure of skiers to ski safely, in
20 control or within their own abilities.

21 4. Duty to ski within limits of ability. A skier has the
22 sole responsibility for knowing the range of the skier's own
23 ability to negotiate any slope or ski trail, and it is the duty
24 of the skier to ski within the limits of the skier's own ability,
25 to maintain control of the rate of speed and the course at all
26 times while skiing, to heed all posted and oral warnings and
27 instructions by the ski area operator and to refrain from acting
28 in a manner that may cause or contribute to the injury of the
29 skier or others.

30 5. Responsibility for collisions. The responsibility for a
31 collision between any skier while skiing and any person or object
32 is solely that of the skier or skiers involved in the collision
33 and not the responsibility of the ski area operator or its
34 agents, representatives or employees.

35 6. Liability. A ski area operator or its agents,
36 representatives or employees are not liable for any loss, injury,
37 damage or death resulting from the design of the ski area.

38 7. Provision of name and current address required. A skier
39 involved in, causing or contributing to a collision or other
40 accident at a ski area that results in a fall or injury may not
41 leave the vicinity of the collision or accident before giving
42 that skier's name and current address to an employee or
43 representative of the ski area operator or a member of the ski
44 patrol, except for the purpose of securing aid for a person
45 injured in the collision, in which case the person leaving the
46 scene of the collision shall give that skier's name and current
47 address after securing such aid. A ski area operator, or its
48 representative, shall not be liable for any loss, injury, damage
49 or death resulting from the design of the ski area.

agents, representatives or employees, is not liable for a skier's failure to provide that skier's name and address or for leaving the vicinity of an accident or collision.

8. Actions not prohibited. This section does not prevent the maintenance of an action against a ski area operator for:

A. The negligent operation or maintenance of the ski area; or

B. The negligent design, construction, operation or maintenance of a passenger tramway.

§15218. Duties of skiers and tramway passengers; acts prohibited

A person engaged in skiing or riding on a tramway may not:

1. **Embark or disembark from tramway except as designated.** Embark or disembark from any tramway, except at a designated area;

2. **Throw or expel objects from tramway.** While riding on any tramway or similar device, throw or expel any object or do any act or thing that interferes with the running of that tramway;

3. **Engage in harmful conduct.** While riding on any tramway, willfully engage in any type of conduct that will contribute to or cause injury to any person, or to the tramway, or willfully place any object in the uphill ski track that will cause injury to any person or cause damage to or derailment of the tramway;

4. **Closed trails.** Ski or otherwise use a slope or trail that has been designated "closed" by the operator without written permission of the operator or the operator's designee;

5. **Removal or destruction of signs.** Remove, alter, deface or destroy any sign or notice placed in the ski area or on the trail by the operator; or

6. **Out-of-bounds areas.** Ski or otherwise use any portion of the ski area that is not a part of a regular network of trails or areas open to the public, including wooded areas between trails, undeveloped areas and all other portions not open to the public, if the operator has properly posted these areas as being closed to public access.

§15219. Hang gliding

Hang gliding is also recognized as a hazardous sport. Therefore, a person who is hang gliding is deemed to have assumed the risk and legal responsibility for any injury to the hang

glider's person or property in the same manner and to the same extent as skiers under this chapter.

§15220. Penalties

1. **Verbal warning; forfeiture of lift ticket.** Any owner, manager or employee of any ski area, who finds a person in violation of section 15218, may first issue a verbal warning to that individual or suspend the individual's lift use privileges. Any person who fails to heed the warning issued by the ski area owner, manager or employee shall forfeit the ski lift ticket and ski lift use privileges and must be refused issuance of another lift ticket and is liable for any damages to the tramway and its incidental equipment that have been caused by the individual's misconduct.

2. **Cost of rescue operation.** When it is necessary to commence a rescue operation as a result of a violation of section 15218, subsection 6, any person who has committed the violation is liable for the cost of that rescue operation.

§15221. Inspection of elevators and tramways

1. **Fees; inspection certificate.** Each elevator or tramway proposed to be used within this State must be thoroughly inspected by either the supervising inspector, a state inspector or a licensed elevator or tramway inspector and, if found to conform to the rules of the board, the board shall issue to the owner or user an inspection certificate. Fees for inspection and certification of elevators and tramways must be set by the board pursuant to section 15225 and must be paid by the owner or user of the elevator or tramway. The certificate must specify the maximum load to which the elevator or tramway may be subjected, the date of its issuance and the date of its expiration. The elevator certificate must be posted in the elevator and the tramway certificate at a conspicuous place in the machine area.

2. **Scheduled inspections.** A state inspector or licensed elevator inspector shall inspect every elevator on a schedule determined by the board. The schedule must be based on the class, size and usage of the elevator. A state inspector or licensed tramway inspector shall inspect every tramway twice each year. One tramway inspection must be made when weather conditions permit a complete inspection of all stationary and moving parts. The 2nd tramway inspection must be made while the tramway is in operation.

3. **Temporary suspension of inspection certificate; condemnation card.** When, in the inspector's opinion, the elevator or tramway can not continue to be operated without

menace to the public safety, the supervising inspector or state inspector may temporarily suspend an inspection certificate in accordance with Title 5, section 10004 and post or direct the posting of a red card of condemnation at every entrance to the elevator or tramway. The condemnation card is a warning to the public and must be of such type and dimensions as the board determines. The suspension continues, pending decision on any application with the Administrative Court for a further suspension. The condemnation card may be removed only by the inspector posting it or by the supervising inspector.

4. Special certificate; special conditions. When, upon inspection, an elevator or tramway is found by the inspector to be in reasonably safe condition but not in full compliance with the rules of the board, the inspector shall certify to the supervising inspector the inspector's findings and the supervising inspector may issue a special certificate, to be posted as required in this section. This certificate must set forth any special conditions under which the elevator or tramway may be operated.

5. Inspection reports. Licensed tramway and elevator inspectors shall submit inspection reports to the board on a form provided by the board for all inspections within 15 working days from the date of the inspection.

6. Follow-up inspections. All follow-up inspections necessary to enforce compliance must be performed by either the supervising inspector or a state inspector. A fee as set forth in section 15225 must be charged for those follow-up inspections.

§15222. Condemned elevators and tramways not to be operated

An elevator or tramway that has been condemned under section 15221 may not be operated in this State. Any person who owns or operates or causes to be operated for other than repair or corrective purposes an elevator or tramway in violation of this section commits a Class E crime and must be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

§15223. Certificate required

The owner, lessee or agent of an elevator or tramway who operates that elevator or tramway without an inspection certificate displayed commits a Class E crime and, notwithstanding Title 17-A, sections 1252 and 1301, must be punished by a fine of not more than \$50 for each day of illegal operation.

§15224. Installation of new elevators and tramways; fees

Detailed plans or specifications of each new or altered elevator or tramway must be submitted to and approved by the supervising inspector before the construction may be started. Fees for examination of the plans or specifications must be \$5 per \$1,000 of the valuation of the elevator or tramway as covered by the blueprints. The minimum fee may not be less than \$35 and the maximum fee may not be more than \$100.

§15225. Inspection fees

1. Initial inspection of elevators; fee. The initial inspection of elevators may be made by the supervising inspector or a state inspector and the fee for the initial inspection of each new or altered elevator must be set by the board, not to exceed \$100, plus expenses.

2. Initial inspection of tramways; fee. The initial inspection of tramways may be made by the supervising inspector, a state inspector or a licensed tramway inspector and the fee for the initial inspection of each new or altered tramway must be set by the board, not to exceed \$100, plus expenses.

3. Subsequent inspection of elevators; fee. The fee for each required inspection of elevators may be set by the board, not to exceed \$100, plus \$10 for each landing.

4. Annual inspection of tramways; fee. The annual fee for the required inspections of tramways must be set by the board.

5. Certificate fee. The certificate fee must be set by the board, not to exceed \$100.

When a tramway or elevator inspection has been made by a licensed tramway or elevator inspector, the inspector shall submit the inspection fee to the board along with an inspection report.

§15226. Reports by inspectors

A state inspector or licensed inspector shall make a full report to the supervising inspector, giving all data required by the rules adopted by the board and shall report to the supervising inspector and to the owner or lessee all defects found and all noncompliances with the rules. When any serious infraction of the rules is found by a state inspector or licensed inspector and that infraction is, in the opinion of the inspector, dangerous to life, limb or property, the inspector

shall report that infraction immediately to the supervising inspector.

§15227. Powers of the supervising inspector

The board is authorized to investigate all elevator and tramway accidents that result in injury to a person or in damage to the installation.

The supervising inspector is authorized:

1. Enforce laws and rules. To enforce the laws of the State governing the use of elevators and tramways and to enforce adopted rules of the board;

2. Free access to premises or location. To provide free access for state inspectors, including the supervising inspector, at all reasonable times to any premises in the State where an elevator or tramway is installed or is under construction for the purpose of ascertaining whether that elevator or tramway is installed, operated, repaired or constructed in accordance with this chapter;

3. Supervise inspectors. To allocate and supervise the work of state inspectors;

4. Certificates. To issue and temporarily suspend certificates allowing elevators and tramways to be operated pursuant to Title 5, chapter 375; and

5. Examinations. To hold examinations and establish the fitness of applicants to become elevator or tramway inspectors or elevator mechanics, and to issue certificates or licenses to those persons who have successfully passed required examinations and been approved by the board as licensed elevator or tramway inspectors or elevator mechanics.

Sec. H-15. Transition provisions.

1. All liabilities and assets of the Board of Boiler Rules and the Board of Elevator and Tramway Safety must be transferred with the boards to the Department of Professional and Financial Regulation.

2. All existing rules and procedures in effect on the effective date of this Part, in operation or adopted by the Board of Boiler Rules and the Board of Elevator and Tramway Safety remain in effect until amended or rescinded by state law.

3. Members of the Board of Boiler Rules and the Board of Elevator and Tramway Safety who have been appointed to terms beyond the effective date of this Part shall continue to serve for their appointed terms.

4. All incumbents in positions transferred from the Department of Labor to the Department of Professional and Financial Regulation under this Act shall retain those positions and any accrued benefits they have earned.

5. Any valid license or certification issued under the Maine Revised Statutes, Title 26, chapter 5, subchapters II and V-A on or before the effective date of this Act remains valid and is renewable upon satisfaction of all requirements established by the boards.

Sec. H-16. Transitional rules. Notwithstanding the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; Title 26, sections 173 and 476; and Title 32, sections 15105 and 15206, any rules concerning the licensing or examination of elevator inspectors, boiler inspectors, tramway inspectors or elevator mechanics seeking endorsement as elevator inspectors adopted within one year of the effective date of this Part take effect 5 days after filing with the Secretary of State under Title 5, section 8056, subsection 1, paragraph B.

Sec. H-17. Effective date. Sections 1 to 15 of this Part take effect October 1, 1996.

PART I

Sec. I-1. 4 MRSA §17, sub-§7, as amended by PL 1993, c. 675, Pt. C, §§5 and 6, is further amended to read:

7. Act as supervisor of fiscal unit. Act as ~~supervisor of the fiscal officer unit~~ supervisor of the courts Administrative Office of the Courts and in so doing ensure that the fiscal unit:

A. ~~Maintain~~ Maintains fiscal controls and accounts of funds appropriated for the Judicial Department;

B. ~~Prepare~~ Prepares all requisitions for the payment of state moneys ~~money~~ appropriated for the maintenance and operation of the Judicial Department;

C. ~~Prepare~~ Prepares budget estimates and submissions of state appropriations necessary for the maintenance and operation of the Judicial Department and ~~make~~ makes appropriate recommendations;

2 D. Collect Collects statistical and other data and make
4 makes reports to the Chief Justice, to the Chief Justice of
the Superior Court and to the Chief Judge of the District
6 Court relating to the expenditures of public money for the
maintenance and operation of the Judicial Department; and

8 E. Develop Develops and implements a uniform set of
accounting and budgetary accounts, based on generally
10 accepted fiscal and accounting procedures, for the Supreme
Judicial Court, for the Superior Court and for the District
12 Court and ~~serve as auditor of the Judicial Department~~;

14 **Sec. I-2. 4 MRSA §18**, as amended by PL 1995, c. 123, §§1 and
2, is repealed.

16 **Sec. I-3. 4 MRSA §18-B** is enacted to read:

18 **§18-B. Court Alternative Dispute Resolution Service**

20 **1. Court Alternative Dispute Resolution Service.** There is
22 established within the Administrative Office of the Courts a
Court Alternative Dispute Resolution Service to provide
24 alternative dispute resolution, referred to in this section as
"ADR," services in the courts throughout the State.

26 **2. ADR providers.** The Judicial Department, through the
28 State Court Administrator or the administrator's designee, shall
contract for the services of qualified persons or organizations
30 to serve as providers of ADR services to parties. The ADR
providers are not employees of the State for any purpose. The
32 ADR providers are entitled to be paid a reasonable per diem fee
plus reimbursement of their actual, necessary and reasonable
34 expenses incurred in the performance of their duties, consistent
36 with policies established by the Administrative Office of the
Courts.

38 **3. Immunity from civil liability.** A person serving as an
ADR provider under contract with the Judicial Department or as
40 the Director of the Court Alternative Dispute Resolution Service
is immune from any civil liability, as are employees of
42 governmental entities, under the Maine Tort Claims Act, for acts
performed within the scope of the provider's or the director's
44 duties.

46 **4. Staff.** With the advice and approval of the Court
Alternative Dispute Resolution Service Committee, the State Court
48 Administrator shall employ or contract with a person to serve as
the Director of the Court Alternative Dispute Resolution
50 Service. The State Court Administrator shall provide other

necessary staff and clerical assistance to the Court Alternative
Dispute Resolution Service, within the limits of funds available.

4 **5. Facilities.** The State Court Administrator shall provide
a principal office for the Court Alternative Dispute Resolution
6 Service and shall arrange for facilities throughout the State as
necessary and adequate for the conduct of ADR sessions, within
8 the limits of funds available.

10 **6. Court Alternative Dispute Resolution Service Committee.**
The Court Alternative Dispute Resolution Service Committee, or
12 "committee," is established to set policy for and monitor the
Court Alternative Dispute Resolution Service. The committee
14 consists of:

16 A. The Chief Justice of the Supreme Judicial Court or a
designee;

18 B. The Chief Justice of the Superior Court or a designee;

20 C. The Chief Judge of the District Court or a designee;

22 D. The State Court Administrator or a designee;

24 E. A Justice of the Superior Court, who is appointed by and
26 serves at the pleasure of the Chief Justice of the Supreme
Judicial Court;

28 F. A Judge of the District Court, who is appointed by and
30 serves at the pleasure of the Chief Justice of the Supreme
Judicial Court; and

32 G. Any additional members appointed by the Chief Justice of
34 the Supreme Judicial Court that the Chief Justice considers
necessary to the committee's operation.

36 **7. Fees.** When a court refers parties to the Court
38 Alternative Dispute Resolution Service, the court shall assess
the parties a fee to be apportioned equally among the parties,
40 unless the court otherwise directs. The fee must be deposited in
the dedicated account created in subsection 8.

42 A party may file an in forma pauperis application for waiver of
44 fee. If the court finds that the party does not have sufficient
funds to pay the fee, it shall order the fee waived.

46 **8. Court Alternative Dispute Resolution Service Fund.** The
48 Court Alternative Dispute Resolution Service Fund is established
as a nonlapsing, dedicated fund within the Administrative Office

of the Courts. Fees collected for ADR services provided pursuant to this section must be deposited in the fund.

Except as otherwise provided in this section, the Administrative Office of the Courts shall use 80% of the resources in the funds from nondesignated cases to cover the costs of providing ADR services as required under this section and shall remit 20% of the resources in the fund to General Fund unappropriated surplus. All funds from cases handled by the Court Alternative Dispute Resolution Service pursuant to Title 38, section 347-A, subsection 4, paragraph E must be used for the costs of providing ADR services as required under this section.

9. Rules. The Supreme Judicial Court shall adopt rules to govern the referral of cases to the Court Alternative Dispute Resolution Service.

Sec. I-4. 4 MRSA §107 is amended to read:

§107. Clerk

The clerk of the judicial courts in any county shall act for each county, the Chief Justice shall appoint a person to serve as the clerk of the Superior Court in each that county. A clerk of a District Court may also serve as the clerk of a Superior Court. Any deputy clerk, if his the deputy's appointment has been temporarily approved by a resident Justice of said the Superior Court then sitting in that county or permanently approved by the Chief Justice of the Supreme-Judicial Superior Court, may, whenever directed by the clerk, act as clerk of the Superior Court at any or-either session thereof in that county.

Sec. I-5. 4 MRSA §153, first ¶, as amended by PL 1989, c. 891, Pt. A, §2, is further amended to read:

The State is divided into 30 29 judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows:

Sec. I-6. 4 MRSA §153, sub-§1, as amended by PL 1979, c. 127, §12, is repealed.

Sec. I-7. 4 MRSA §153, sub-§2, as amended by PL 1971, c. 622, §4-A, is further amended to read:

2. Southern Androscoggin. Southern Androscoggin consists of all municipalities in Androscoggin County not included within the division of Franklin and Northern Androscoggin. The District Court for Southern Androscoggin shall must be held at Lewiston or Auburn, exact site to be determined by the Chief Judge.

Sec. I-8. 4 MRSA §153, sub-§3, as amended by PL 1995, c. 330, §1, is further amended to read:

3. Western Aroostook. Western Aroostook consists of the municipalities and unorganized territory known as Hamlin-Plt., Cyr-Plt., Grand Isle, T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook must be held at Madawaska and Fort Kent. The Chief Judge shall determine the level of service at each location.

Sec. I-9. 4 MRSA §153, sub-§4 is amended to read:

4. Eastern Aroostook. Eastern Aroostook includes the municipalities and unorganized territory known as Limestone, Caribou, Caswell, Connor Township, Cyr Plantation, Hamlin, Washburn, Wade, T13 R5, Van Buren and all municipalities and unorganized territory in Aroostook County lying to the north of these up to the boundary of the division of Western Aroostook. The District Court for Eastern Aroostook shall must be held at Caribou.

Sec. I-10. 4 MRSA § 153, sub-§10, as amended by PL 1973, c. 35, is further amended to read:

10. Franklin and Northern Androscoggin. Franklin and Northern Androscoggin consists of the entire County of Franklin and the municipalities of Leeds, Livermore, Livermore Falls and Turner in the County of Androscoggin. The District Court of for Franklin shall and Northern Androscoggin must be held at Farmington.

Sec. I-11. 4 MRSA §154, sub-§1, as amended by PL 1965, c. 228, §2, is further amended to read:

1. First District. The first district consists of the divisions of Eastern Aroostook (Caribou) and Western Aroostook (Madawaska, Fort Kent and Van-Buren).

Sec. I-12. 4 MRSA §154, sub-§11, as amended by PL 1965, c. 425, §3, is further amended to read:

11. Eleventh District. The 11th district consists of the divisions of Northern Androscoggin (Livermore Falls), Northern Oxford (Rumford) and Southern Oxford (South Paris).

2 **Sec. I-13. 4 MRSA §154, sub-§12**, as amended by PL 1965, c.
3 237, §4, is further amended to read:

4 **12. Twelfth District.** The 12th district consists of the
5 divisions of Somerset (Skowhegan) and Franklin (Farmington) and
6 Northern Androscoggin.

7 **Sec. I-14. 4 MRSA §159**, as amended by PL 1991, c. 549, §1 and
8 affected by §17, is further amended to read:

9 **§159. Clerks; appointment**

10 For each division, for the violations bureau and for the
11 office of the Chief Judge, the Chief Judge shall appoint such
12 clerks and deputy clerks as may be necessary. A clerk of the
13 Superior Court may also serve as the clerk of the District
14 Court. If the business of any division or the violations bureau
15 does not require the full-time service of a clerk, the Chief
16 Judge may appoint a part-time clerk for such that division or
17 violations bureau. Whenever the clerk is unable to perform the
18 duties of that office or so directs, the deputy has all the power
19 and performs all the duties of clerk. Whenever a clerk is absent
20 or temporarily unable to perform the duties as clerk and there is
21 no deputy clerk authorized or available to exercise the powers
22 and perform the duties of clerk and an existing or immediate
23 session of the court renders it necessary, the Chief Judge may
24 designate a clerk pro tempore who has the same powers and duties
25 of the clerk.

26 **Sec. I-15. 4 MRSA §551**, as amended by PL 1985, c. 68, §1, is
27 further amended to read:

28 **§551. Clerks of the judicial courts; appointments**

29 For each county, or if the Supreme Judicial Court shall have
30 has by rule established judicial regions, for each judicial
31 region, the Chief Justice of the Superior Court shall appoint
32 such clerks as may be necessary to serve the Superior Court. A
33 clerk of the District Court may also serve as the clerk of the
34 Superior Court. If the business of any county or judicial region
35 does not require the full-time service of a clerk, the Chief
36 Justice of the Superior Court may appoint a part-time clerk for
37 such that county or region. Whenever a clerk is absent or
38 temporarily unable to perform the duties of clerk and an existing
39 or immediate session of the court renders requires it necessary,
40 the Chief Justice of the Superior Court may designate a clerk pro
41 tempore who shall have has the same powers and duties as the
42 clerk. The clerks of the Superior Court shall also serve in
43 their respective counties or judicial regions as clerks of the
44 Supreme Judicial Court as needed.

2 **Sec. I-16. 38 MRSA §347-A, sub-§4, ¶E**, as enacted by PL 1995,
3 c. 123, §4, is amended to read:

4 E. When the department and the alleged violator can not
5 agree to the terms of a consent agreement and the department
6 elects to bring an enforcement action in District Court
7 pursuant to section 342, subsection 7, the District Court
8 shall refer the parties to mediation if either party
9 requests mediation at or before the time the alleged
10 violator appears to answer the department's complaint. The
11 parties must meet with a mediator appointed by the Court
12 Mediation--Service Court Alternative Dispute Resolution
13 Service created in Title 4, section 18 18-B at least once
14 and try in good faith to reach an agreement. After the
15 first meeting, mediation must end at the request of either
16 party. If the parties have been referred to mediation, the
17 action may not be removed to Superior Court until after
18 mediation has occurred.

19 **Sec. I-17. Transition provisions.**

20 1. The Court Alternative Dispute Resolution Service is the
21 successor in every way to the powers, duties and functions of the
22 former Court Mediation Service.

23 2. All existing rules, regulations and procedures in
24 effect, in operation or promulgated in or by the Court Mediation
25 Service or officers on the effective date of this Part are hereby
26 declared in effect and continue in effect until rescinded,
27 revised or amended by the proper authority.

28 3. All existing contracts, agreements and compacts in
29 effect on the effective date of this Part in the Court Mediation
30 Service continue in effect.

31 4. All records, property and equipment previously belonging
32 to or allocated for the use of the former Court Mediation Service
33 become, on the effective date of this Part, part of the property
34 of the Court Alternative Dispute Resolution Service.

35 5. All existing forms, licenses, letterheads and similar
36 items bearing the name of or referring to the "Court Mediation
37 Service" may be utilized by the Court Alternative Dispute
38 Resolution Service until existing supplies of those items are
39 exhausted.

40 6. The State Court Administrator, immediately upon passage
41 of this Part, shall take all administrative actions necessary to
42 implement within the Judicial Department the appropriation and
43

deappropriation of funds and the other productivity savings and changes required by this Act.

Sec. I-18. Effective date. Sections 6 to 13 of this Part take effect May 1, 1996.

PART J

Sec. J-1. 5 MRSA §940, as amended by PL 1995, c. 418, Pt. A, §39, is further amended to read:

§940. Department of Human Services

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

- A. Deputy Commissioners;
- B. Director, Bureau of Elder and Adult Services;
- C. Director, Bureau of Child and Family Services;
- D. Director, Bureau of Health;
- E. Director, Bureau of Rehabilitation;
- F. Director, Bureau of Family Independence;
- G. ~~Director, State Health Planning and Development Agency;~~
- H. Director, Bureau of Medical Services; and
- I. Assistant Deputy Commissioners; and
- J. Three Regional Executive Managers.

Sec. J-2. 22 MRSA §1, 3rd ¶, as amended by PL 1995, c. 418, Pt. A, §1, is further amended to read:

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department are under the immediate supervision, direction and control of the commissioner. These personnel are employed subject to the Civil Service Law, except the Deputy Commissioner; Director, Bureau of Child and Family Services; Director, Bureau of Elder and Adult

Services; Director, Bureau of Health; Director, Bureau of Family Independence; ~~Director, State Health Planning and Development Agency;~~ Director, Bureau of Medical Services; and Assistant Deputy Commissioners; and 3 Regional Executive Managers.

PART K

Sec. K-1. 2 MRSA §6, sub-§1, as amended by PL 1991, c. 780, Pt. Y, §1, is further amended to read:

1. **Range 91.** The salaries of the following state officials and employees are within salary range 91:

- Commissioner of Transportation;
- Commissioner of Conservation;
- Commissioner of Administrative and Financial Services;
- Commissioner of Education;
- Commissioner of Environmental Protection;
- Commissioner of Human Services;
- Commissioner of Mental Health and, Mental Retardation and Substance Abuse Services;
- Commissioner of Public Safety;
- Commissioner of Professional and Financial Regulation;
- Commissioner of Labor;
- Commissioner of Agriculture, Food and Rural Resources;
- Commissioner of Inland Fisheries and Wildlife;
- Commissioner of Marine Resources;
- Commissioner of Corrections; and
- Commissioner of Economic and Community Development.

Sec. K-2. 2 MRSA §6, sub-§2, as repealed and replaced by PL 1995, c. 502, Pt. F, §1, is repealed and the following enacted in its place:

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

4 Superintendent of Banking;

6 State Tax Assessor;

8 Superintendent of Insurance;

10 Associate Commissioner for Programs, Department of Mental
12 Health, Mental Retardation and Substance Abuse Services;

14 Associate Commissioner of Administration, Department of
16 Mental Health, Mental Retardation and Substance Abuse
18 Services;

20 Associate Commissioner for Systems Operations, Department of
22 Mental Health, Mental Retardation and Substance Abuse
24 Services;

26 Deputy Commissioner, Department of Administrative and
28 Financial Services;

30 Associate Commissioner for Adult Services, Department of
32 Corrections; and

34 Associate Commission for Juvenile Services, Department of
36 Corrections.

38 **Sec. K-3. 5 MRSA §12004-G, sub-§28,** as amended by PL 1993, c.
40 360, Pt. A, §1, is further amended to read:

32	28.	Region II III Expenses	34-B MRSA
34	Mental Health	Crisis In- Only	@3624
36	and, Mental	tervention	
38	Retardation	Program	
	and Substance	Advisory	
	Abuse Services	Board	

40 **Sec. K-4. 18-A MRSA §5-601, sub-§(b),** as amended by PL 1993,
42 c. 410, Pt. CCC, §4, is further amended to read:

44 (b) ~~The Division-of-Mental-Retardation Department of Mental~~
46 Health, Mental Retardation and Substance Abuse Services shall act
48 as the public guardian or conservator for ~~mentally--retarded~~
persons with mental retardation and the Department of Human
Services shall act as the public guardian or conservator for
other incapacitated persons in need of protective services.

2 **Sec. K-5. 18-A MRSA §5-606, sub-§(a),** as amended by PL 1993, c.
4 410, Pt. CCC, §5, is further amended to read:

6 (a) ~~When the Division-of-Mental-Retardation Department of~~
8 Mental Health, Mental Retardation and Substance Abuse Services is
10 appointed public guardian or conservator of a ~~mentally-retarded~~
12 person with mental retardation, the authority of the public
guardian or conservator must be exercised by the Commissioner of
14 ~~the--Department--of~~ Mental Health and, Mental Retardation and
16 Substance Abuse Services and by any persons duly delegated by the
18 commissioner to exercise such authority.

20 **Sec. K-6. 18-A MRSA §5-613, sub-§(1),** as amended by PL 1993, c.
22 410, Pt. CCC, §6, is further amended to read:

24 (1) ~~Whenever~~ When the following occur, the costs of the
26 guardian ad litem, or any other special costs, may be paid by the
28 ~~Division--of--Mental--Retardation Department of Mental Health,~~
30 Mental Retardation and Substance Abuse Services, within the
32 limits of the ~~division's~~ department's budget, if the person
involved is mentally retarded, and ~~the costs~~ may, in all other
34 cases, be paid by the Department of Human Services, within the
36 limits of the department's budget:

38 (a) An allegedly incapacitated person is in need of
40 protective services and:

42 (1) A guardian ad litem is appointed under the
44 provisions of this Code; or

46 (2) A court incurs special costs in a proceeding
48 concerning such a person; and

(b) Appointment of a public guardian or conservator is
sought or the allegedly incapacitated person, within 3
months prior to the filing of the petition:

(1) Is or has been a client of the ~~Division-of-Mental~~
Retardation Department of Mental Health, Mental
Retardation and Substance Abuse Services;

(2) Is or has been a client of the Department of Human
Services; or

(3) Has received services from a worker from the
~~Division--of--Mental--Retardation Department of Mental~~
Health, Mental Retardation and Substance Abuse Services
or the Department of Human Services.

2 Sec. K-7. 34-B MRSA is amended by repealing the title
3 headnote and enacting the following in its place:

4 TITLE 34-B

6 MENTAL HEALTH, MENTAL RETARDATION AND
7 SUBSTANCE ABUSE SERVICES

8 Sec. K-8. 34-B MRSA §1001, sub-§2, as amended by PL 1993, c.
10 410, Pt. CCC, §9, is further amended to read:

12 2. Client. "Client" means a person receiving services from
14 the department, ~~from the Division of Mental Health, from the~~
16 ~~Division of Mental Retardation,~~ from any state institution or
from any agency licensed or funded to provide services falling
under the jurisdiction of the department.

18 Sec. K-9. 34-B MRSA §1001, sub-§3, as enacted by PL 1983, c.
20 459, §7, is amended to read:

22 3. Commissioner. "Commissioner" means the Commissioner of
24 Mental Health and Mental Retardation and Substance Abuse
26 Services or his commissioner's designee, except that when the
term "commissioner and only the commissioner" is used, the term
applies only to the person appointed Commissioner of Mental
Health and Mental Retardation and Substance Abuse Services and
not to any designee.

28 Sec. K-10. 34-B MRSA §1001, sub-§8, ¶F, as enacted by PL 1983,
30 c. 459, §7, is repealed.

32 Sec. K-11. 34-B MRSA §1001, sub-§8, ¶G is enacted to read:

34 G. Bath Children's Home. This paragraph is repealed July
36 1, 1996.

38 Sec. K-12. 34-B MRSA §1201-A, sub-§§1 to 3, as enacted by PL
1991, c. 781, Pt. D, §2 and affected by §4, are amended to read:

40 1. Region I. Region I is all of Aroostook York County and
42 all of Cumberland County.

44 2. Region II. Region II is all of Piscataquis County,
Penobscot County, Hancock County and Washington County Franklin
46 County, Oxford County, Androscoggin County, Somerset County,
Kennebec County, Waldo County, Knox County, Lincoln County and
48 Sagadahoc County.

2 3. Region III. Region III is all of Somerset County,
Kennebec County, Waldo County, Knox County, Lincoln County and
4 Sagadahoc County and that portion of Cumberland County that
6 includes the municipalities of Brunswick, Freeport and Harpswell
Piscataquis County, Penobscot County, Hancock County, Washington
County and Aroostook County.

8 Sec. K-13. 34-B MRSA §1201-A, sub-§§4 and 5, as enacted by PL
10 1991, c. 781, Pt. D, §2 and affected by §4, are repealed.

12 Sec. K-14. 34-B MRSA §1204, sub-§2, ¶B, as amended by PL 1995,
c. 395, Pt. C, §4, is further amended to read:

14 B. The commissioner may appoint and set the salaries for an
16 associate commissioner for programs and, an associate
18 commissioner for administration and an associate
commissioner for systems operations to assist in carrying
out the responsibilities of the department.

20 (1) Each appointment must be for an indeterminate term
22 and until a successor is appointed and qualified or
during the pleasure of the commissioner.

24 (3) To be eligible for appointment as associate
26 commissioner for administration, a person must have
training and experience in general management.

28 (4) To be eligible for appointment as associate
30 commissioner for programs, a person must have training
and experience in the planning and administration of
human services.

32 (5) To be eligible for appointment as associate
34 commissioner for systems operations, a person must have
36 training and experience in general management or
administration.

38 Sec. K-15. 34-B MRSA §1204, sub-§2, ¶C, as amended by PL 1993,
40 c. 410, Pt. CCC, §11 and PL 1995, c. 395, Pt. G, §11 and affected
by §20, is repealed and the following enacted in its place:

42 C. The commissioner shall appoint the following officials
44 to serve at the commissioner's pleasure:

46 (1) Associate Commissioners;

48 (2) Superintendent, Augusta Mental Health Institute;

(3) Superintendent, Bangor Mental Health Institute;

2 (4) Superintendent, Pineland Center;

4 (5) Director, Mental Retardation Facility;

6 (6) Director, Elizabeth Levinson Center;

8 (7) Assistant to the Commissioner for Public
10 Information;

12 (8) Assistant to the Commissioner;

14 (9) Director, Bath Children's Home. This subparagraph
16 is repealed on July 1, 1996;

18 (10) Regional Directors; and

20 (11) Director, Office of Substance Abuse.

22 The Director of the Office of Substance Abuse must be
24 reviewed by the joint standing committee of the Legislature
26 having jurisdiction over human resource matters prior to
28 taking office.

30 **Sec. K-16. 34-B MRSA §1204, sub-§3, ¶¶A and B,** as enacted by
32 PL 1983, c. 459, §7, are amended to read:

34 A. The commissioner may delegate powers and duties given
36 under this Title to the associate commissioners, ~~--bureau~~
38 ~~directors~~ and chief administrative officers of state
40 institutions.

42 B. The commissioner may empower the associate
44 commissioners, ~~--bureau--directors~~ and chief administrative
46 officers of state institutions to further delegate powers
48 and duties delegated to them by the commissioner.

50 **Sec. K-17. 34-B MRSA §1204, sub-§8,** as enacted by PL 1989, c.
933, §2, is amended to read:

8. **Physicians.** Employees Department employees in the
classifications of physician I, II and III ~~within the Department~~
~~of Mental Health and Mental Retardation~~ are unclassified state
employees, as defined by Title 26, section 979-A, subsection 6,
and are members of bargaining units, subject to Title 26, chapter
9-B. An employee in any of these classifications shall ~~shall~~ **must**, as
a condition of continued employment, maintain necessary clinical
privileges to practice medicine in that employee's position as
determined by the respective medical staff and the superintendent
of the facility. Any termination of employment due to a loss of

clinical privileges to practice medicine as referenced under this
paragraph is not subject to the grievance procedure under any
collective bargaining agreement.

Sec. K-18. 34-B MRSA §1205, sub-§1, as amended by PL 1989, c.
731, §1, is further amended to read:

1. **Establishment.** The Office of Advocacy is established
within the Office of Advocacy and Consumer Affairs of the
department solely to investigate the claims and grievances of
clients of the department, to investigate with the Department of
Human Services, as appropriate, all allegations of adult and
child abuse in state institutions and to advocate on behalf of
clients for compliance by any institution, other facility or
agency administered, licensed or funded by the department with
all laws, administrative rules and institutional and other
policies relating to the rights and dignity of clients.

Sec. K-19. 34-B MRSA §1207, sub-§5, ¶D, as enacted by PL 1993,
c. 593, §1, is amended to read:

D. By September 1, 1994, the department shall adopt rules
to implement this subsection. The rules must include, but
are not limited to, an appeal process for persons who are
denied access to information under paragraph B. The appeal
process must determine whether the person requesting
information is a person who lives with or provides direct
care to a client, whether disclosure of the information is
in the best interest of the client and whether denial of
access to the information will result in significant
deterioration in the client's daily functioning. The
commissioner shall appoint an advisory committee pursuant to
Title 5, section 12002, subsection 1, paragraph A to assist
the department in the development of the rules. The members
of the advisory committee are not entitled to reimbursement
for expenses or legislative per diem. The advisory
committee must include, but is not limited to, proportionate
representation from each of the following:

- (1) Consumers nominated by the Director of the Office
of Advocacy and Consumer Affairs;
- (2) Members of the statewide alliance for the mentally
ill;
- (3) Mental health service providers; and
- (4) The protection and advocacy agency designated
pursuant to Title 5, section 19502.

2 **Sec. K-20. 34-B MRSA §1208, sub-§4**, as amended by PL 1989, c.
41, is further amended to read:

4 **4. Payment for state agency clients.** The commissioner
shall authorize payment of approved mental health treatment costs
6 for state agency clients who are placed for educational purposes
with ~~the recommendation of an employee of the Bureau of Children~~
8 ~~with Special Needs~~ in an in-state residential treatment center,
as identified in Title 20-A, section 1, subsection 24-A,
10 paragraph D, subparagraph (3), to the extent of the amount of
funds appropriated by the Legislature for this purpose; and may
12 authorize payment of mental health treatment costs for similar
placements in out-of-state residential placements on a
14 case-by-case basis, within the limits of available funds. The
commissioner shall further authorize payment of approved board
16 and care and mental health treatment costs for state agency
clients who are placed for other than educational purposes with
18 ~~the recommendation of an employee of the Bureau of Children with~~
~~Special Needs~~ in any residential placement, as defined in Title
20-A, section 1, subsection 24-A, to the extent of the funds
22 appropriated by the Legislature for this purpose. ~~In no event may~~
~~payments which~~ Payments that the commissioner is required to
24 authorize under this section may not exceed the funds
appropriated by the Legislature for the purposes referred to in
26 this subsection. Payment from these funds shall must be made
only when other appropriate state or federal funds to which the
28 department has access have been exhausted.

30 **Sec. K-21. 34-B MRSA §1208-A, sub-§2**, as enacted by PL 1993,
c. 737, §3, is amended to read:

32 **2. Performance-based contract.** The commissioner shall
ensure that any agreement with the board of the regional
34 authority for the former Region V established pursuant to Public
Law 1991, chapter 781, Part C entered into on or after July 1,
36 1994 is a performance-based contract. The commissioner shall
ensure that all agreements to purchase human services entered
38 into on or after July 1, 1997 are performance-based contracts.

40 **Sec. K-22. 34-B MRSA §1216, sub-§1**, as amended by PL 1995, c.
127, §1, is further amended to read:

42 **1. Responsibilities.** The Consumer Advisory Board, as
44 established by the community consent decree, Consumer Advisory
Board et al. v. Glover, No. 91-321-P-C (D. Me., September 28,
46 1994), functions as an independent oversight body that carries
out responsibilities pursuant to this section, the consent decree
48 and subsequent agreements approved by the United States District
Court for the District of Maine. The Consumer Advisory Board may
50 review alleged abuse, exploitation or neglect or an alleged

dehumanizing practice or violation of rights of any ~~client of the~~
2 ~~Division of Mental Retardation~~ person with mental retardation or
autism who is a client of the department. The Consumer Advisory
4 Board shall promote the normalization and habilitation of persons
with mental retardation or autism.

6 **Sec. K-23. 34-B MRSA §1216, sub-§3**, as enacted by PL 1995, c.
127, §1, is amended to read:

8 **3. Access to information.** With regard to any institution,
10 facility, agency or other provider serving ~~clients of the~~
~~Division of Mental Retardation~~ persons with mental retardation or
12 autism who are clients of the department or when any ~~client of~~
~~the division~~ such person resides or participates in work or in a
14 program in an institution, facility, agency or other provider,
the Consumer Advisory Board members and staff must be given
16 direct access to all living, work and program areas and to all
living, work and program area records, including, but not limited
18 to, records related to any personal planning process, and must be
given access to the personnel, but not personnel records. The
20 chief advocate of the ~~Department of Mental Health and Mental~~
~~Retardation~~ department may release to the Consumer Advisory Board
22 information pertaining to alleged abuse, exploitation or neglect
or an alleged dehumanizing practice or violation of rights of a
24 person with mental retardation or autism. The Consumer Advisory
Board shall keep any confidential information disclosed to it or
26 discovered by it confidential, as required by section 1207.

28 **Sec. K-24. 34-B MRSA §1218, sub-§§1 and 2**, as enacted by PL
30 1993, c. 519, §1, are amended to read:

32 **1. Mental health services.** The ~~Division of Mental Health~~
~~department~~ shall provide accommodations and services for persons
34 who are deaf or hard-of-hearing in order to provide access to
mental health programs funded or licensed by the ~~division~~
36 ~~department~~. These accommodations must include, but are not
limited to, the following:

- 38
- 40 A. Appropriate mental health assessments for clients who
are deaf or hard-of-hearing;
 - 42 B. Provision of interpreter services for treatment;
 - 44 C. Educational and training for mental health staff
46 providing treatment to persons who are deaf or
hard-of-hearing;
 - 48 D. Placement of telecommunication devices for persons who
are deaf or hard-of-hearing in comprehensive community
50 mental health facilities;

2 E. Support and training for families with members who are
4 deaf or hard-of-hearing who experience mental health
6 problems; and

8 F. Establishment of a therapeutic residence program for
10 persons who are deaf or hard-of-hearing and in need of
12 residential mental health treatment. The therapeutic
14 residence program must be operated in conjunction with
16 existing rehabilitation, education, mental health treatment
18 and housing resources. The therapeutic residence program
20 must be staffed by individuals trained in mental health
22 treatment and proficient in communication for the deaf.

24 **2. Mental retardation services.** The ~~Division-of-Mental~~
26 ~~Retardation department~~ shall provide accommodations and services
28 ensuring access for persons who are deaf or hard-of-hearing to
30 mental retardation programs funded or licensed by the ~~division~~
32 ~~department~~. These accommodations and services must include, but
34 are not limited to, the following.

36 A. The ~~Division-of-Mental-Retardation department~~ shall
38 ensure the provision of appropriate assessments for clients
40 who are deaf or hard-of-hearing. Assessments must be
42 performed by a person who is proficient in American Sign
44 Language and must include an assessment of mental
46 retardation and an assessment of communication skills,
48 including the capacity to communicate using American Sign
50 Language. The ~~division department~~ shall survey the client
population to determine which clients are deaf or
hard-of-hearing.

B. For purposes of treatment, the ~~Division-of-Mental~~
~~Retardation department~~ shall ensure the provision of
interpreter services by a person proficient in American Sign
Language.

C. The ~~Division-of-Mental-Retardation department~~ shall
ensure that mental retardation staff providing direct
services to persons who are deaf or hard-of-hearing have
education and training in American Sign Language and deaf
culture.

D. The ~~Division-of-Mental-Retardation department~~ shall
provide for the placement in comprehensive community mental
retardation facilities of telecommunication devices for
persons who are deaf or hard-of-hearing.

E. The ~~Division-of-Mental-Retardation department~~ shall
ensure the provision of support and training for families

2 with members with mental retardation who are deaf or
4 hard-of-hearing.

6 F. The ~~Division-of-Mental-Retardation department~~ shall
8 establish therapeutic residence options for persons with
10 mental retardation who are deaf or hard-of-hearing and in
12 need of a residence. The therapeutic residences must be
14 operated in conjunction with existing rehabilitation,
16 education, mental retardation treatment and housing
18 resources. The therapeutic residences must be staffed by
20 individuals trained in mental retardation treatment and
22 proficient in American Sign Language. Therapeutic residence
24 options must be flexible and allow for individual choice.

26 G. The ~~Division-of-Mental-Retardation department~~ shall
28 designate in each regional office one staff person who is
30 responsible for the coordination of deaf services in that
32 office. The ~~division department~~ shall provide ongoing
34 training to regional office staff with the goal of having at
36 least one person in each regional office who is proficient
38 in American Sign Language.

40 **Sec. K-25. 34-B MRSA §1401, sub-§1, ¶B,** as amended by PL 1993,
42 c. 667, §2, is further amended to read:

44 B. The Chief Administrative Officer of the Bangor Mental
46 Health Institute ~~reports---directly---to,~~ the Chief
48 Administrative Officer of the Augusta Mental Health
50 Institute, ~~---who---in---turn---reports---directly---to---the~~
~~commissioner,---The and the~~ Chief Administrative Officer of
the Aroostook Residential Center ~~reports report~~ directly to
the ~~Chief-Administrative-Officer-of-the-Pine-land-Center,---who~~
~~in-turn-reports-directly-to-the~~ commissioner.

52 **Sec. K-26. 34-B MRSA §1401, sub-§1, ¶B,** as amended by PL 1995,
54 c. 395, Pt. G, §12 and affected by §20, is further amended to
56 read:

58 B. The Chief Administrative Officer of the Bangor Mental
60 Health Institute ~~reports---directly---to,~~ the Chief
62 Administrative Officer of the Augusta Mental Health
64 Institute, ~~---who---in---turn---reports---directly---to---the~~
~~commissioner,---The and the~~ Chief Administrative Officer of
66 the Aroostook Residential Center ~~reports report~~ directly to
68 the commissioner, ~~or-the-commissioner's-designee.~~

70 **Sec. K-27. 34-B MRSA §1402,** as enacted by PL 1983, c. 459,
§7, is amended to read:

§1402. Community services

2 1. **Commissioner's duty.** In every state institution to
4 which a ~~mentally-ill-or-mentally-retarded~~ person with mental
6 illness or mental retardation may be committed, the commissioner
8 shall organize and administer ~~under his direction a bureau for~~
10 ~~community service in the district served by the institution~~ the
12 duties set forth in subsection 2.

14 2. **Duties.** ~~Each bureau for community service~~ The
16 department shall:

18 A. Supervise clients who have left the institution with a
20 view to their safe care at home, suitable employment and
22 self-support under good working and living conditions, and
24 with a view to prevention of their relapse and return to
26 public dependency;

28 B. Provide for informing and advising any indigent person,
30 his ~~that person's~~ relatives or friends and the
32 representatives of any charitable agency as to:

- 34 (1) The mental condition of the indigent person;
- 36 (2) The prevention and treatment of the condition;
- 38 (3) The available institutions or other means of
40 caring for the afflicted person; and
- 42 (4) Any other matter relative to the welfare of the
44 person; and

46 C. Acquire and disseminate knowledge of mental disease,
48 mental retardation and allied conditions with a view to
50 promoting a better understanding and the most enlightened
public sentiment and policy in these matters, and in this
work the bureau department may cooperate with local
authorities, schools and social agencies.

Sec. K-28. 34-B MRSA §1602, first ¶, as enacted by PL 1989, c.
591, §4, is amended to read:

The Commissioner of Mental Health and, Mental Retardation,
~~or the commissioner's designee, and Substance Abuse Services~~
shall negotiate with officials of the a municipality in which
state institutions for both juveniles and adults constructed
after the effective date of this section are located to provide
state reimbursement to that municipality for the net increased
costs that a new state institution imposes on that municipality.
Negotiations shall ~~may~~ commence only upon request of municipal
officials and only within 6 months after the net increased costs

arise. As used in this section, unless the context otherwise
indicates, the following terms have the following meaning
meanings:

Sec. K-29. 34-B MRSA §1803, as enacted by PL 1991, c. 316,
§2, is amended to read:

§1803. Family support policy coordination

With the assistance and advice of the councils established
in sections 1804 and 1805, the commissioner shall coordinate the
development and implementation of consistent family support
policies and services ~~among the department's bureaus.~~ The
commissioner shall assign at least one person from each bureau
region to carry out the duties of this subchapter. The duties
include but are not limited to the following.

1. **Resource allocation.** Those persons assigned by the
commissioner under this section shall make recommendations to the
commissioner regarding the allocation or reallocation of family
support resources ~~among the bureaus.~~

2. **Policy development and implementation.** Those persons
assigned by the commissioner under this section shall develop and
implement a coordinated family support policy ~~that is consistent~~
~~among the bureaus.~~

~~3. Service coordination and monitoring. These persons~~
~~assigned by the commissioner under this section shall oversee~~
~~service coordination for families who are served by more than one~~
~~bureau and shall resolve interbureau disagreements.~~

4. **Liaison to other departments.** Those persons assigned by
the commissioner under this section shall serve as the
department's liaison to other departments when a family is served
by more than one department.

Sec. K-30. 34-B MRSA c. 3, sub-c. I is amended by repealing the
subchapter headnote and enacting the following to read:

SUBCHAPTER I

MENTAL HEALTH SERVICES

Sec. K-31. 34-B MRSA §3001, as amended by PL 1993, c. 410,
Pt. CCC, §15, is further amended to read:

§3001. General

~~There is established within the~~ The Department of Mental Health and Mental Retardation ~~the Division of Mental Health, which and Substance Abuse Services~~ is responsible for the direction of the mental health programs in the state institutions and for the promotion and guidance of mental health programs within the communities of the State.

Sec. K-32. 34-B MRSA §3003, sub-§3, as enacted by PL 1983, c. 459, §7, is amended to read:

3. **Public hearing.** The ~~director~~ commissioner shall hold a public hearing before adopting these rules and shall give notice of the public hearing pursuant to the Maine Administrative Procedure Act, Title 5, section 8053.

Sec. K-33. 34-B MRSA §3004, as amended by PL 1993, c. 410, Pt. CCC, §18, is further amended to read:

§3004. Community Support Systems

1. **Definition.** As used in this section, unless the context otherwise indicates, the term "community support system" means the entire complex of mental health, rehabilitative, residential and other support services in the community to ensure community integration and the maintenance of a decent quality of life for persons with chronic mental illness.

2. **General policy.** ~~There is created within the Division of Mental Health the Office of Community Support Systems to~~ The department shall develop programs to:

A. Promote and support the development and implementation of comprehensive community support systems to ensure community integration and the maintenance of a decent quality of life for persons with chronic mental illness in each of the mental health service areas in the State; and

B. Strengthen the capacity of families, natural networks, self-help groups and other community resources in order to improve the support for persons with chronic mental illness.

3. **Duties.** The ~~Office of Community Support Systems~~ department shall:

A. Provide technical assistance for program development, promote effective coordination with health and other human services and develop new resources in order to improve the availability and accessibility of comprehensive community support services to persons with chronic mental illness;

B. Assess service needs, monitor service delivery related to these needs and evaluate the outcome of programs designed to meet these needs in order to enhance the quality and effectiveness of community support services;

C. Prepare a report which that describes the system of community support services in each of the mental health service regions and statewide.

(1) The report shall must include both existing service resources and deficiencies in the system of services.

(2) The report shall must include an assessment of the roles and responsibilities of mental health agencies, human services agencies, health agencies and involved state departments and shall must suggest ways in which these agencies and departments can better cooperate to improve the service system for people with chronic mental illness.

(3) The report shall must be prepared biennially and shall must be submitted to the joint standing committee of the Legislature having jurisdiction over human resources by December 15th of every even-numbered year.

(4) The committee shall review the report and make recommendations with respect to administrative and funding improvements in the system of community support services to persons with chronic mental illness; and

D. Participate in the coordination of services for persons with chronic mental illnesses with local transitional services coordination projects for handicapped youth, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project.

Sec. K-34. 34-B MRSA §3007, as amended by PL 1993, c. 410, Pt. CCC, §20, is further amended to read:

§3007. Teenage Suicide Prevention Program

The ~~division~~ department shall, in cooperation with the Department of Education, the Department of Human Services and the "local action councils" funded in Public Law 1987, chapter 349, Part A under the heading "Human Services, Department of," develop a teenage suicide prevention strategy and a model suicide prevention program to be presented in the secondary schools of the State. Development of such a program must include

preparation of relevant educational materials that must be distributed in the schools.

Sec. K-35. 34-B MRSA §3202, sub-§4, ¶A and B, as repealed and replaced by PL 1993, c. 410, Pt. CCC, §22, is amended to read:

A. The Superintendent of the Bangor Mental Health Institute has general superintendence of the Bangor Mental Health Institute and its grounds under the direction of the ~~Superintendent of the Augusta Mental Health Institute~~, commissioner and shall receive all persons legally sent to the Bangor Mental Health Institute who are in need of special care and treatment, if accommodations permit.

B. The Superintendent of the Augusta Mental Health Institute has general superintendence of the Augusta Mental Health Institute and its grounds ~~and of the Division of Mental Health~~ under the direction of the commissioner and shall receive all persons legally sent to the Augusta Mental Health Institute who are in need of special care and treatment, if accommodations permit.

Sec. K-36. 34-B MRSA §3624, as enacted by PL 1993, c. 360, Pt. A, §2, is amended to read:

§3624. Region III Crisis Intervention Program Advisory Board

1. Definition. As used in this section, "program" means the crisis intervention program established pursuant to section 3621.

2. Purpose. The Region ~~II~~ III Crisis Intervention Program Advisory Board, as established by Title 5, section 12004-G, subsection 28, advises the program.

3. Members. The board consists of 12 members as follows:

A. The superintendent of the Bangor Mental Health Institute, or the superintendent's designee;

B. The chief executive officer of the hospital that participates in the program, or the chief executive officer's designee;

C. The director of community support services for the community mental health center serving Region ~~II~~ III;

D. An individual providing services to persons who are homeless in Region ~~II~~ III, appointed by the commissioner;

E. Four consumers or family members of consumers nominated by the Alliance for the Mentally Ill of Maine and appointed by the commissioner. Members appointed under this paragraph must represent a geographical balance within Region ~~II~~ III;

F. One private mental health practitioner and 2 consumers of services for the mentally ill selected by a majority of the other members; and

G. The coordinator of the project, who is an ex officio member who may vote only in case of a tie.

Sec. K-37. 34-B MRSA §3863, sub-§4, ¶B, as repealed and replaced by PL 1989, c. 568, §§1 and 3, is amended to read:

B. The Department of Mental Health ~~and~~ Mental Retardation ~~shall be~~ and Substance Abuse Services is responsible for any transportation expenses under this section, including return from the hospital if admission is declined. The department shall utilize any 3rd-party payment sources ~~which~~ that are available.

Sec. K-38. 34-B MRSA §5001, sub-§1-A, as enacted by PL 1993, c. 410, Pt. CCC, §24, is repealed.

Sec. K-39. 34-B MRSA §5001, sub-§5, as amended by PL 1993, c. 410, Pt. CCC, §25, is further amended to read:

5. Region. "Region" means any of the regions established by the ~~division~~ department.

Sec. K-40. 34-B MRSA §5001, sub-§7, as amended by PL 1993, c. 410, Pt. CCC, §25, is further amended to read:

7. Ward. "Ward" means a person for whom the ~~division~~ department has been duly appointed guardian under Title 18-A, article V, Part 6.

Sec. K-41. 34-B MRSA §5003, sub-§2, as amended by PL 1993, c. 410, Pt. CCC, §26, is further amended by amending the first paragraph to read:

2. Responsibilities of the department. To facilitate the development of a system that meets the needs of ~~mentally-retarded~~ persons with mental retardation, the commissioner, ~~through the division~~, shall:

Sec. K-42. 34-B MRSA §5003, sub-§2, ¶A, as amended by PL 1993, c. 410, Pt. CCC, §26, is further amended to read:

2 A. Provide a mechanism for the identification, evaluation,
treatment and reassessment of and the provision of services
4 to ~~mentally-retarded~~ persons with mental retardation,
including an habilitation program for every client served by
6 the ~~division department~~;

8 **Sec. K-43. 34-B MRSA §5003, sub-§2, ¶G**, as amended by PL 1993,
c. 410, Pt. CCC, §26, is further amended to read:

10 G. Encourage other departments to provide to ~~mentally~~
~~retarded~~ persons with mental retardation those services that
12 are required by law, and in particular:

14 (1) The commissioner shall work actively to ensure
that ~~mentally-retarded-clients~~ persons with mental
16 retardation, as provided for in Title 20-A, chapter
303, receive educational and training services
18 beginning at 5 years of age regardless of the degree of
retardation or accompanying disabilities or handicaps;

20 (2) The commissioner shall advise the Department of
22 ~~Mental-Health-and-Mental-Retardation~~ Human Services
about standards and policies pertaining to
24 administration, staff, quality of care, quality of
treatment, health and safety of clients, rights of
26 clients, community relations and licensing procedures
and other areas that affect ~~mentally-retarded~~ persons
28 with mental retardation residing in facilities licensed
by the Department of Human Services; and

30 (3) The commissioner shall inform the joint standing
32 committee of the Legislature having jurisdiction over
human resources matters about areas where increased
34 cooperation by other departments is necessary in order
to improve the delivery of services to ~~mentally~~
36 ~~retarded~~ persons with mental retardation; and

38 **Sec. K-44. 34-B MRSA §5003, sub-§2, ¶H**, as amended by PL 1993,
c. 410, Pt. CCC, §26, is further amended to read:

40 H. Report annually to the joint standing committee of the
42 Legislature having jurisdiction over human resources matters
on the activities of the Consumer Advisory Board established
44 by the ~~Pineland Consent Decree~~ community consent decree to
oversee compliance with the terms of that decree. The
46 commissioner or the commissioner's designee shall appear in
person before the committee and shall provide the committee
48 with the most recent annual audit of decree standards and
the corrective action plans required by the audit. The
50 members of the Consumer Advisory Board may attend the

2 commissioner's presentation and provide an independent
report of its activities to the committee.

4 **Sec. K-45. 34-B MRSA §5003, sub-§3**, as amended by PL 1993, c.
410, Pt. CCC, §27, is further amended by amending the first
6 paragraph to read:

8 **3. Plan.** The commissioner, ~~through the division~~, shall
prepare a plan, subject to the following provisions.

10 **Sec. K-46. 34-B MRSA c. 5, sub-c. II** is amended by repealing the
12 subchapter headnote and enacting the following in its place:

14 **SUBCHAPTER II**

16 **MENTAL RETARDATION SERVICES**

18 **Sec. K-47. 34-B MRSA §5201**, as amended by PL 1993, c. 738,
Pt. E, §1 and affected by §6, is further amended to read:

20 **§5201. Duties**

22 ~~There is established within the Department of Mental Health~~
~~and Mental Retardation the Division of Mental Retardation, which~~
24 The Department of Mental Health, Mental Retardation and Substance
Abuse Services is responsible for:

26 **1. Institutional programs.** The supervision of adult mental
retardation programs in the state institutions;

30 **2. Statewide system.** The planning, promotion, coordination
and development of a complete and integrated statewide system of
32 mental retardation services for adults;

34 **3. Liaison.** Serving as liaison, coordinator and consultant
to the several state departments in order to develop the
36 statewide system of mental retardation services;

38 **4. Community-based services.** Ensuring that adults with
mental retardation residing in community residential facilities,
40 including nursing homes, boarding homes, foster homes, group
homes or halfway houses licensed by the Department of Human
42 Services are provided, insofar as possible, with residential
accommodations and access to habilitation services appropriate to
44 their needs; and

46 **5. Protective and supportive services.** Providing
48 protective and supportive services, in accordance with section

2 5203, to incapacitated persons who, with some assistance, are
3 capable of living and functioning in society.

4 **Sec. K-48. 34-B MRSA §5203, sub-§1**, as amended by PL 1993, c.
5 410, Pt. CCC, §30, is further amended to read:

6 **1. Department authority.** The ~~division~~ **department** may
7 provide protective or supportive services in response to
8 complaints concerning, and requests for assistance from or on
9 behalf of, all incapacitated persons, under the following
10 conditions.

11 **A.** Except for seeking the appointment of a guardian,
12 protective or supportive services may be initiated only:

13 (1) With the acquiescence of the incapacitated person;
14 and

15 (2) After consultation, insofar as possible, with the
16 family or the guardian of the incapacitated person.

17 **B.** The role of the ~~division~~ **department** must be primarily
18 that of supervision and coordination.

19 **Sec. K-49. 34-B MRSA §5203, sub-§2**, as amended by PL 1993, c.
20 410, Pt. CCC, §30, is further amended to read:

21 **2. Payment for services.** Payment for services under this
22 section is governed as follows.

23 **A.** The ~~division~~ **department** may pay for protective and
24 supportive services to incapacitated persons from its own
25 resources, by mobilizing available community resources or by
26 purchase of services from voluntary or state agencies.

27 **B.** To the extent that assets are available to incapacitated
28 persons or wards, the cost of services must be borne by the
29 estate of persons receiving the services.

30 **C.** The department, ~~through the division and its other~~
31 ~~agents,~~ may receive as payee any benefits from social
32 security, veterans' administration, railroad retirement or
33 any other like benefits paid on behalf of any incapacitated
34 person, and shall apply those benefits toward the care and
35 treatment of the incapacitated person.

36 **D.** The department, ~~through the division and its other~~
37 ~~agents,~~ may operate an adaptive equipment program.
38 Reimbursement for materials utilized in the manufacture of

2 this equipment may be received and must be retained for use
3 within the adaptive equipment program.

4 **Sec. K-50. 34-B MRSA §5203, sub-§3**, as amended by PL 1993, c.
5 410, Pt. CCC, §30, is further amended to read:

6 **3. Rules.** Adoption, amendment and appeal of rules under
7 this section are governed as follows.

8 **A.** The ~~division~~ **department** shall adopt, and may amend or
9 repeal, rules governing the administration of this section,
10 in accordance with the Maine Administrative Procedure Act,
11 Title 5, chapter 375.

12 **B.** The ~~division~~ **department** shall hold a public hearing
13 before adopting, amending or repealing the rules, and shall
14 give notice of the public hearing in accordance with the
15 Maine Administrative Procedure Act, Title 5, chapter 375.

16 **Sec. K-51. 34-B MRSA §5205**, as amended by PL 1993, c. 410,
17 Pt. CCC, §32, is further amended to read:

18 **§5205. Payment of burial expenses for state wards**

19 The department shall pay burial expenses for deceased
20 persons who ~~die~~ **died** while wards of the ~~division~~ **department** as
21 defined in section 5001, subsection 7, and who have no known
22 survivors. The department may first apply to the cost of burial
23 any funds that are available as part of a mortuary trust or any
24 other funds of the ward remaining at the time of the ward's death
25 that are available for this purpose.

26 **Sec. K-52. 34-B MRSA §5403, sub-§2, ¶A**, as enacted by PL 1983,
27 c. 459, §7, is amended to read:

28 **A.** The commissioner shall, with the advice of the Maine
29 ~~Committee on Problems of the Mentally Retarded~~ **Advisory**
30 ~~Committee on Mental Retardation~~, appoint and set the salary
31 for the director.

32 **Sec. K-53. 34-B MRSA §5435, sub-§2**, as amended by PL 1993, c.
33 410, Pt. CCC, §36, is further amended to read:

34 **2. Department grants.** The ~~Division of Mental Retardation~~
35 ~~department~~ may make grants to nonprofit corporations for amounts
36 that are reasonable, relative to the quantity and quality of
37 services to be provided by the grantee.

38 **A.** The ~~division~~ **department** may request a display of effort
39 on the part of the grantee that appropriate local

2 governmental and other funding sources have been sought to
3 assist in the financing of the services for which the
4 division department is making the grant.

6 B. The division department shall give consideration to the
7 ability of the municipality or governmental unit to support
8 the mental retardation services, as reflected by the State's
9 evaluation of the component communities.

11 C. In making grants to unincorporated associations or
12 nonstock corporations, the division department shall take
13 into account all income and resources.

14 **Sec. K-54. 34-B MRSA §5437, first ¶**, as amended by PL 1993, c.
15 410, Pt. CCC, §37, is further amended to read:

16 The division department shall establish a contingency fund
17 for use by community-based intermediate care facilities for the
18 mentally-retarded persons with mental retardation and bureau
19 department clients residing in licensed boarding and foster homes
20 or intermediate care facilities or participating in appropriate
21 day treatment programs. This fund must be used in accordance
22 with the following provisions.

24 **Sec. K-55. 34-B MRSA §5466, sub-§2**, as amended by PL 1993, c.
25 410, Pt. CCC, §39, is further amended to read:

26 2. **List.** The commissioner shall develop a list of
27 advocates for each region ~~of the Division of Mental Retardation~~.

28 **Sec. K-56. 34-B MRSA §5467, sub-§1**, as amended by PL 1993, c.
29 410, Pt. CCC, §40, is further amended to read:

30 1. **Application.** An application for mental retardation
31 services, on a form provided by the commissioner, must be
32 initiated at or referred to a regional office of the ~~Division of~~
33 ~~Mental Retardation or the Infant Development Center~~ department.

34 **Sec. K-57. 34-B MRSA §5469, sub-§3, ¶A**, as enacted by PL 1983,
35 c. 580, §20, is amended to read:

36 A. The department, through the regional office ~~of the~~
37 ~~Infant Development Center~~, shall develop a prescriptive
38 program plan or service plan, or both; and

39 **Sec. K-58. 34-B MRSA §5471, sub-§2, ¶E**, as enacted by PL 1983,
40 c. 459, §7, is amended to read:

41 E. The ~~chief administrative officer~~ regional director or
42 designee of the appropriate regional office, if a client is

2 being admitted to or discharged from a facility or if a
3 client is under the supervision of the regional office;

4 **Sec. K-59. 34-B MRSA §5473, sub-§1, ¶B**, as amended by PL 1993,
5 c. 410, Pt. CCC, §41, is further amended to read:

6 B. Respite care may be provided, upon application to the
7 regional office of the division department by the client,
8 guardian or parent, for not more than 21 days at a time and
9 not more than 60 days during any 12-month period.

10 **Sec. K-60. 34-B MRSA §5609, sub-§1**, as amended by PL 1993, c.
11 708, Pt. A, §12, is further amended by amending the first
12 paragraph to read:

13 1. **Habilitation services.** ~~The Department of Mental Health~~
14 ~~and Mental Retardation, through the Division of~~
15 ~~Retardation, department~~ and the Department of ~~Education~~ Labor,
16 through the Office of Rehabilitation Services, shall provide, to
17 the extent of the resources available, for those habilitation and
18 vocational rehabilitation services, defined in Title 20-A 26,
19 section 18002 ~~1411-A~~, subsection 6, and any other service,
20 including, but not limited to, supported employment including
21 work in rehabilitation facilities and work centers, as defined in
22 Title 5, chapter 155, subchapter II; job coaching;
23 transportation, recreational and leisure services; and respite or
24 day programs designed in consultation with an interdisciplinary
25 team in order to make available to persons receiving services
26 those services that are otherwise not obtainable, in the
27 following order of priority:

28 **Sec. K-61. 34-B MRSA §5609, sub-§2**, as amended by PL 1993, c.
29 410, Pt. CCC, §43, is further amended to read:

30 2. **Payment for service.** ~~The Division of Mental Retardation~~
31 ~~department~~ shall establish a voucher system to allow the
32 interdisciplinary team to incorporate only those services
33 determined critical and otherwise unavailable into a program,
34 including work, habilitation and other services designated in
35 subsection 1, when appropriate. The division department shall
36 establish a limit on the amount of transitional services
37 available to persons receiving services eligible for services
38 under this section.

39 **Sec. K-62. 34-B MRSA §5609, sub-§3**, as amended by PL 1993, c.
40 410, Pt. CCC, §43, is further amended to read:

41 3. **Rules.** ~~The Division of Mental Retardation~~ department
42 shall adopt rules in accordance with the Maine Administrative

Procedure Act to establish a transitional program under subsections 1 and 2.

Sec. K-63. 34-B MRSA §6003, as amended by PL 1993, c. 410, Pt. CCC, §44, is further amended to read:

§6003. Rules

The ~~Division of Mental Retardation~~ department shall adopt rules governing the definition of autism and other pervasive developmental disorders in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. K-64. 34-B MRSA §6004, first ¶, as amended by PL 1993, c. 410, Pt. CCC, §45, is further amended to read:

The commissioner, ~~through the Division of Mental Retardation~~, shall submit a report on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive developmental disorders to the Governor and the joint standing committee of the Legislature having jurisdiction over health and institutional services matters. This report must be submitted no later than January 15th of every odd-numbered year and must be submitted in conjunction with the plan required by section 5003, subsection 3.

Sec. K-65. 34-B MRSA c. 6, sub-c. II is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER II

CHILDREN'S SERVICES

Sec. K-66. 34-B MRSA §6201, sub-§1, as enacted by PL 1985, c. 503, §12, is repealed.

Sec. K-67. 34-B MRSA §6201, sub-§2, ¶C, as amended by PL 1993, c. 738, Pt. E, §3 and affected by §6, is further amended to read:

C. A person 18 years of age or older and under 21 years of age who has treatment needs related to mental illness, mental retardation, autism, developmental disabilities or emotional or behavioral needs if the department has determined that it is in the interest of that person to receive treatment through the ~~bureau~~ department.

Sec. K-68. 34-B MRSA §6201, sub-§2-A, as enacted by PL 1987, c. 778, §3, is amended to read:

2-A. Respite care. "Respite care" means temporary care-giving to a child or adult for the purpose of relieving that person's family or another primary care-giver. Persons who have completed the training program for respite care providers through the Department of Human Services or the Department of Mental Health and Mental Retardation and Substance Abuse Services are eligible for any insurance provided to family foster home providers pursuant to Title 5, section 1728-A. In any action for damages against a respite care provider insured pursuant to Title 5, section 1728-A, for damages covered under that policy, the claims for and award of those damages, including costs and interest, shall may not exceed \$300,000 for any and all claims arising out of a single occurrence. When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is located to allocate to each claimant that claimant's equitable share of the total, limited as required by this section. Any award by the court in excess of the maximum liability limit shall must be automatically abated by operation of this section to the maximum limit of liability. Nothing in this subsection may be deemed construed to make respite care a state activity nor may it expand in any way the liability of the State or respite care provider.

Sec. K-69. 34-B MRSA §6203, sub-§1, as amended by PL 1993, c. 624, §§3 and 4, is further amended by amending the first paragraph to read:

1. System. In order to facilitate the development and operation of a coordinated, statewide system of services to children in need of treatment and their families, the commissioner, ~~through the bureau~~, shall:

Sec. K-70. 34-B MRSA §6203, sub-§2, as amended by PL 1989, c. 700, Pt. A, §167, is further amended to read:

2. Plan. The commissioner, ~~through the bureau~~, shall serve as an advocate for children in need of treatment; shall monitor, review and evaluate not less than annually the allocation and adequacy of services provided by the department; and shall prepare and maintain a plan that meets the following criteria.

A. The plan shall must indicate the most effective and efficient manner in which to implement services and programs for children in need of treatment and their families, while safeguarding and respecting the legal and human rights of these children and families.

2 B. The plan shall must specifically indicate how gaps in
3 services for children in need of treatment and their
4 families can best be met.

6 C. The plan shall must establish a procedure for setting
7 priorities among the various services required by children
8 in need of treatment and their families, in cooperation with
9 other agencies of State Government that provide services to
10 children and families, including, but not limited to, the
11 Department of Corrections, Department of Education and
12 Department of Human Services.

14 D. The plan shall must specifically indicate the
15 department's efforts in assuring ensuring that services to
16 children in need of treatment and their families are
17 effectively coordinated with existing resources and
18 procedures of all ~~Department-of-Mental-Health-and-Mental
Retardation~~ the department's institutions and programs.

20 E. The plan shall must be prepared in the even-numbered
21 years for submission to the joint standing committee of the
22 Legislature having ~~jurisdiction~~ jurisdiction over human
23 resources and the joint standing committee of the
24 Legislature having jurisdiction over appropriations and
25 financial affairs no later than January 30th of the
26 odd-numbered years ~~beginning in 1987~~.

28 F. The plan shall ~~assure~~ must ensure that children with
29 divergent treatment needs are not inappropriately mixed
30 while in residence at ~~state--operated~~ state-operated
31 facilities for children with special needs.

34 G. The plan shall must indicate the State's progress in
35 assuring ensuring the development of an array of family
36 support services to enable families to more adequately
37 maintain their children in need of treatment in their
38 natural homes and communities.

40 **Sec. K-71. 34-B MRSA §6204**, as amended by PL 1989, c. 700,
41 Pt. A, §168, is further amended to read:

42 **§6204. Department duties**

44 **1. Duties.** ~~There is established, within the Department of
Mental-Health-and-Mental-Retardation, the Bureau of Children with
46 Special-Needs, The bureau~~ The department shall:

48 A. Strengthen the capacity of families, natural helping
49 networks, self-help groups and other community resources to
50 support and serve children in need of treatment;

2 B. Facilitate the planning, promoting, coordination,
3 delivery and evaluation of a complete and integrated
4 statewide system of services to children in need of
5 treatment and their families; and

8 C. Support those services appropriate to children in need
9 of treatment and their families, including, but not
10 necessarily limited to, the following:

- 12 (1) Advocacy;
- 14 (2) Assessment and diagnosis;
- 16 (3) Child development;
- 18 (4) Consultation and education;
- 20 (5) Crisis intervention;
- 22 (6) Family guidance and counseling;
- 24 (7) Preventive intervention;
- 26 (8) Professional consultation and training;
- 28 (9) Respite care and other family support services; and
- 30 (10) Treatment.

32 **2. Powers.** The bureau department may perform the duties
33 described in subsection 1 and may provide services to children in
34 need of treatment through state-operated facilities and programs
35 or through contracts and grants to public and private agencies.
36 In all cases, the bureau department shall ensure that services
37 are provided in the least restrictive setting consistent with the
38 child's needs, commensurate with the resources available to the
39 bureau department and in coordination with services and resources
40 of other state agencies serving children and families. Emphasis
41 shall must be placed on maintaining each child in his the child's
42 natural home or in an alternative placement within the community
43 whenever possible.

44 **2-A. Improvement and expansion of day treatment services
45 for emotionally handicapped children.** The bureau department
46 shall work cooperatively with the Department of Corrections,
47 Department of Education and the Department of Human Services to
48 improve and expand day treatment programs for emotionally
49 handicapped school-age children so that they and their families
50 may receive necessary, appropriate and coordinated therapeutic

2 and educational services in home and community settings, reducing
the likelihood that out-of-home or residential treatment
placements will be required. The Department of Mental Health and
4 Mental Retardation department shall license these programs
pursuant to sections 3603 and 3606. The Department of Education
6 shall approve these programs pursuant to Title 20-A, chapter
206. The 2 departments shall jointly develop standards to ensure
8 a consistent high quality throughout the State.

10 ~~3. Appointment of director. The commissioner shall, with
the advice of the Maine Advisory Committee on Children with
12 Special Needs, appoint and set the salary for the director of the
bureau, subject to the approval of the Governor. Notwithstanding
14 any other law, the commissioner may delegate any employee of the
department to serve, for a period not to exceed 180 days, as
16 acting director of the bureau, if the office of the director is
vacant. Service as acting director shall be considered a
18 temporary additional duty for the person so delegated.~~

20 ~~4. Qualifications of director. To be eligible for
appointment as director, a person must have:~~

22 ~~A. A graduate degree in child development, social welfare
24 or a related field; and~~

26 ~~B. At least 5 years of experience in the administration of
28 children's services programs or satisfactory experience in
work of a comparable nature.~~

30 ~~5. Term. The director shall serve at the pleasure of the
32 commissioner.~~

34 ~~6. Duties and powers of director. In addition to other
duties and powers set out in this chapter, the director:~~

36 ~~A. Shall report directly to the commissioner;~~

38 ~~B. Shall carry out the duties and responsibilities of the
bureau; and~~

40 ~~C. May promulgate, amend or repeal rules governing the
42 administration of this chapter in accordance with the Maine
Administrative Procedure Act, Title 5, chapter 375.~~

44 **Sec. K-72. 34-B MRSA §6205**, as enacted by PL 1993, c. 738,
46 Pt. E, §4 and affected by §6, is amended to read:

48 **§6205. Services for juveniles committed to the Maine Youth Center**

2 **1. Department authority.** The bureau department may provide
consultation services to any juvenile with mental retardation
committed to the Maine Youth Center if those services are
4 requested by the Commissioner of Corrections. Consultation
services may include participation by appropriate bureau
6 department professionals on the Clinical Services Committee of
the Maine Youth Center in order to assist in the design of
8 individual treatment plans to provide habilitation, education and
skill training to juveniles with mental retardation in residence
at the Maine Youth Center.

12 **2. Support services.** Whenever a program has been designed
for a juvenile with mental retardation by the Clinical Services
14 Committee of the Maine Youth Center and the clinical services
committee has included participation by the bureau department
16 professionals, the bureau department shall provide, insofar as
possible, support services to implement that program.

18 **3. Case management.** The bureau department may provide case
20 management services to juveniles with mental retardation who are
released from the Maine Youth Center.

22 **Sec. K-73. 34-B MRSA §6241, sub-§2**, as amended by PL 1993, c.
24 360, Pt. F, §1, is further amended to read:

26 **2. Duties and compensation.** The committee shall act in an
advisory capacity to the commissioner and to the Director of the
28 Bureau of Children with Special Needs in assessing present
programs, planning future activities and developing the means to
meet the needs of children in need of treatment and their
30 families. Members of the committee shall serve without pay, but
shall be arg reimbursed for expenses incurred in the performance
32 of their duties on the same basis as state employees, but
including child care services.

36 A. The committee shall monitor the adoption of rules
defining the rights of children who need services and make
38 recommendations to the department about improving the rules.

40 B. The committee shall provide advice and direction to the
director commissioner concerning the effective and efficient
42 management of the Bath Children's Home and the Elizabeth
Levinson Center and, while it remains a state institution,
44 the Bath Children's Home in coordination with long-range
missions and priorities of the bureau department. The
46 committee may inspect the Bath Children's Home and the
Elizabeth Levinson Center and may make recommendations on
48 the management of those institutions to the director and the
commissioner.

2 C. Annually, the committee shall submit a report to the
4 commissioner and the joint standing committee of the
6 Legislature having jurisdiction over human resource matters
8 regarding the implementation of the rights of children who
10 need services.

12 **Sec. K-74. 34-B MRSA §6241, sub-§3**, as enacted by PL 1993, c.
14 360, Pt. F, §2, is amended to read:

16 3. **Access.** Committee members have access to all living
18 areas, program areas and records of the Elizabeth Levinson
20 Center, the Bath Children's Home and facilities that contract
22 with the ~~Bureau--of--Children--with--Special--Needs~~ department,
24 ~~provided--that~~ as long as the access conforms with the laws
26 regarding confidentiality of mental health information.

28 **Sec. K-75. 34-B MRSA §6251**, as enacted by PL 1985, c. 503,
30 §12, is amended to read:

32 **§6251. Maintenance of facilities**

34 The department shall maintain and ~~the bureau shall be~~ is
36 responsible for the supervision of services in the following 2
38 facilities for children in need of treatment:

40 1. **Elizabeth Levinson Center.** Elizabeth Levinson Center;
42 and

44 2. **Bath Children's Home.** ~~Military--and--Naval--Children's~~
46 ~~Home~~ Until June 30, 1996, Bath Children's Home.

48 **Sec. K-76. 34-B MRSA §6252, sub-§4, ¶B**, as enacted by PL 1985,
c. 503, §12, is amended to read:

B. Respite care may be provided to any person by the center
without full compliance with the procedures for admission by
judicial certification under section 5475, if:

(1) The purpose of the respite care is for evaluation,
diagnosis or other clearly stated and broadly defined
therapeutic purposes of the person or his the person's
family;

(2) Respite care may be provided, upon application to
the ~~bureau~~ department by the person, his the person's
guardian or his the person's parent, for not more than
21 days at a time and not more than 60 days during any
12-month period; or

(3) Continuing placement in the center beyond the time
periods stated in subparagraph 2, if indicated, may be
accomplished only upon full compliance with section
5475.

Sec. K-77. 34-B MRSA §6253-A, sub-§7 is enacted to read:

7. ~~Repeal.~~ This section is repealed July 1, 1996.

Sec. K-78. 34-B MRSA §6254, sub-§1, as enacted by PL 1985, c.
503, §12, is repealed.

Sec. K-79. 34-B MRSA §6254, sub-§1, as amended by PL 1995, c.
395, Pt. G, §18 and affected by §20, is repealed.

Sec. K-80. 34-B MRSA §6254, sub-§2, as enacted by PL 1985, c.
503, §12, is amended to read:

2. **Report to commissioner.** By July 1st of even-numbered
years, the superintendent of the facilities referred to in
subsection 1 shall report to the commissioner as to the number of
children and adolescents served in each program of their
respective institutions and as to the purposes of those services
provided. ~~The Director of the Bureau of Children with Special~~
~~Needs shall be consulted as part of the preparation of this~~
~~report.~~ The report shall must also include plans for proposed
services to children in need of treatment ~~which shall that must~~
be reflective of needs expressed regionally by other state and
governmental agencies, private providers and parents of children
in need of treatment.

Sec. K-81. Bath Children's Home request for proposal exemption.
The provisions of the Maine Revised Statutes, Title 34-B, section
1208-A, subsection 4, paragraphs A and B do not apply to the
Department of Mental Health, Mental Retardation and Substance
Abuse Services in issuing a request for proposal to contract out
the services currently offered at the Bath Children's Home.

Sec. K-82. Maine Revised Statutes amended; revision clause.
Wherever in the Maine Revised Statutes the words "Department of
Mental Health and Mental Retardation" appear or reference is made
to those words, they are amended to read and mean "Department of
Mental Health, Mental Retardation and Substance Abuse Services"
and the Revisor of Statutes shall implement these revisions when
updating, publishing or republishing the statutes.

PART L

2 **Sec. L-1. 5 MRSA §20002, sub-§2**, as amended by PL 1991, c.
3 601, §2, is further amended to read:

4 **2. Single administrative unit.** To establish a single
5 administrative unit within ~~State Government, accountable directly~~
6 ~~to the Governor the Department of Mental Health, Mental~~
7 ~~Retardation and Substance Abuse Services~~, with responsibility for
8 planning, developing, implementing, coordinating and evaluating
9 all of the State's alcohol and other drug abuse prevention and
10 treatment activities and services.

11 **Sec. L-2. 5 MRSA §20002, sub-§3-B** is enacted to read:

12 ~~**3-B. Commissioner.** "Commissioner" means the Commissioner~~
13 ~~of Mental Health, Mental Retardation and Substance Abuse Services.~~

14 **Sec. L-3. 5 MRSA §20004**, as enacted by PL 1989, c. 934, Pt.
15 A, §3, is repealed and the following enacted in its place:

16 **§20004. Office established**

17 **1. Administrative location.** ~~The Office of Substance Abuse~~
18 ~~is established as an administrative unit of the Department of~~
19 ~~Mental Health, Mental Retardation and Substance Abuse Services.~~
20 ~~The office is a distinct unit within the Department of Mental~~
21 ~~Health, Mental Retardation and Substance Abuse Services and is~~
22 ~~the sole agency of the State responsible for administering this~~
23 ~~Act.~~

24 **2. Continuity.** ~~The Department of Mental Health, Mental~~
25 ~~Retardation and Substance Abuse Services shall strive to ensure~~
26 ~~the continuity of programs and policies, to be carried out under~~
27 ~~this Act that have been transferred to it from the department.~~

28 **Sec. L-4. 5 MRSA §20005, sub-§5**, as amended by PL 1991, c.
29 850, §3, is further amended to read:

30 **5. Budget.** Develop and submit to the Legislature by
31 January 15th of the first year of each legislative biennium
32 recommendations for continuing and supplemental allocations,
33 deappropriations or reduced allocations and appropriations from
34 all funding sources for all state alcohol and drug abuse
35 programs. The office shall make final recommendations to the
36 Governor before any substance abuse funds are appropriated or
37 deappropriated in the Governor's proposed budget. The office
38 shall formulate all budgetary recommendations for the Driver
39 Education and Evaluation Programs with the advice, consultation
40 and full participation of the chief executive officer of the
41 Driver Education and Evaluation Programs.†

2 ~~Notwithstanding any other provision of law, funding appropriated~~
3 ~~and allocated by the Legislature for the Office of Substance~~
4 ~~Abuse is restricted solely to the use of that office and may not~~
5 ~~be used for expenses of any other part of the department. By~~
6 ~~January 15th of each year, the director shall deliver a report of~~
7 ~~the budget and expenditures of the office to the joint standing~~
8 ~~committees of the Legislature having jurisdiction over~~
9 ~~appropriations and financial affairs and human resource matters;~~

10 **Sec. L-5. 5 MRSA §20005, sub-§6**, as amended by PL 1993, c.
11 349, §21, is further amended to read:

12 **6. Contracts and licensing.** Through the director:

13 A. Administer all contracts with community service
14 providers for the delivery of alcohol and drug abuse
15 services; and

16 B. Establish operating and treatment standards and inspect
17 and issue certificates of approval for approved treatment
18 facilities, drug abuse treatment facilities or programs,
19 including residential treatment centers, and community-based
20 service providers pursuant to section 20024 and subchapter
21 V† and.

22 C. ~~Ensure community participation by funding regional~~
23 ~~alcohol councils to:~~

24 (1) ~~Assist in the development of comprehensive state~~
25 ~~plans, the review of the effectiveness of existing~~
26 ~~policies and services, and the identification of unmet~~
27 ~~needs;~~

28 (2) ~~Review and comment on proposed grants and~~
29 ~~contracts;~~

30 (3) ~~Increase public awareness and participation;~~

31 (4) ~~Supply general reference information; and~~

32 (5) ~~Advocate for individuals in need of assistance.~~

33 ~~The director shall ensure that councils are funded in a~~
34 ~~manner that recognizes local differences in cost and travel~~
35 ~~distances and allows equal provision of services in each~~
36 ~~geographic area to the extent that funds are available~~
37 ~~within the office for this purpose.~~

2 The ~~director~~ commissioner may delegate contract and licensing
duties under this subsection to the Department of Human Services,
4 the Department of Corrections or other divisions of the
~~Department of Mental Health and Mental Retardation department~~
6 as long as that delegation ensures that contracting for alcohol and
other drug abuse services provided in community settings are
8 consolidated within the Department of Human Services, that
contracting for alcohol and other drug abuse services delivered
10 within correctional facilities are consolidated within the
Department of Corrections and that contracting for alcohol and
12 other drug abuse services delivered within mental health and
mental retardation facilities are consolidated within the
~~Department of Mental Health and Mental Retardation department.~~

14 The ~~director~~ commissioner may not delegate contract and licensing
16 duties if that delegation results in increased administrative
costs.

18 The ~~director~~ commissioner may not issue requests for proposals
20 for existing contract services until the ~~director~~ commissioner
has adopted rules in accordance with the Maine Administrative
22 Procedure Act to ensure that the reasons for which existing
services are placed out for bid and the performance standards and
24 manner in which compliance is evaluated are specified and that
any change in provider is accomplished in a manner that fully
26 protects the consumer of services.

28 Any new contract must be awarded through a request-for-proposal
30 procedure and 1/3 of the contracts of \$100,000 per year or more
that are renewed must be awarded through a request-for-proposal
32 procedure at least every 2 years.

34 The ~~director~~ commissioner shall establish a procedure to obtain
assistance and advice from consumers of alcohol and other drug
36 abuse services regarding the selection of contractors when
requests for proposals are issued;

38 **Sec. L-6. 5 MRSA §20005-A**, as amended by PL 1995, c. 402, Pt.
40 B, §1, is further amended to read:

42 **§20005-A. Performance-based contracts**

44 In addition to other applicable requirements and unless
precluded by other restrictions on the use of funds, the ~~director~~
commissioner shall manage all funds available for the provision
46 of alcohol or other drug abuse services in accordance with the
provisions of this section.
48

2 **1. Definitions.** As used in this section, unless the
context otherwise indicates, the following terms have the
4 following meanings.

6 A. "Agreement" means a legally binding written document
between 2 or more parties, including ~~such those~~ documents as
8 that are commonly referred to as accepted application,
proposal, prospectus, contract, grant, joint or cooperative
agreement, purchase of service or state aid.

10 B. "Performance-based contract" means an agreement for the
purchase of direct client services employing a
12 client-centered, outcome-oriented process that is based on
measurable performance indicators and desired outcomes and
14 includes the regular assessment of the quality of services
provided.

16 **2. Performance-based contract.** The ~~director~~ commissioner
18 shall ensure that all agreements to purchase alcohol or other
20 drug abuse services entered into on or after July 1, 1995 are
performance-based contracts.

22 **3. Rules.** The ~~director~~ commissioner shall adopt rules to
implement this section, including, but not limited to, the
24 establishment of program goals, outcome measures, an information
management system to collect and manage contract data, a system
26 of ongoing assessment of program effectiveness and hold-harmless
guidelines for provider agencies during the first contract period
28 or 12 months, whichever is greater.

30 **4. Procedures.** The following procedures apply whenever the
~~director~~ commissioner commences a request-for-proposal procedure.

32 A. The ~~director~~ commissioner shall hold at least one
34 informational meeting at least 3 months before the due date
for submission of the notice of intent to bid. Any
36 informational meeting must be advertised in newspapers of
general circulation stating the location, date, time and
purpose of the meeting. At the meeting the ~~director~~
commissioner shall provide detailed information to any
40 interested party about the contract to be bid or rebid,
provide notice of anticipated major changes from any
42 previous contract and respond to questions.

44 B. The ~~director~~ commissioner shall require any interested
party to submit a notice of intent to bid at least 3 months
46 before the date bids will be accepted as a precondition to
submitting a formal bid. The notice of intent must contain
48 minimal requirements that demonstrate a prospective bidder's

2 competence and ability to comply with the requirements of
the contract.

4 C. If only one community service provider submits a notice
of intent to bid, the ~~director~~ commissioner may enter into
6 negotiations concerning a contract with that provider in
accordance with the procedures established for
8 performance-based contracts.

10 D. For purposes of this section, the ~~director~~ commissioner
retains the right to reject any bids submitted and any
12 proposals made during negotiations pursuant to paragraph C.

14 Sec. L-7. 5 MRSA §20006, as amended by PL 1991, c. 601, §§8
and 9, is repealed.

16 Sec. L-8. 5 MRSA §20006-A is enacted to read:

18 **§20006-A. Director**

20 The director shall:

22 1. Alternatives. Propose alternatives to current alcohol
24 and drug abuse prevention and treatment programs and services;

26 2. Investigate. Conduct investigations and studies of any
alcohol or drug abuse program or community service provider
operating under the control of the office or providing treatment
28 under this chapter through a contract with the office under
section 20008, that are licensed pursuant to section 20024 or any
30 facility funded in whole or in part by municipal, state or local
funds, as necessary; and

32 3. Other duties and powers. Carry out other duties and
34 exercise other powers granted to the director under this Act and
delegated to the director by the commissioner under Title 34-B,
36 section 1204, subsection 3.

38 Sec. L-9. 5 MRSA §20065, sub-§8, as enacted by PL 1993, c.
40 410, Pt. LL, §12, is amended to read:

42 8. Administrative and financial assistance. The office
shall provide the commission administrative or financial
44 assistance that from time to time may be reasonably required to
carry out its activities. Reasonable and proper expenses of the
46 commission must be borne by the office from available state or
federal funds is available from office resources.

48 Sec. L-10. 5 MRSA §20067, sub-§1, as enacted by PL 1993, c.
50 410, Pt. LL, §12, is repealed.

2 Sec. L-11. 5 MRSA §20067, sub-§1-A is enacted to read:

4 1-A. Advise the office. The commission shall advise the
office in the development and implementation of significant
6 policy matters relating to substance abuse.

8 Sec. L-12. 5 MRSA §20072, first ¶, as amended by PL 1991, c.
850, §6, is further amended to read:

10 The Driver Education and Evaluation Programs are established
12 in the ~~Office of Substance Abuse and~~ office. The Driver
Education and Evaluation Programs shall administer the alcohol
14 and other drug education, evaluation and treatment programs as
provided in this chapter. The office shall certify to the
16 Secretary of State:

18 Sec. L-13. 34-B MRSA §1203, sub-§9 is enacted to read:

20 9. Office of Substance Abuse. The commissioner shall
administer and carry out the purposes of the Maine Substance
22 Abuse Prevention and Treatment Act.

24 Sec. L-14. Report; legislation. By December 15, 1996, the
Director of the Office of Substance Abuse shall submit
26 legislation to the First Regular Session of the 118th Legislature
to revise the Maine Revised Statutes to reflect the transfer of
28 the Office of Substance Abuse to the Department of Mental Health,
Mental Retardation and Substance Abuse Services, in accordance
30 with this Part.

32 Sec. L-15. Personnel transferred. Employees of the Office of
Substance Abuse whose positions are transferred to the Department
34 of Mental Health, Mental Retardation and Substance Abuse Services
under this Part retain their positions within the Department of
36 Mental Health, Mental Retardation and Substance Abuse Services
and their employment rights, privileges and benefits, including
38 sick leave and vacation. The Bureau of Human Resources within
the Department of Administrative and Financial Services shall
40 assist with the orderly implementation of this section.

42 **PART M**

44 Sec. M-1. Calculation and transfer. The State Budget Officer
shall calculate the amounts in section 2 of this Part that apply
46 against each General Fund account for all departments and
agencies based on the proportionate share of copier costs, as
48 calculated by the Division of Purchases, in the All Other

2 appropriations of the affected accounts. Notwithstanding the
 4 Maine Revised Statutes, Title 5, section 1585, or any other
 6 provision of law, the State Budget Officer shall distribute the
 8 calculated amounts resulting from section 2 of this Part among
 10 the affected accounts as appropriated adjustments.

12 **Sec. M-2. Appropriation.** The following funds are
 14 appropriated from the General Fund to carry out the purposes of
 16 this Part.

1995-96 1996-97

12 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
 14 **DEPARTMENT OF**

16 **Departments and Agencies - Statewide**

18 All Other (\$106,541) (\$149,567)

20 Provides for the
 22 deappropriation of funds
 24 related to the General Fund
 26 share of savings associated
 28 with the reductions in copier
 30 costs resulting from the
 32 contract rebidding process
 34 pursuant to plans submitted
 36 to the Productivity
 38 Realization Task Force.

34 **PART N**

36 **Sec. N-1. Appropriation.** The following funds are appropriated
 38 from the General Fund to carry out the purposes of this Part.

1995-96 1996-97

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

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

46 Personal Services \$153,189 \$158,756
 48 All Other 2,641,366 8,628,150
 Capital Expenditures 228,114

2 Provides for the
 4 appropriation of funds to
 6 offset the remaining balance
 8 of the deappropriation made
 10 in Public Law 1995, chapter
 12 368, Part H.

8 **DEPARTMENT OF ADMINISTRATIVE**
 10 **AND FINANCIAL SERVICES**

12 **TOTAL** \$3,022,669 \$8,786,906

14 **PART O**

16 **Sec. O-1. Supplemental appropriations from General Fund.** There
 18 are appropriated from the General Fund for the fiscal years
 20 ending June 30, 1996 and June 30, 1997 to the departments listed,
 22 the following sums.

1995-96 1996-97

24 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
 26 **DEPARTMENT OF**

28 **Office of the Commissioner -**
 30 **Administrative and Financial**
 32 **Services**

34 All Other (\$1,028) (\$1,028)
 36 Capital Expenditures (6,000)

38 **TOTAL** (7,028) (1,028)

40 Provides for the
 42 deappropriation of funds
 44 through the reduction of
 46 controllable expenses.

48 **Administration - Human Resources**

50 All Other (35,000) (35,000)

52 Provides for the
 54 deappropriation of funds
 56 through the reduction of
 58 controllable expenses.

60 **Accounts and Control - Bureau of**

62 All Other (35,000) (35,000)

2 Provides for the
4 deappropriation of funds
6 through the reduction of
controllable expenses.

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

10 All Other (90,000)
12 Capital Expenditures (30,000)

14 TOTAL (120,000)

16 Provides for the
18 deappropriation of funds
through the reduction of
controllable expenses.

20 **Budget - Bureau of the**

22 All Other (3,900) (3,900)

24 Provides for the
26 deappropriation of funds
through the reduction of
controllable expenses.

28 **Buildings and Grounds Operations**

30 All Other (125,112)

32 Provides for the
34 deappropriation of funds
36 through the reduction of
controllable expenses and
38 repair costs.

40 **Elderly Householders' Tax Refund**

42 All Other (31,320) (31,320)

44 Provides for the
46 deappropriation of funds
through the reduction of
controllable administrative
48 expenses.

50 **Employee Relations - Office of**

2 All Other (16,700) (10,000)

4 Provides for the
6 deappropriation of funds
through the reduction of
controllable expenses.

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

10 All Other (3,500) (3,500)

12 Provides for the
14 deappropriation of funds
16 through the reduction of
controllable expenses.

18 **Productivity Realization
Task Force**

20 All Other (60,000)

22 Provides for the
24 deappropriation of funds
26 through the reduction of
controllable expenses.

28 **Public Improvements -
Planning/Construction -
Administration**

30 All Other (3,833) (3,833)

32 Provides for the
34 deappropriation of funds
36 through the reduction of
controllable operating costs.

38 **Public Improvements - Division of
Safety and Environment Services**

40 All Other (2,732) (2,732)

42 Provides for the
44 deappropriation of funds
46 through the reduction of
controllable expenses.

48 **Taxation - Bureau of**

50

2	All Other	(32,418)	(132,418)
	Capital Expenditures	(100,000)	
4	TOTAL	<u>(132,418)</u>	<u>(132,418)</u>
6	Provides for the		
8	deappropriation of funds		
10	through the reduction of		
	controllable expenses.		
12	DEPARTMENT OF ADMINISTRATIVE		
	AND FINANCIAL SERVICES		
14	TOTAL	<u>(576,543)</u>	<u>(258,731)</u>
16	AGRICULTURE, FOOD AND RURAL		
	RESOURCES, DEPARTMENT OF		
18	Office of Agricultural, Natural		
	and Rural Resources		
20	All Other	(1,822)	
22	Provides for the		
24	deappropriation of funds from		
26	the rural resources and soil		
28	and water programs through		
	the reduction of general		
	operating expenses.		
30	Agricultural Production		
32	All Other	(2,634)	
	Capital Expenditures	(16,903)	
34	TOTAL	<u>(19,537)</u>	
36	Provides for the		
38	deappropriation of funds from		
40	the reduction of general		
42	operating expenses and		
	capital equipment purchases.		
44	Agricultural and Rural		
	Resource Development		
46	All Other	(508)	
48	Provides for the		
	deappropriation of funds from		

2	the reduction of general	
	operating expenses.	
4	Public Services - Agriculture	
6	Capital Expenditures	(58,000)
8	Provides for the	
10	deappropriation of funds from	
	the reduction of general	
	operating expenses.	
12	Food Assistance Program	
14	All Other	(20,982)
16	Provides for the	
18	deappropriation of funds from	
20	the reduction of general	
	operating expenses.	
22	Marketing Services - Agriculture	
24	All Other	(16,376)
26	Provides for the	
28	deappropriation of funds from	
	the reduction of general	
	operating expenses.	
30	Division of Plant Industry	
32	All Other	(1,379)
34	Provides for the	
36	deappropriation of funds from	
38	the reduction of general	
	operating expenses.	
40	Office of Planning, Policy,	
	Legislation, and Information Services	
42	All Other	(17,521)
44	Capital Expenditures	(7,122)
46	TOTAL	<u>(24,643)</u>
48	Provides for the	
	deappropriation of funds from	

2 the reduction of general operating expenses.

4 **Division of Market and Production Development**

6 All Other (1,379)

8 Provides for the deappropriation of funds from the reduction of general operating expenses.

10

12

14 **Soil and Water Conservation Commission**

16 All Other (6,000)

18 Provides for the deappropriation of funds from the reduction of general operating expenses.

20

22

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

26 **TOTAL** (150,626)

28 **ARTS COMMISSION, MAINE**

30 **Arts - Administration**

32 All Other (11,570) (11,570)

34 Provides for the deappropriation of funds due to savings achieved in this program.

36

38

40 **MAINE ARTS COMMISSION**

TOTAL (11,570) (11,570)

42 **CONSERVATION, DEPARTMENT OF**

44 **Administration - Forestry**

46 All Other (4,920) (4,920)

48 Provides for the deappropriation of funds from

2 a reduction in operating expenditures.

4 **Administrative Services - Conservation**

6 All Other (5,930) (5,930)

8 Provides for the deappropriation of funds from a reduction in operating expenses.

10

12

14 **Forest Management, Utilization and Marketing**

16 All Other (4,283) (4,283)

18 Provides for the deappropriation of funds from a reduction in operating expenses.

20

22

24 **Insect and Disease Management**

26 All Other (4,982) (4,982)

28 Provides for the deappropriation of funds from a reduction in operating expenses.

30

32 **Land Use Regulation Commission**

34 All Other (32,558)

36 Provides for the deappropriation of funds from a reduction in operating expenses.

38

40

42 **Natural Areas Program**

44 All Other (1,820) (1,820)

46 Provides for the deappropriation of funds from a reduction in operating expenses.

48

50

2 **Parks - General Operations**

4 All Other (878)

6 Provides for the
deappropriation of funds from
8 a reduction in operating
expenses.

10 **Policy Planning and Information**

12 All Other (18,296)

14 Provides for the
16 deappropriation of funds from
18 a reduction in operating
expenses.

20 **Engineering and Realty**

22 All Other (878)

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

28 **DEPARTMENT OF CONSERVATION**
TOTAL (73,667) (22,813)

30 **CORRECTIONS, DEPARTMENT OF**
Correctional Center

34 All Other (20,000) (20,000)

36 Provides for the
38 deappropriation of funds from
40 a reduction in general
operating expenses and the
42 purchase of supplies.

44 **Downtown Correctional Facility**

46 All Other (15,224) (15,224)

48 Provides for the
deappropriation of funds from
a reduction in general

2 operating expenses and the
purchase of supplies.

4 **DEPARTMENT OF CORRECTIONS**
TOTAL (35,224) (35,224)

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

8 **Administration - Economic**
and Community Development

10

12 All Other (26,207)

14 Capital Expenditures (6,000)

16

18 **TOTAL** (32,207)

20 Provides for the
deappropriation of funds from
the reduction of general
operating expenses and
Capital Expenditures.

22

24 **Business Development**

26 All Other (42,703)

28 Provides for the
deappropriation of funds from
the reduction of general
operating expenses.

30

32

34 **Community Development Block**
Grant Program

36 All Other (13,896)

38 Provides for the
deappropriation of funds from
the reduction of general
operating expenses.

40

42

44 **Economic Conversion Division**

46 All Other (16,351)

48 Provides for the
deappropriation of funds from

2 the reduction of general
operating expenses.

4 **Maine Economic Growth Council**

6 All Other (45,000)

8 Provides for the
10 deappropriation of funds from
the reduction of general
12 operating expenses.

14 **Energy Resources - Office of**

16 All Other (2,686)

18 Provides for the
20 deappropriation of funds from
the reduction of general
operating expenses.

22 **Maine State Film Commission**

24 All Other (5,734)

26 Provides for the
28 deappropriation of funds from
the reduction of general
operating expenses.

30 **International Commerce**

32 All Other (33,132)

34 Provides for the
36 deappropriation of funds from
the reduction of general
operating expenses.

38 **Maine Small Business Commission**

40 All Other (426)

42 Provides for the
44 deappropriation of funds from
the reduction of general
operating expenses.

46 **Office of Tourism**

48

50

2 All Other (44,141)

4 Provides for the
deappropriation of funds from
6 the reduction of general
operating expenses.

8 **DEPARTMENT OF ECONOMIC AND
COMMUNITY DEVELOPMENT**

10 **TOTAL** (236,276)

12 **EDUCATION, STATE BOARD OF**

14 **State Board of Education**

16 All Other (81,969) (81,969)

18 Provides for the
20 deappropriation of funds due
to savings achieved in this
program.

22 **STATE BOARD OF EDUCATION**

24 **TOTAL** (81,969) (81,969)

26 **EDUCATION, DEPARTMENT OF**

28 **Administrative Office of
the Commissioner**

30 All Other (6,291) (6,291)

32 Provides for the
34 deappropriation of funds due
to savings achieved in this
36 program.

38 **Administrative Services Unit**

40 All Other (978) (978)

42 Provides for the
44 deappropriation of funds due
to savings achieved in this
46 program.

48 **Division of Adult Education**

50 All Other (7,572) (7,572)

2 Provides for the
 2 deappropriation of funds due
 4 to savings achieved in this
 4 program.

6 **Division of Applied Technology**

8 All Other (8,073) (8,073)

10 Provides for the
 12 deappropriation of funds due
 12 to savings achieved in this
 14 program.

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

18 All Other (9,293) (9,293)

20 Provides for the
 22 deappropriation of funds due
 22 to savings achieved in this
 24 program.

24 **Certification, Placement and
 26 Teacher Education**

28 All Other (10,903) (10,903)

30 Provides for the
 32 deappropriation of funds due
 32 to savings achieved in this
 34 program.

34 **Educational Restructuring and
 36 Improvements**

38 All Other (329,756)

40 Provides for the
 42 deappropriation of funds due
 42 to savings achieved in this
 44 program.

44 **Division of Finance**

46 All Other (3,273) (3,273)

48 Provides for the
 50 deappropriation of funds due

2 to savings achieved in this
 2 program.

4 **Division of Higher Education**

6 All Other (7,033) (7,033)

8 Provides for the
 10 deappropriation of funds due
 10 to savings achieved in this
 12 program.

12 **Division of Instruction**

14 All Other (81,647) (81,647)

16 Provides for the
 18 deappropriation of funds due
 18 to savings achieved in this
 20 program.

20 **Division of Management
 22 Information**

24 All Other (25,940) (25,940)

26 Provides for the
 28 deappropriation of funds due
 28 to savings achieved in this
 30 program.

30 **Preschool Handicapped**

32 All Other (975) (975)

34 Provides for the
 36 deappropriation of funds due
 36 to savings achieved in this
 38 program.

38 **Rehabilitation Services**

40 All Other (61,144) (61,144)

42 Provides for the
 44 deappropriation of funds due
 44 to savings achieved in this
 46 program.

46 **Division of School Business Services**

2	All Other	(12,654)	(12,654)
4	Provides for the		
6	deappropriation of funds due		
	to savings achieved in this		
8	program.		
	Division of Special Services		
10	All Other	(55,751)	(55,751)
12	Provides for the		
14	deappropriation of funds due		
16	to savings achieved in this		
	program.		
18	Support Services Unit		
20	All Other	(1,149)	(1,149)
22	Provides for the		
24	deappropriation of funds due		
	to savings achieved in this		
26	program.		
28	DEPARTMENT OF EDUCATION		
	TOTAL	<u>(622,432)</u>	<u>(292,676)</u>
30			
32	ENVIRONMENTAL PROTECTION,		
	DEPARTMENT OF		
34	Administration - Environmental		
	Protection		
36	All Other	(12,359)	(14,700)
38	Provides for the		
40	deappropriation of funds		
42	through a reduction in		
	operating expenses.		
44	Air Quality Control		
46	All Other	(7,022)	(10,382)
48	Provides for the		
	deappropriation of funds		

2	through a reduction in		
	operating expenses.		
4	Land Quality Control		
6	All Other	(48,004)	
8	Provides for the		
10	deappropriation of funds		
	through a reduction in		
12	operating expenses.		
14	Land and Water Quality Control		
16	All Other		(22,350)
18	Provides for the		
20	deappropriation of funds		
	through a reduction in		
22	operating expenses.		
24	Oil and Hazardous Materials Control		
26	All Other	(2,306)	(2,568)
28	Provides for the		
30	deappropriation of funds		
	through a reduction in		
32	operating expenses.		
34	Water Quality Control		
36	All Other	(61,924)	
38	Provides for the		
40	deappropriation of funds		
42	through a reduction in		
	operating expenses.		
44	DEPARTMENT OF ENVIRONMENTAL		
	PROTECTION		
46	TOTAL	<u>(131,615)</u>	<u>(50,000)</u>
48			
50	EXECUTIVE DEPARTMENT		
	Planning Office		
	All Other	(76,409)	(46,476)

2	Provides for the		
4	deappropriation of funds from		
	a reduction in operating		
	expenses.		
6	Driver Education and Evaluation		
	Program - Substance Abuse		
8	All Other	(35,208)	
10	Capital Expenditures	(630)	
12	TOTAL	<u>(35,838)</u>	
14	Provides for the		
16	deappropriation of funds by		
	reducing instructor payments		
	and instructor travel.		
18	Office of Substance Abuse		
20	All Other	(31,900)	
22	Capital Expenditures	(599)	
24	TOTAL	<u>(32,499)</u>	
26	Provides for the		
28	deappropriation of funds by		
30	reducing general operations,		
	supplies and informational		
	materials.		
32	EXECUTIVE DEPARTMENT		
34	TOTAL	<u>(144,746)</u>	<u>(46,476)</u>
36	HISTORIC PRESERVATION COMMISSION,		
	MAINE		
38	Historic Preservation Commission		
40	All Other	(2,923)	(2,923)
42	Provides for the		
44	deappropriation of funds due		
46	to savings achieved in this		
	program.		
48	MAINE HISTORIC PRESERVATION		
	COMMISSION		
50	TOTAL	<u>(2,923)</u>	<u>(2,923)</u>

2	LABOR, DEPARTMENT OF		
4	Administration - Labor		
6	All Other	(2,729)	(2,935)
8	Provides for the		
10	deappropriation of funds from		
	a reduction in operating		
	expenses.		
12	Administration - Bureau of		
14	Labor Standards		
16	All Other	(8,023)	(8,646)
18	Provides for the		
20	deappropriation of funds from		
	a reduction in operating		
	expenses.		
22	Job Training Partnership Program		
24	All Other	(8,732)	(5,190)
26	Provides for the		
28	deappropriation of funds from		
30	a reduction in operating		
	expenses.		
32	Labor Relations Board		
34	All Other	(4,483)	(4,112)
36	Provides for the		
38	deappropriation of funds from		
	a reduction in operating		
	expenses.		
40	Occupational Information		
42	Coordination		
44	All Other	(595)	(6,012)
46	Provides for the		
48	deappropriation of funds from		
	a reduction in operating		
	expenses.		
50			

2	Regulation and Enforcement		
4	All Other	(19,705)	(20,438)
6	Provides for the		
8	deappropriation of funds from		
	a reduction in operating		
	expenses.		
10	Star		
12	All Other	(9,169)	(6,894)
14	Provides for the		
16	deappropriation of funds from		
	a reduction in operating		
	expenses.		
20	DEPARTMENT OF LABOR		
	TOTAL	<u>(53,436)</u>	<u>(54,227)</u>
22	LIBRARY, MAINE STATE		
24	Library Development Services		
26	All Other	(4,530)	(3,490)
	Capital Expenditures	(2,860)	
28			
30	TOTAL	<u>(7,390)</u>	<u>(3,490)</u>
32	Provides for the		
	deappropriation of funds due		
	to savings achieved in this		
	program.		
36	Reader and Information		
	Services - Library		
38	All Other	(4,436)	
40			
42	Provides for the		
	deappropriation of funds due		
	to savings achieved in this		
	program.		
46	MAINE STATE LIBRARY		
	TOTAL	<u>(11,826)</u>	<u>(3,490)</u>
50	TRANSPORTATION, DEPARTMENT OF		

2	Administration - Aeronautics		
4	All Other	(4,895)	(5,305)
6	Provides for the		
8	deappropriation of funds		
	through the reduction in All		
	Other costs.		
10	Railroad Assistance Program		
12	All Other	(25,410)	
14	Provides for the		
16	deappropriation of funds		
	through the reduction in All		
	Other costs.		
20	DEPARTMENT OF TRANSPORTATION		
	TOTAL	<u>(30,305)</u>	<u>(5,305)</u>
22			
24	SECTION		
	TOTAL APPROPRIATIONS	<u>(\$2,163,158)</u>	<u>(\$865,404)</u>

PART P

Sec. P-1. Department of Human Services; General Fund revenue.

The Department of Human Services shall seek reimbursement of expenditures under Medicaid Title XIX, 42 United States Code, Sections 1396 to 1396v (1988), for Targeted Case Management for the Social Services - Regional program in the amount of \$1,600,000 in fiscal year 1995-96 and \$1,500,000 in fiscal year 1996-97 to be credited as General Fund undedicated revenue.

PART Q

Sec. Q-1. Working capital advance.

The Department of Economic and Community Development shall return \$1,558,739 of the working capital advance authorized by Public Law 1993, chapter 471, section 5 to the General Fund no later than June 30, 1996.

PART R

2 **Sec. R-1. Supplemental appropriations from General Fund.** There
 3 are appropriated from the General Fund for the fiscal years
 4 ending June 30, 1996 and June 30, 1997 to the departments listed,
 the following sums.

	1995-96	1996-97
6 ADMINISTRATIVE AND FINANCIAL		
8 SERVICES, DEPARTMENT OF		
10 Office of the Commissioner -		
12 Administrative and Financial		
14 Services		
14 Personal Services	(\$5,134)	(\$5,362)
16 Provides for the		
18 deappropriation of funds to		
20 reflect the reduction related		
22 to the 3% salary increase for		
24 major policy-influencing		
26 positions.		
28 Administration - Human Resources		
24 Personal Services	(2,633)	(2,696)
26 Provides for the		
28 deappropriation of funds to		
30 reflect the reduction related		
32 to the 3% salary increase for		
34 major policy-influencing		
36 positions.		
38 Accounts and Control - Bureau of		
36 Personal Services	(2,633)	(2,696)
38 Provides for the		
40 deappropriation of funds to		
42 reflect the reduction related		
44 to the 3% salary increase for		
46 major policy-influencing		
48 positions.		
50 Budget - Bureau of the		
46 Personal Services	(2,633)	(2,696)
48 Provides for the		
50 deappropriation of funds to		

2 reflect the reduction related
 3 to the 3% salary increase for
 4 major policy-influencing
 positions.

6 Employee Relations - Office of		
8 Personal Services	(2,467)	(2,526)
10 Provides for the		
12 deappropriation of funds to		
14 reflect the reduction related		
16 to the 3% salary increase for		
18 major policy-influencing		
20 positions.		
22 Public Improvements -		
24 Planning/Construction -		
26 Administration		
28 Personal Services	(2,633)	(2,696)
30 Provides for the		
32 deappropriation of funds		
34 related to the 3% salary		
36 increase for major		
38 policy-influencing positions.		
40 Taxation - Bureau of		
42 Personal Services	(2,814)	(2,882)
44 Provides for the		
46 deappropriation of funds to		
48 reflect the reduction related		
50 to the 3% salary increase for		
major policy-influencing		
positions.		
DEPARTMENT OF ADMINISTRATIVE		
AND FINANCIAL SERVICES		
TOTAL	(20,947)	(21,554)
AGRICULTURE, FOOD AND RURAL		
RESOURCES, DEPARTMENT OF		
Administration - Agriculture		
Personal Services	(5,055)	(5,326)

2	Provides for the		
	deappropriation of funds from		
4	productivity savings from 3%		
	salary increases for major		
	policy-influencing positions.		
6			
	Agricultural Production		
8			
	Personal Services	(2,022)	(2,071)
10			
	Provides for the		
12	deappropriation of funds from		
	productivity savings from 3%		
14	salary increases for major		
	policy-influencing positions.		
16			
	Public Services - Agriculture		
18			
	Personal Services	(2,022)	(2,071)
20			
	Provides for the		
22	deappropriation of funds from		
	productivity savings from 3%		
24	salary increases for major		
	policy-influencing positions.		
26			
	Harness Racing Commission		
28			
	Personal Services	(1,728)	(1,769)
30			
	Provides for the		
32	deappropriation of funds from		
	productivity savings from 3%		
34	salary increases for major		
	policy-influencing positions.		
36			
	DEPARTMENT OF AGRICULTURE,		
38	FOOD AND RURAL RESOURCES		
	TOTAL	(10,827)	(11,237)
40			
	ATTORNEY GENERAL,		
42	DEPARTMENT OF THE		
	Chief Medical Examiner - Office of		
44			
	Personal Services	(4,058)	(4,364)
46			
	Provides for the		
48	deappropriation of funds from		
	savings accrued by not		
50			

2	awarding a 3% salary increase		
	for the Chief Medical		
4	Examiner position.		
	DEPARTMENT OF THE ATTORNEY GENERAL		
6	TOTAL	(4,058)	(4,364)
8			
	CONSERVATION, DEPARTMENT OF		
10	Administration - Forestry		
	Personal Services	(2,598)	(2,696)
12			
	Provides for the		
14	deappropriation of funds		
	budgeted for the 3% salary		
16	increase for major		
	policy-influencing positions.		
18			
	Administrative Services - Conservation		
20			
	Personal Services	(8,639)	(8,990)
22			
	Provides for the		
24	deappropriation of funds		
	budgeted for the 3% salary		
26	increase for major		
	policy-influencing positions.		
28			
	Forest Fire Control - Division of		
30			
	Personal Services	(1,943)	(1,990)
32			
	Provides for the		
34	deappropriation of funds		
	budgeted for the 3% salary		
36	increase for major		
	policy-influencing positions.		
38			
	Geological Survey		
40			
	Personal Services	(1,722)	(1,851)
42			
	Provides for the		
44	deappropriation of funds		
	budgeted for the 3% salary		
46	increase for major		
	policy-influencing positions.		
48			
	Land Use Regulation Commission		
50			

2	Personal Services	(2,226)	(2,280)
4	Provides for the		
6	deappropriation of funds		
8	budgeted for the 3% salary		
	increase for major		
	policy-influencing positions.		
10	DEPARTMENT OF CONSERVATION		
12	TOTAL	<u>(17,128)</u>	<u>(17,807)</u>
14	CORRECTIONS, DEPARTMENT OF		
16	Administration - Corrections		
18	Personal Services	(7,121)	(7,364)
20	Provides for the		
22	deappropriation of funds		
24	budgeted for the 3% salary		
	increase for major		
	policy-influencing positions.		
26	DEPARTMENT OF CORRECTIONS		
	TOTAL	<u>(7,121)</u>	<u>(7,364)</u>
28	DEFENSE AND VETERANS' SERVICES,		
30	DEPARTMENT OF		
32	Administration - Defense and		
	Veterans' Services		
34	Personal Services	(2,288)	(2,457)
36	Provides for deappropriation		
38	of funds budgeted for the 3%		
40	salary increase for major		
	policy-influencing positions.		
42	Administration - Maine Emergency		
	Management Agency		
44	Personal Services	(2,121)	(2,172)
46	Provides for deappropriation		
48	of funds budgeted for the 3%		
50	salary increase for major		
	policy-influencing positions.		

2	Military Training and Operations		
4	Personal Services	(1,839)	(1,978)
6	Provides for deappropriation		
8	of funds budgeted for the 3%		
	salary increase for major		
	policy-influencing positions.		
10	DEPARTMENT OF DEFENSE AND VETERANS'		
12	SERVICES		
	TOTAL	<u>(6,248)</u>	<u>(6,607)</u>
14	ECONOMIC AND COMMUNITY DEVELOPMENT,		
16	DEPARTMENT OF		
18	Administration - Economic and		
	Community Development		
20	Personal Services	(2,527)	(2,527)
22	Provides for the		
24	deappropriation of funds from		
26	budgeted 3% salary increases		
	for major policy-influencing		
	positions.		
28	DEPARTMENT OF ECONOMIC AND		
30	COMMUNITY DEVELOPMENT		
	TOTAL	<u>(2,527)</u>	<u>(2,527)</u>
32	EDUCATION, DEPARTMENT OF		
34	Administrative Office of		
	the Commissioner		
36	Personal Services	(5,524)	
38	Provides for the		
40	deappropriation of funds		
42	budgeted for the 3% salary		
44	increase for major		
	policy-influencing positions.		
46	Administrative Services Unit		
48	Personal Services	(1,793)	
50	Provides for the		
	deappropriation of funds		

2 budgeted for the 3% salary
 2 increase for major
 4 policy-influencing positions.

6 Leadership

6 Personal Services (7,493)

8 Provides for the
 10 deappropriation of funds
 12 budgeted for the 3% salary
 14 increase for major
 14 policy-influencing positions.

16 Management Information Systems

16 Personal Services (1,990)

18 Provides for the
 20 deappropriation of funds
 22 budgeted for the 3% salary
 24 increase for major
 24 policy-influencing positions.

26 Division of Management Information

26 Personal Services (1,943)

28 Provides for the
 30 deappropriation of funds
 32 budgeted for the 3% salary
 34 increase for major
 34 policy-influencing positions.

36 DEPARTMENT OF EDUCATION
 36 TOTAL (9,260) (9,483)

38 ENVIRONMENTAL PROTECTION,
 40 DEPARTMENT OF

42 Administration - Environmental
 42 Protection

44 Personal Services (4,552) (4,701)

46 Provides for the
 48 deappropriation of funds
 48 budgeted for the 3% salary

2 increase for major
 2 policy-influencing positions.

4 Air Quality Control

6 Personal Services (2,243) (2,409)

8 Provides for the
 10 deappropriation of funds
 12 budgeted for the 3% salary
 12 increase for major
 12 policy-influencing positions.

14 Land Quality Control

16 Personal Services (2,224) (2,388)

18 Provides for the
 20 deappropriation of funds
 22 budgeted for the 3% salary
 22 increase for major
 22 policy-influencing positions.

24 DEPARTMENT OF ENVIRONMENTAL
 24 PROTECTION

26 TOTAL (9,019) (9,498)

28 EXECUTIVE DEPARTMENT

30 Planning Office

32 Personal Services (2,764) (2,831)

34 Provides for the
 36 deappropriation of funds
 38 through the elimination of
 38 the 3% salary increase
 40 budgeted for major
 40 policy-influencing positions.

42 EXECUTIVE DEPARTMENT
 42 TOTAL (2,764) (2,831)

44 HUMAN RIGHTS COMMISSION,
 44 MAINE

48 Human Rights Commission -
 50 Regulation

2	Personal Services	(2,022)	(2,071)
4	Provides for the		
6	deappropriation of funds		
8	budgeted for the 3% salary		
	increase for major		
	policy-influencing positions.		
10	MAINE HUMAN RIGHTS COMMISSION		
12	TOTAL	<u>(2,022)</u>	<u>(2,071)</u>
14	HUMAN SERVICES, DEPARTMENT OF		
16	Administration - Human Services		
18	Personal Services	(2,992)	(3,064)
20	Provides for the		
22	deappropriation of funds due		
24	to productivity savings from		
	3% salary increases for major		
	policy-influencing positions.		
26	Administration - Income Maintenance		
28	Personal Services	(2,422)	(2,480)
30	Provides for the		
32	deappropriation of funds due		
34	to productivity savings from		
	3% salary increases for major		
	policy-influencing positions.		
36	Administration - Social Services		
38	Personal Services	(2,306)	(2,362)
40	Provides for the		
42	deappropriation of funds due		
44	to productivity savings from		
	3% salary increases for major		
	policy-influencing positions.		
46	Elder and Adult Services -		
	Bureau of		
48	Personal Services	(2,110)	(2,161)
50			

2	Provides for the		
4	deappropriation of funds due		
6	to productivity savings from		
8	3% salary increases for major		
	policy-influencing positions.		
	Health - Bureau of		
10	Personal Services	(4,245)	(4,347)
12	Provides for the		
14	deappropriation of funds due		
16	to productivity savings from		
	3% salary increases for major		
	policy-influencing positions.		
18	Health Planning and Development		
20	Personal Services	(1,959)	(2,006)
22	Provides for the		
24	deappropriation of funds due		
26	to productivity savings from		
	3% salary increases for major		
	policy-influencing positions.		
28	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	<u>(16,034)</u>	<u>(16,420)</u>
30	LABOR, DEPARTMENT OF		
32	Administration - Bureau of Labor		
34	Standards		
36	Personal Services	(1,722)	(1,851)
38	Provides for the		
40	deappropriation of funds		
42	budgeted for the 3% salary		
	increase for major		
	policy-influencing positions.		
44	DEPARTMENT OF LABOR		
46	TOTAL	<u>(1,722)</u>	<u>(1,851)</u>
48	MARINE RESOURCES, DEPARTMENT OF		
50	Administration - Marine		

2	Resources		
4	Personal Services	(4,738)	(4,990)
6	Provides for the		
8	deappropriation of funds from		
10	budgeted 3% salary increases		
12	for major policy-influencing		
14	positions.		
16	Marine Patrol - Bureau of		
18	Personal Services	(1,866)	(1,911)
20	Provides for the		
22	deappropriation of funds from		
24	budgeted 3% salary increases		
26	for major policy-influencing		
28	positions.		
30	DEPARTMENT OF MARINE RESOURCES		
32	TOTAL	<u>(6,604)</u>	<u>(6,901)</u>
34	MENTAL HEALTH AND MENTAL		
36	RETARDATION, DEPARTMENT OF		
38	Administration - Mental Health		
40	and Mental Retardation		
42	Personal Services	(17,727)	(18,343)
44	Provides for the		
46	deappropriation of funds from		
48	the elimination of the		
50	October 1, 1990 salary		
	increase for major		
	policy-influencing positions.		
	Aroostook Residential Center		
	Personal Services	(2,022)	(2,071)
	Provides for the		
	deappropriation of funds from		
	the elimination of the		
	October 1, 1990 salary		
	increase for major		
	policy-influencing positions.		

2	Disproportionate Share - Augusta		
4	Mental Health Institute		
6	Personal Services	(3,177)	(3,254)
8	Provides for the		
10	deappropriation of funds from		
12	the elimination of the		
14	October 1, 1990 salary		
16	increase for major		
18	policy-influencing positions.		
20	Disproportionate Share - Bangor		
22	Mental Health Institute		
24	Personal Services	(3,017)	(3,090)
26	Provides for the		
28	deappropriation of funds from		
30	the elimination of the		
32	October 1, 1990 salary		
34	increase for major		
36	policy-influencing positions.		
38	Elizabeth Levinson Center		
40	Personal Services	(2,022)	(2,071)
42	Provides for the		
44	deappropriation of funds from		
46	the elimination of the		
48	October 1, 1990 salary		
	increase for major		
	policy-influencing positions.		
	DEPARTMENT OF MENTAL HEALTH AND		
	MENTAL RETARDATION		
	TOTAL	<u>(27,965)</u>	<u>(28,829)</u>
	PUBLIC SAFETY, DEPARTMENT OF		
	Criminal Justice Academy		
	Personal Services	(1,468)	(1,580)
	Provides for the		
	deappropriation of funds		
	budgeted for the 3% salary		

2	increase for major policy-influencing positions.		
4	Drug Enforcement Agency		
6	Personal Services	(2,292)	(2,348)
8	Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
14	Liquor Enforcement		
16	Personal Services	(1,728)	(1,769)
18	Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
24	State Police		
26	Personal Services	(1,468)	(1,580)
28	Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
34	DEPARTMENT OF PUBLIC SAFETY		
36	TOTAL	(6,956)	(7,277)
38	SECRETARY OF STATE, DEPARTMENT OF THE		
40	Administration - Archives		
42	Personal Services	(1,987)	(2,135)
44	Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
46			
48			
50			

2	DEPARTMENT OF THE SECRETARY OF STATE		
4	TOTAL	(1,987)	(2,135)
6	SECTION TOTAL APPROPRIATIONS	(153,189)	(158,756)

PART S

Sec. S-1. 28-A MRSA §64, sub-§3, as amended by PL 1993, c. 6, Pt. B, §3, is further amended to read:

3. Authorized working capital. The maximum permanent working capital of the commission is established at **\$1,500,000** and permanent advances up to this amount may be authorized by the Governor upon recommendation of the commission with the approval of the Commissioner of Administrative and Financial Services. The permanent working capital of the commission may be supplemented by temporary loans from other state funds upon recommendation of the commission and by approval of the Commissioner of Administrative and Financial Services and the Governor.

PART T

Sec. T-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1995-96	1996-97
----------------	----------------

**HUMAN SERVICES,
DEPARTMENT OF**

**Aid to Families with
Dependent Children**

All Other	(\$33,000)
-----------	------------

Provides for the
deappropriation of funds for
contracting legal services to
appeal Supplemental Security
Income decisions.

**Aid to Families with
Dependent Children**

2 All Other (\$1,918,284) (481,631)
 4 Provides for the
 6 deappropriation of funds from
 the increase in child support
 collections and incentives.

8 Administration - Social Services

10 All Other (524,700)
 12 Provides for the
 14 deappropriation of funds for
 the Maine Automated Child
 Welfare Information System.

16 Departmentwide - TQM

18 All Other (20,000)
 20 Provides for the
 22 deappropriation of funds due
 to the elimination of a Total
 24 Quality management training
 contract with the Department
 26 of Human Services training
 unit.

28 Elder and Adult Services -
 30 Bureau of

32 All Other (15,000) (15,000)
 34 Provides for the
 36 deappropriation of funds
 through standardization of
 38 visitor and guardian ad litem
 fees for public guardianship.

40 Health - Bureau of

42 All Other (30,000) (30,000)
 44 Provides for the
 46 deappropriation of funds to
 eliminate rollover of
 48 contract funds.

50 Health - Bureau of

2 All Other (40,000) (80,000)
 4 Provides for the
 6 deappropriation of funds for
 tuberculosis treatment cost
 reduction.

8 Social Services - Regional

10 All Other (64,409) (149,287)
 12 Provides for the
 14 deappropriation of funds due
 to anticipated revenues in
 the Other Special Revenue
 16 account.

18 DEPARTMENT OF HUMAN SERVICES
 TOTAL (\$2,087,693) (\$1,313,618)

22 Sec. T-2. Allocation. The following funds are allocated from
 the Federal Expenditure Fund to carry out the purposes of this
 24 Part.

1996-97

28 HUMAN SERVICES,
 DEPARTMENT OF

30 Aid to Families with
 32 Dependent Children

34 All Other (\$56,967)
 36 Provides for the deallocation
 of funds for contracting
 38 legal services to appeal
 Supplemental Security Income
 40 decisions.

42 Sec. T-3. Allocation. The following funds are allocated from
 Other Special Revenue to carry out the purposes of this Part.

1995-96 1996-97

46 HUMAN SERVICES,
 DEPARTMENT OF

48 Administration -
 50

Social Services

2 All Other \$524,700
 4 Provides for the allocation
 6 of funds for the Maine
 8 Automated Child Welfare
 Information System.

**10 Aid to Families with
 Dependent Children**

12 All Other \$1,918,284 481,631
 14 Provides for the allocation
 16 of funds from the increase in
 18 child support collections and
 incentives.

20 Social Services - Regional

22 All Other 64,409 149,287
 24 Provides for the allocation
 26 of funds from anticipated
 special revenues.

**28 DEPARTMENT OF HUMAN SERVICES
 TOTAL**

\$1,982,693 \$1,155,618

30 **Sec. T-4. Authorization to expend funds.** The Department of
 32 Human Services is authorized to expend up to \$31,000 from the
 34 General Assistance Reimbursement to Cities and Towns account and
 \$11,000 from the Aid to Families with Dependent Children account
 36 in fiscal year 1996-97 for the purpose of reimbursing for legal
 work done to assist state residents who, prior to the legal work,
 38 had been receiving general assistance or Aid to Families with
 Dependent Children benefits to become qualified to receive
 40 federally funded disability benefits.

42 **Emergency clause.** In view of the emergency cited in the
 preamble, this Act takes effect when approved.

FISCAL NOTE

APPROPRIATIONS AND ALLOCATIONS

48 1995-96 1996-97
 50 General Fund Appropriations

2	PART A, Section A-1	711,912	871,758
	PART D, Section D-3	(317,902)	(488,492)
4	PART M, Section M-2	(106,541)	(149,567)
	PART N, Section N-1	3,022,669	8,786,906
6	PART O, Section O-1	(2,163,158)	(865,404)
	PART R, Section R-1	(153,189)	(158,756)
8	PART T, Section T-1	(2,087,693)	(1,313,618)
10	GENERAL FUND, TOTAL	(1,093,902)	6,682,827
12	Highway Fund		
14	PART A, Section A-2	(104,149)	(226,161)
16	HIGHWAY FUND, TOTAL	(104,149)	(226,161)
18	Federal Expenditures Fund		
20	PART A, Section A-3	(3,717,538)	(5,840,765)
	PART T, Section T-2		(56,967)
22	FEDERAL EXPENDITURES FUND, TOTAL	(3,717,538)	(5,897,732)
24	Other Special Revenue Fund		
26	PART A, Section A-4	(1,257,948)	(2,370,789)
28	PART T, Section T-3	1,982,693	1,155,618
30	OTHER SPECIAL REVENUE FUND, TOTAL	724,745	(1,215,171)
32	Federal Block Grant Fund		
34	PART A, Section A-5	(15,307)	(15,307)
36	FEDERAL BLOCK GRANT FUND, TOTAL	(15,307)	(15,307)
38	Telecommunication Fund		
40	PART A, Section A-6	(9,000)	(18,000)
42	TELECOMMUNICATION FUND, TOTAL	(9,000)	(18,000)
44	Data Processing Fund		
46	PART A, Section A-7	(464,467)	(722,043)
48	DATA PROCESSING FUND, TOTAL	(464,467)	(722,043)
50	Internal Service Funds - Statewide		

2	PART A, Section A-8	18,824	34,984
4	INTERNAL SERVICE FUNDS -		
	STATEWIDE, TOTAL	<u>18,824</u>	<u>34,984</u>
6	Alcoholic Beverage Fund		
8	PART A, Section A-9	(391,846)	(471,462)
10	ALCOHOLIC BEVERAGE FUND, TOTAL	<u>(391,846)</u>	<u>(471,462)</u>
12	Enterprise Funds - Statewide		
14	PART A, Section A-10	29,377	41,583
16	ENTERPRISE FUNDS - STATEWIDE, TOTAL	<u>29,377</u>	<u>41,583</u>
18			
20	GENERAL FUND UNDEDICATED REVENUE		
22		1995-96	1996-97
24	PART A		
	Section A-1		
	Labor		(124,801)
26	Judicial	(75,000)	(233,000)
	Mental Health and		
28	Mental Retardation		161,621
	Section A-9	362,469	429,879
30	PART P		
32	Section P-1	1,600,000	1,500,000
34	GENERAL FUND UNDEDICATED		
36	REVENUE, TOTAL	<u>1,887,469</u>	<u>1,733,699</u>
38			
40	ADJUSTMENTS TO BALANCE		
42		1995-96	1996-97
44	PART Q		
	Section Q-1	1,558,739	
46	PART S		
48	Section S-1	500,000	
50			

2	ADJUSTMENT TO BALANCE,	
	TOTAL	<u>2,058,739</u>

4 This bill generates and adjusts General Fund revenue and
6 makes net General Fund appropriations sufficient to close out the
8 (\$45,200,000) deappropriation in the 1996-1997 biennium made in
Public Law 1995, chapter 368 related to the Productivity
Realization Task Force.

10 The various proposals in this bill will generate an
12 additional \$90,982 for the General Fund unappropriated surplus.

16 STATEMENT OF FACT

18 This bill does the following:

20 PART A

22 Section 1 makes supplemental appropriations from the General
Fund.

24 Section 2 makes supplemental allocations from the Highway
Fund.

26 Section 3 makes supplemental allocations from the Federal
Expenditures Fund.

30 Section 4 makes supplemental allocations from the Other
Special Revenue Fund.

32 Section 5 makes supplemental allocations from the Federal
Block Grant Fund.

34 Section 6 makes supplemental allocations from the
Telecommunication Fund.

36 Section 7 makes supplemental allocations from the Data
Processing Fund.

40 Section 8 makes supplemental allocations from Internal
Service Funds - Statewide.

42 Section 9 makes supplemental allocations from the Alcoholic
Beverage Fund.

44 Section 10 makes supplemental allocations from Enterprise
Funds - Statewide.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

PART B

This Part implements the Department of Economic and Community Development's Productivity Realization Task Force plan. The plan reorganizes the department's 3 offices into 2 offices by merging the Office of Tourism and the Office of Community Development into the Office of Tourism and Community Development. As part of this reorganization, the energy conservation programs are relocated from the Office of Community Development to the Office of Business Development. Reference to a director of the energy conservation programs is deleted, and responsibility for energy conservation programs is assigned to the Director of the Office of Business Development. Responsibility for the Economic Conversion Division is reassigned from the Office of Business Development to the Office of Tourism and Community Development.

This Part implements the reorganization plan as follows.

This Part revises the basic organizational structure of the department to reflect the merger of the Office of Tourism and the Office of Community Development.

This Part reassigns the Economic Conversion Division to the Office of Tourism and Community Development from the Office of Business Development and deletes a reference to the Office of Business Development.

This Part enacts the energy conservation programs in the Maine Revised Statutes, Title 5, chapter 383, subchapter III. The language is identical to existing language in Title 5, section 13084, except that a reference to the Director of the Energy Conservation Division is deleted to reflect the elimination of the Energy Conservation Division director's position. The Director of the Office of Business Development is added as the director of these programs.

This Part repeals Title 5, chapter 383, subchapter III, article 3. Article 3 contains the Office of Tourism and tourism programs. This tourism language is restored in the newly enacted Title 5, chapter 383, subchapter III, article 1-C and relocates tourism programs to the newly created Office of Tourism and Community Development.

This Part changes the name of Title 5, chapter 383, subchapter III from "Community Development" to "Tourism and Community Development," and it changes the name of article 1 to "Community Development" from "General Provisions."

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

This Part revises language to reflect the Office of Tourism and Community Development's new name.

This Part creates a new article 1-C within Title 5, chapter 383, subchapter III to provide for the tourism programs within the Office of Tourism and Community Development.

The Part reallocates the tourism programs to the newly created Office of Tourism and Community Development. The language remains identical, except that references to the Office of Tourism have been changed to reflect the new name of the office.

This Part reenacts language dealing with the Maine Film Office and it corrects an error by deleting language that refers to the Director of the Maine Film Office as an appointed position.

This Part repeals the Energy Conservation Division.

This Part repeals state standards for appliance energy efficiency. This language is no longer necessary due to federal regulations that duplicate the State's standards.

PART C

Part C provides for the establishment of 2 state police major positions. The majors are appointed by and serve at the pleasure of the Chief of the State Police. If a major is removed or fails to be reappointed for any reason other than malfeasance of office, prior to the normal time for retirement, the major must be reinstated at the commissioned rank held at the time of appointment.

PART D

Part D does the following:

1. Authorizes the State Budget Officer to calculate and distribute specific deappropriations;
2. Authorizes the Bureau of Information Services to calculate new data processing rates for fiscal years 1995-96 and 1996-97; and
3. Makes appropriations from the General Fund in the form of reductions through data processing cost savings.

PART E

Part E does the following:

1. Amends the law to reflect restructuring of the Department of Environmental Protection;

2. Authorizes unencumbered General Fund balances in the Statewide - Unfunded Liability - Retirement account and the Statewide - Retiree Health account to carry forward from fiscal year 1995-96 to fiscal year 1996-97;

3. Authorizes unencumbered Highway Fund balances in the Statewide - Unfunded Liability - Retirement account and the Statewide - Retiree Health account to carry forward from fiscal year 1995-96 to fiscal year 1996-97;

4. Authorizes unencumbered General Fund and Highway Fund Personal Services balances that result from Public Law 1995, chapter 502, Part R to carry forward from fiscal year 1995-96 to fiscal year 1996-97; and

5. Authorizes the transfer of up to \$70,000 during fiscal year 1996-97 from the Safety Education and Training Fund to the Licensing and Enforcement Program, Other Special Revenue, for the purpose of meeting start-up costs for the boiler, elevator and tramway certification program.

PART F

The Office of Rehabilitation Services, including the Division for the Blind and Visually Impaired, the Division of Deafness and the Division of Vocational Rehabilitation, is currently part of the Department of Education. This bill makes the technical changes necessary to move the Office of Rehabilitation Services to the Department of Labor without modifying statutory authority.

PART G

This Part contains the changes needed for the restructuring of the Department of Labor including the dissolution of the Bureau of Employment Security and the Bureau of Employment and Training Programs, the creation of the Bureau of Unemployment Compensation and the Bureau of Employment Services, and the inclusion of the Maine Occupational Information Coordinating Committee in the Bureau of Employment Services.

This Part also clarifies the Commissioner of Labor's authority to provide adjudicatory proceedings and related services.

PART H

Part H effects the statutory changes necessary to implement the report of the Productivity Realization Task Force regarding the Department of Labor's Bureau of Labor Standards.

This Part changes the references for the Board of Boiler Rules and the Board of Elevator and Tramway Safety within the Maine Revised Statutes, Title 5, chapter 379.

This Part repeals the requirement that the Director of Labor Standards appoint a deputy director.

This Part removes the requirement that the bureau inspect every fire department at least once every 2 years.

This Part repeals Title 26, chapter 5, subchapter II, the boiler and pressure vessel laws and subchapter V-A, the elevator and tramway laws, and substantially enacts those laws in Title 32 under the purview of the Department of Professional and Financial Regulation. Changes are made to be consistent with Title 32.

A public member replaces the Director of Labor Standards on the Board of Boiler Rules. The board will elect a chair annually. Appointments will be made by the Governor. A representative of accessibility lift installers or manufacturers replaces the Director of Labor Standards on the Board of Elevator and Tramway Safety. The requirement that the initial inspection of an elevator be done by a state inspector is eliminated.

Under this Part, both boards will elect a chair annually and appointments to the boards will be made by the Governor. Penalty provisions have been eliminated for noncriminal violations of both regulatory laws.

This Part also establishes the transition of liabilities, assets and personnel from the Bureau of Labor Standards to the Department of Professional and Financial Regulation, effective October 1, 1996.

PART I

This Part makes the statutory changes necessary to implement the recommendations of the Productivity Realization Task Force as they relate to the Judicial Branch. The provisions govern restructuring of the fiscal unit within the Administrative Office of the Courts, restructuring of the Court Mediation Service into the Court Alternative Dispute Resolution Service, clarification of the authority of the District and Superior Court clerks to supervise consolidated offices, revisions to the geographical jurisdictions of the District Courts to recognize the closing of the Madawaska and Livermore Falls courts and implementation of

2 the associated personnel reductions and administrative changes
3 necessary to achieve the projected savings.

4 PART J

6 Part J changes the title of the Director, State Health
7 Planning and Development Agency position to Regional Executive
8 Manager and adds the 3 Regional Executive Manager positions to
9 the list of positions not subject to the Civil Service Law and to
10 the list of positions that are major policy-influencing positions
11 within the Department of Human Services.

12 PART K

14 This Part implements changes related to the Department of
15 Mental Health and Mental Retardation's Productivity Realization
16 Task Force proposal. The major changes proposed include:

- 18 1. Changing the Department of Mental Health and Mental
19 Retardation's name to the Department of Mental Health, Mental
20 Retardation and Substance Abuse Services;
- 22 2. Consolidating 5 to 3 regional service delivery areas;
- 24 3. Eliminating the Bureau of Children with Special Needs
25 and the Division of Mental Retardation and also eliminating 2
26 appointed division and bureau director positions;
- 28 4. Eliminating 2 additional appointed positions: Director,
29 Bath Children's Home and Assistant to the Associate Commissioner
30 for Administration;
- 32 5. Reorganizing the department's administrative structure
33 into 3 divisions (program, administration and systems operations)
34 and establishing an Associate Commissioner for Systems Operations
35 and 3 regional director positions to oversee regional operations;
- 36 6. Administratively combining the Office of Consumer
37 Affairs and the Office of Advocacy; and
- 38 7. Contracting out services offered at the Bath Children's
39 Home, effective July 1, 1996, and exempting the department from
40 complying with prenotification periods in the Maine Revised
41 Statutes, Title 34-B, section 1208-A, subsection 4.

42 PART L

44 Part L places the Office of Substance Abuse into the
45 Department of Mental Health, Mental Retardation and Substance
46 Abuse Services, as renamed in Part K.

2 Part L directs the Director of the Office of Substance Abuse
3 to submit legislation conforming the Maine Revised Statutes in
4 accordance with the placement of the office.

6 PART M

8 Part M does the following:

- 10 1. Authorizes the State Budget Officer to calculate and
11 distribute specific deappropriations; and
- 12 2. Makes appropriations from the General Fund in the form
13 of reductions through copier cost savings.

16 PART N

18 Part N deappropriates funds in the Department of Human
19 Services.

20 PART O

22 This Part deappropriates funds through the reduction of
23 controllable expenses.

26 PART P

28 This Part provides for the Department of Human Services to
29 seek reimbursement for expenditures to be credited to General
30 Fund Undedicated Revenue in fiscal year 1995-96 and fiscal year
31 1996-97.

34 PART Q

36 Part Q returns \$1,558,739 of the working capital advance
authorized by Public Law 1993, chapter 471, section 5.

38 PART R

40 Part R deappropriates funds as a result of not granting a 3%
41 salary increase to major policy-influencing positions.

42 PART S

44 Part S amends the law to reduce the maximum amount of
45 working capital advanced from the General Fund to the State
46 Liquor Commission.

48 PART T

2 This Part makes various appropriation and allocation
adjustments to the Department of Human Services and authorizes
4 the expenditure of funds to appeal Supplemental Security Income
decisions.