

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the One Hundred and Fourth Legislature

1969

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as the common carrier requires such terminal facilities for its own business as the Port Authority and such carrier may agree upon, or in the event of a failure to agree, as the Public Utilities Commission may fix as just and reasonable for the use so required. Such compensation shall be paid or adequately secured before the enjoyment or the use may be commenced. If under this paragraph the use of such terminal facilities of any carrier is required to be given to the Port Authority, and the carrier whose terminal facilities are required to be used is not satisfied with the terms fixed for such use, or if the amount of compensation so fixed is not duly and promptly paid, the carrier whose terminal facilities have thus been required to be given to the Port Authority shall be entitled to recover, by suit or action against the Port Authority, proper damages for any injuries sustained by it as the result of compliance with such requirement, or just compensation for such use, or both, as the case may be. The provisions of this section are subject to the exercise of any jurisdiction which may reside in the Interstate Commerce Commission.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective July 3, 1969

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## Chapter 197

**AN ACT Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971.**

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

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

Whereas, certain obligations and expenses incident to the operation of departments and institutions will become due and payable on or immediately after July 1, 1969; 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:*

**Appropriations for necessary expenditures of government.** In order to provide for the necessary expenditures of government and for other purposes for the next two fiscal years—from July 1, 1969 to June 30, 1970 and from July 1, 1970 to June 30, 1971—the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated. Upon receipt of allotments duly approved by the Governor and Council based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these appropriations and revenues

accruing thereto, together with expenditures for other purposes necessary to the conduct of State Government on the basis of such allotments and not otherwise.

Allotments for personal services, capital expenditures and amounts for all other departmental expenses shall not exceed the amounts shown in the budget document or as they may be revised by the Committee on Appropriations and Financial Affairs unless recommended by the State Budget Officer and approved by the Governor and Council.

There is hereby established within the Contingent Account a fund to be known as the Institutional Reserve Fund which is defined as a vehicle to provide relief, when need exists, and on a commodity basis only, to those institutions where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief cannot be absorbed within regular legislative appropriations. The detailed breakdown of such fund shall be on file in the Budget Office. Transfers to the various institutions from this fund shall not exceed the total amount available to this account. Funds provided in this Reserve Fund are not to be transferred between Line Categories.

The figures in parentheses shown just before each dollar amount provided for Personal Services in this Act, or as adjusted by other legislative action, shall represent the total number of authorized permanent positions in such account, and the maximum number of persons employable on a permanent basis at any one time. The appropriations made for Personal Services are made with the provision that the total number of permanent positions in any account shall not be increased during either year of the biennium over the total numbers shown in parentheses and used by the Legislature in computing the total dollars to be made available for Personal Services. Savings accruing within appropriations made for permanent positions, may be used for other non-recurring personal services when recommended by the department head and the Budget Officer, and approved by the Governor and Council. Said savings shall not be used for reclassifications, range changes or special merit increases, except in emergency cases and such requests may be authorized by the Personnel Board, subject to prior approval by the State Budget Officer that an emergency does exist and that such emergency cases shall be reported to the Legislative Finance Office by the State Budget Officer with his reasons for approval. To provide some degree of flexibility, each department, institution or agency may apply to the Personnel Board for an exchange between job classifications, and such action may be approved if by so doing the total amount determined to be available for Personal Services, in such account, for any one year is not exceeded.

The Budget Office, during the next biennium, shall continually review with all departments the status of their personnel with the purpose of determining that all departments are expending Personal Service moneys within the intent of the Legislature, and shall report any expenditures contrary to such intent to the Governor and Council and the Legislative Finance Officer.

The Governor and the Budget Officer when next preparing a Budget Document may at their discretion adjust the figures in parentheses, representing numbers of employees to reflect the number of employees which in their opinion is necessary to the proper operation of each department, institution or agency.

The Personnel Board is directed to require merit ratings on each individual who is recommended for a salary increase on a form prescribed by the board. Department heads are directed that the granting of merit increases be scrutinized and documented carefully. It is the intent of the Legislature that in instances where merit increases are not earned and warranted they should be denied.

No state department, institution or agency shall establish new programs or expand existing programs beyond the scope of the programs already established, recognized and approved by the Legislature, until such program and the method of financing shall be submitted to the Department of Finance and Administration—Budget Office—for evaluation and recommendation to the Legislature, and until funds are made available therefor by the Legislature.

The Budget Office shall inform the Committee on Appropriations and Financial Affairs through the Legislative Finance Office of significant action recommended by it in the performance of the budget responsibilities hereby assigned.

It is further provided that the Controller is authorized to close his books as soon as practicable after the close of the fiscal years ending June 30, 1970 and June 30, 1971. Any bills presented after those dates may be paid from appropriations for the ensuing year on recommendation of the Controller if within the amounts of approved allotments.

Whenever it appears to the Commissioner of Finance and Administration that the anticipated income of the State will not be sufficient to meet the expenditures authorized by the Legislature, he shall so report to the Governor and Council and they may temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income.

The Commissioner of Finance and Administration, through the State Purchasing Agent or such other agent as he may choose, shall conduct a thorough review of all types of equipment owned, leased or otherwise available to the several departments and agencies of the State, regardless of the source of supporting funds, with the intention of combining their use, providing centralized facilities, or of eliminating existing equipment and facilities, as he believes to be in the most economical, most efficient and best interests of the State.

At the end of each fiscal year of the biennium, all unencumbered appropriation balances representing state moneys, except those that carry forward as provided by law, shall be lapsed to Unappropriated Surplus as provided by the Revised Statutes of 1964, Title 5, section 1544. At the end of each fiscal year of the biennium, all encumbered appropriation balances shall be carried forward to the next fiscal year, but in no event shall encumbered appropriation balances be carried more than once.

There shall be paid from the General Highway Fund the cost of accounting, auditing, purchasing and legal services furnished from the General Fund appropriations. This revenue shall be credited to the General Fund.

It is the intent of the Legislature that in the event matching federal funds are not available as anticipated for programs in this Act, there is no obligation to provide state funds in excess of the appropriations listed in this Act.

Personnel employed by programs partially funded by federal funds shall be considered limited appointment employees, notwithstanding the figures in parentheses representing numbers of employees, should federal funds be withdrawn or reduced.

It is intended that the language in this section shall apply to all other appropriation measures enacted by the Legislature.

**GENERAL FUND**

**APPROPRIATIONS FROM GENERAL FUND**

**Section A**

Department	1969-70	1970-71
<b>AERONAUTICS, MAINE DEPARTMENT OF</b>		
Personal Services	(6) \$ 42,857	(6) \$ 60,227
All Other	134,143	179,773
Capital	3,000	—
Provides funds for operation of department. (L. D. 1356). Increases undedicated revenue \$180,000 in 1969-70 and \$240,000 in 1970-71		
 <b>DEBT RETIREMENT</b>		
General Fund Bonds		
All Other	180,000	1,100,000
Provides additional funds for proposed issues		
 <b>EDUCATION, DEPARTMENT OF</b>		
General Purpose Subsidies to Cities and Towns		
All Other	192,288	795,638
Provides subsidies for Parochial School closings		
 <b>FINANCE AND ADMINISTRATION, DEPT. OF</b>		
Bureau of Taxation Administration		
Personal Services	(33) 177,050	(33) 230,600
All Other	433,250	222,800
Capital	64,000	20,750
Provides staff and funds for Corporate and Personal Income Tax Divisions		

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Department	1969-70	1970-71
Bureau of Public Improvements Administration		
All Other	100,000	100,000
Provides funds for leasing office space		
Bureau of Purchases		
Personal Services	(1)      —	(1)      —
To establish central printing		
	-----	-----
Total Department of Finance and Administration	774,300	574,150
 HEALTH AND WELFARE, DEPARTMENT OF		
Removal of Town Share of Aid to Dependent Children		
All Other	(726,000)	(1,355,000)
Removes funds provided in Part II budget (L. D. 1608) P. & S. Chap. 154, 1969		
 INTEREST ON BONDS		
General Fund Bonds	121,500	645,500
Provides additional funds for pro- posed issues		
 MENTAL HEALTH AND CORRECTIONS, DEPT. OF		
Administration		
Bureau of Mental Health		
Personal Services	(-1)    (18,382)	(-1)    (18,736)
All Other	18,382	18,736
Reduces personnel count by 1 posi- tion and transfers funds appropri- ated in Part I budget to All Other for contractual services		
 RUNNING HORSE RACING COMMISSION		
Personal Services	—	3,500
All Other	—	2,500
Provides funds for Sunday racing		
 SECRETARY OF STATE		
Personal Services	15,000	—
All Other	30,000	—
Provides funds for referendums		



Department		1969-70	1970-71
Legislative Document	Title		
73	AN ACT INCREASING COMPENSATION OF MEMBERS OF THE LEGISLATURE	\$ —	\$ 3,500
185	AN ACT INCREASING SALARIES OF OFFICIAL COURT REPORTERS	1,125	1,500
265	AN ACT PROVIDING REIMBURSEMENT FOR HIGH SCHOOL DIPLOMA PROGRAMS IN MAINE'S GENERAL ADULT EVENING SCHOOLS	—	17,000
447	AN ACT ESTABLISHING AN OCCUPATIONAL SAFETY RULES AND REGULATIONS BOARD	1,000	1,500
576	AN ACT RELATING TO DEATH BENEFITS BEFORE RETIREMENT UNDER STATE RETIREMENT SYSTEM	16,560	17,388
597	RESOLVE, DISCHARGING TOWN OF SHAPLEIGH FROM PART OF THE INDEBTEDNESS TO STATE BOARD OF EDUCATION FOR PREPARATION OF AGREEMENT FOR DISSOLUTION OF SCHOOL ADMINISTRATIVE DISTRICT NO. 57	1,484.91	—
623	AN ACT TO INCREASE THE RETIREMENT PAY OF CERTAIN RETIRED STATE POLICE SERGEANTS	1,319.50	292.50
711	AN ACT TO AMEND THE NEW ENGLAND HIGHER EDUCATION COMPACT	500	500
812	AN ACT PERMITTING THE MUNICIPALITIES OF OLD ORCHARD BEACH AND SACO TO FORM A SCHOOL ADMINISTRATIVE DISTRICT AND CONTRACT FOR PART OF ITS STUDENTS WITH THORNTON ACADEMY	75,359	74,811
1515	AN ACT RELATING TO RETIREMENT OF JUSTICES OF		

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Department		1969-70	1970-71
Legislative Document	Title		
	THE SUPREME JUDICIAL AND SUPERIOR COURTS AND JUDGES OF THE DISTRICT COURT	11,250	1,250
1394	AN ACT TO CREATE A SCHOOL ADMINISTRATIVE DISTRICT IN THE TOWN OF SANFORD	45,494	45,494
1403	AN ACT TO AUTHORIZE THE TOWN OF SWAN'S ISLAND TO FORM A SCHOOL ADMINISTRATIVE DISTRICT	3,198	3,198
1432	AN ACT RELATING TO PRIVATELY OWNED BUSINESS, TRADE AND TECHNICAL SCHOOLS	500	200
1479	AN ACT TO TAX LICENSED MARINE WORM DEALERS	800	1,000
1566	AN ACT TO CREATE MAINE LAND USE REGULATION COMMISSION AND TO REGULATE REALTY SUBDIVISIONS	27,340	25,713
1597	AN ACT DEFINING THE POWERS AND DUTIES OF THE WATER AND AIR ENVIRONMENTAL IMPROVEMENT COMMISSION AND OTHER STATE AGENCIES WITH RESPECT TO AIR POLLUTION	35,000	45,000
772	AN ACT AUTHORIZING HARNESS RACING COMMISSION TO EMPLOY A VETERINARIAN	7,622	8,011
854	AN ACT AMENDING LAWS PERTAINING TO THE MAINE STATE PRISON	4,700	4,700
TOTAL SECTION A		<u>\$1,000,340.41</u>	<u>\$2,257,345.50</u>

**SECTION B**

**APPROPRIATIONS FROM UNAPPROPRIATED SURPLUS OF  
GENERAL FUND**

Department	1969-70	1970-71
LIQUOR COMMISSION		
Repairs to Warehouse Roof	\$ 40,000	\$ —
UNIVERSITY OF MAINE		
Fort Kent College Municipal Sewer Connections	5,000	—
GORHAM STATE COLLEGE		
New Boiler	35,000	—
Emergency Repairs — Robie Hall	50,000	—
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Total University of Maine	\$ 90,000	\$ —
BUREAU OF PUBLIC IMPROVEMENTS		
New Fuel Tank	34,000	—
Repairs and Minor Improvements	520,000	—
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TOTAL SECTION B	\$ 684,000	—

### SECTION C

Sec. 1. P. & S. L., 1961, c. 69, Section A. § 1, amended. The last paragraph of that part of Section 1, of Section A of chapter 69 of the private and special Laws of 1961, under the caption "Adjutant General, Department of", an enacted by chapter 148 of the private and special Laws of 1963 and amended by chapter 115 of the private and special Laws of 1965 and amended by chapter 14 of the private and special Laws of 1967, is repealed and the following enacted in place thereof:

The unexpended appropriation for the expansion of the Auburn, Sanford, Skowhegan and Westbrook Armories, due to lack of matching Federal Funds for these projects, shall not be completed and the funds appropriated for these projects shall be used as follows:

New Boiler—Rumford Armory	14,360
New Boiler—Norway Armory	14,000

These funds shall not lapse until June 30, 1971.

Sec. 2. P. & S. L., 1969, c. 154, Section A, amended. Section A under the caption, Mental Health and Corrections, Department of, is amended by striking out from the paragraph entitled "Overtime Payroll" the explanation and inserting in place thereof the following: Provides funds for time and a half payment for Mental Institutions during the transition period of changes from 44-hour to 40-hour work weeks.

\* Any unexpended balance to carry to June 30, 1971.

Sec. 3. P. & S. L., 1967, c. 191, Section B, amended. That portion of the Act under the caption "Maine Maritime Academy" and for the project listed below shall be amended to provide that the appropriation therefor shall not lapse but shall remain a carrying account until June 30, 1971.

Acquisition of Land

\$ 35,000

Sec. 4. P. & S. L., 1969, c. 121, amended. The last 2 sentences of the 4th paragraph of chapter 121 of the private and special laws of 1969 are amended to read as follows:

Said savings shall not be used for reclassifications, range changes or special merit increases, except in emergency cases and such requests may be authorized by the Personnel Board, subject to prior approval by the State Budget Officer that an emergency does exist and that such emergency cases shall be reported to the Legislative Finance Office by the State Budget Officer with his reasons for approval. To provide some degree of flexibility, each department, institution or agency may apply to the Personnel Board for an exchange between job classifications, and such action may be approved if by so doing the total amount determined to be available for Personal Services, in such account, for any one year is not exceeded ~~and also providing that certification is made, in writing, by the department head and the Budget Officer that such action will not result in an increased request for Personal Service moneys from the next Legislature.~~

Sec. 5. Effective date. Section 4 of SECTION C shall become effective July 2, 1969.

Sec. 6. P. & S. L., 1969, c. 154, amended. The last 2 sentences of the 4th paragraph of chapter 154 of the private and special laws of 1969 are amended to read as follows:

Said savings shall not be used for reclassifications, range changes or special merit increases, except in emergency cases and such requests may be authorized by the Personnel Board, subject to prior approval by the State Budget Officer that an emergency does exist and that such emergency cases shall be reported to the Legislative Finance Office by the State Budget Officer with his reasons for approval. To provide some degree of flexibility, each department, institution or agency may apply to the Personnel Board for an exchange between job classifications, and such action may be approved if by so doing the total amount determined to be available for Personal Services, in such account, for any one year is not exceeded ~~and also providing that certification is made, in writing, by the department head and the Budget Officer that such action will not result in an increase request for Personnel Services moneys from the next Legislature.~~

Sec. 7. Effective date. Section 6 of SECTION C shall become effective July 2, 1969.

Sec. 8. L. D. 1311, H. P. 1009, amended. Section 2 of Legislative Document 1311, House Paper 1009, is amended to read as follows:

**Sec. 2. Unclassified employees subject to Governor and Council determination.** With respect to unclassified employees whose wage rates are subject to Governor and Council determination, the Governor and Council shall grant similar and equitable treatment to individuals currently holding such positions.

## SECTION D

**Sec. 1. R. S., T. 3, § 2, amended.** The last paragraph of section 2 of Title 3 of the Revised Statutes, as amended, is further amended to read as follows:

The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent his tribe at the biennial assembly of the Legislature shall receive a compensation of ~~\$500~~ \$650 for such attendance and travel at each legislative session for 20 trips to and from his place of abode at the same rate as state employees receive, and allowance for meals and housing expenses as any other member of the Senate and House of Representatives for 20 days' attendance at each legislative session.

**Sec. 2. R. S., T. 4, § 651, amended.** The first sentence of section 651 of Title 4 of the Revised Statutes, as amended, is further amended to read as follows:

The Chief Justice of the Supreme Judicial Court may appoint not more than ~~13~~ 13 Official Court Reporters to serve for a term of 7 years, who shall report the proceedings in the Supreme Judicial Court and in the Superior Court and who shall be officials of the court to which they may from time to time be assigned by the Chief Justice, and be sworn to the faithful discharge of their duties, and each of whom shall receive from the State a salary of ~~\$11,000~~ \$12,500 per year.

**Sec. 3. R. S., T. 10, § 402, amended.** The first paragraph of section 402 of Title 10 of the Revised Statutes, as amended by section 1 of chapter 442 of the public laws of 1969, is further amended to read as follows:

The commissioner may employ division directors, deputies, assistants, specialists and such other employees as may be necessary, subject to the Personnel Law; appoint ~~assistants~~ assistants who shall serve at his pleasure; employ or engage with the approval of the Governor and Council such outside technical or professional consultants as may be necessary or appropriate to assist the department in carrying out its functions; and may enter into contracts with other boards, commissions, departments and divisions of the State or with the University of Maine to assist him or any division of the department in carrying out this chapter.

**Sec. 4. Effective date.** Section 3 of SECTION D of this Act shall become effective 91 days after adjournment of the Legislature.

**Emergency clause.** This Act, except as otherwise provided, shall take effect July 1, 1969.