

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PRIVATE and SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

One Hundred and Fifth Legislature

1971

The committee shall meet and organize and the members shall elect from among themselves a chairman and a secretary.

Sec. 2. Duties. The duties of the committee shall be:

1. To review the studies and recommendations of the Governor's Task Force to Study Library Services;
2. To study existing library laws;
3. To review standards for all types of libraries in conjunction with the appropriate professional groups;
4. To examine the "Standards for Library Functions at the State Level;"
5. To study the changing functions of libraries;
6. To study the funding necessary to support library services adequately; and
7. To propose a state-wide plan for library development and recommend legislation to the 106th Legislature to implement the plan.

Effective September 23, 1971

Chapter 117

AN ACT Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof.

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, 1971; 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 necessary expenditures of government and for other purposes for the

next 2 fiscal years—from July 1, 1971 to June 30, 1972 and from July 1, 1972 to June 30, 1973—the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulation, 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 amount 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.

The Governor and Executive Council shall not approve any allocation of funds for a department by which funds are transferred from one quarter to another, when the transfer will result in a request for a deficiency appropriation at a special or regular session of the Legislature.

The figures in parentheses shown just before each dollar amount provided for Personal Services in this Act, or as adjusted by legislative action, shall represent the total 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 nonrecurring personal services when recommended by the department head and the Budget Officer, and approved by the Governor and Council. 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 made available for Personal Services, in such account, for any one year is not exceeded and also providing that certification is made, in writing, that such action will not result in an increased request for Personal Service moneys from the next Legislature. Copies of all Personnel Board action relating to such changes shall be furnished to the Legislative Finance Office.

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 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.

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

The State Purchasing Agent is directed to require that requisitions for replacement motor vehicles include the age and total mileage of the motor vehicles being replaced. For the purposes of this paragraph, motor vehicles are defined as passenger cars, panel and pickup trucks, excluding those vehicles operated by the State Police. It is the intent of the Legislature that motor vehicles shall have been in service for at least 5 years or 50,000 miles before they are replaced. This policy shall also be adopted by the Budget Officer when next preparing a Budget Document. Exceptions to the established replacement policy shall require the prior approval of the Governor and Council.

No state department, institution or agency shall establish new programs or expand existing programs beyond the scope of those 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.

It is the intent of the Legislature that out-of-state travel be limited. Any State employee who travels out-of-state on State business (such as law enforcement, collecting, bidding, industrial or recreational development, loans, etc.) may continue to do so.

However, the Legislature is concerned about the increase in out-of-state travel and because of the State's financial circumstances, the Legislature directs that department heads hold down cost of all travel where it is not absolutely needed.

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, 1972 and June 30, 1973. 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 intent 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	1971-72	1972-73
ARTS AND HUMANITIES		
Personal Services	\$ 1,500	\$ 1,500
All Other	(2,425)	(2,700)

The Bureau of Public Improvements shall furnish office space in the State House Complex for this department

DEPARTMENT	1971-72	1972-73
ADJUTANT GENERAL		
Administration		
Personal Services	\$ 1,130	\$ 1,398
Provides funds for a stationary engineer		
DEBT SERVICE—GENERAL FUND BONDS		
Interest		
All Other	—	150,000
Provides funds for interest on new bond issues		
EDUCATION, DEPARTMENT OF		
National School Nutrition Program		
All Other	178,000	190,000
Provides matching funds for school lunch and breakfast programs		
Administration		
All Other	42,300	79,300
Provides funds for estimated cost of computer charges not budgeted in Part I		
New England Higher Education Compact		
All Other	112,500	125,000
Provides funds to increase the per student subsidy in Regional Medical and Dental Student Programs from \$2,500 to \$5,000		
Vocational Education Administration		
Personal Services	1,326	1,690
Provides for reclassification of Director of Vocational Education to Assistant Commissioner for Vocational Education (Present Salary Plan Levels)		
Northern Maine Vocational Technical Institute		
Personal Services	(5) 47,100	(5) 48,600
All Other	4,500	—
Capital Expenditures	40,500	—
Provides for instructors for 4 new courses plus related subjects instructor. Also provides \$4,500 for related All Other expenditures and funds for instructional equipment of \$15,500 in plumbing and heating course and \$25,000 in agricultural mechanics course. Increase Undedicated Revenue by \$36,500		

DEPARTMENT	1971-72	1972-73
EDUCATION, DEPARTMENT OF—continued		
Eastern Maine Vocational Technical Institute		
Personal Services (7) \$	65,132	(8) \$ 77,874
All Other	8,500	7,500
Capital Expenditures	24,565	—
Provides for instructors for 4 new courses for both years and 5th new course in second year of biennium plus initial supply related expense and equipment requirements for one of them—Licensed Practical Nurse Program. Increase Undedicated Revenue by \$34,900		
Southern Maine Vocational Technical Institute		
Personal Services (7)	71,663	(7) 76,441
Provides for 6 new instructors and 1 new Business Manager II. Increase Undedicated Revenue by \$22,500		
Central Maine Vocational Technical Institute		
Personal Services (1)	23,768	(7) 54,816
Capital Expenditures	—	46,250
Provides State authorization and funding for Director of Adult Education previously funded by Federal grant; provides in second year for 2 Related Science instructors, and 4 part-time instructors for short-term intensive courses. Provides \$11,000 in each year for additional salary for department heads. Also provides \$10,000 for capital equipment in Related Science area and \$46,250 for equipment in short-term intensive programs		
Washington County Vocational Technical Institute		
Personal Services (3)	28,929	(3) 29,659
Provides for Business Manager, Related Subjects Instructor, and for restoration of presently authorized Instruction position in Hotel and Resort Management Course eliminated in Current Services Budget		
School of Practical Nursing—Southern Maine		
Personal Services (1)	9,000	(1) 9,000
Provides for Clinical Instructor for clinical supervision in hospital outside of Portland		

DEPARTMENT	1971-72	1972-73
EDUCATION, DEPARTMENT OF—continued		
<p>(The additional funds provided to the Vocational Schools and Practical Nursing Schools will allow increased enrollments of between 300 and 400 students in the next two (2) years. The tuition charged starting in the school year of 1972-73 shall be \$300 for all courses except that the charge shall be \$200 in the Schools of Practical Nursing. Increases undedicated revenue \$150,699)</p>		
TOTAL DEPARTMENT OF EDUCATION	\$ 657,783	\$ 746,130

ENVIRONMENTAL IMPROVEMENT COMMISSION

Administration		
Personal Services	(11) \$ 83,140	(11) \$ 84,640
All Other	76,810	75,310
Site Location of Development		
Personal Services	(2) 15,050	(2) 15,050
TOTAL ENVIRONMENTAL IMPROVEMENT COMM.	\$ 175,000	\$ 175,000

FINANCE AND ADMINISTRATION

Property Management Division		
All Other	\$ 60,560	\$ 62,000
Provides funds for increased cost of electricity, water and sewerage fees		
Fuel Reserve Fund		
All Other	500,000	500,000
Provides funds for increased fuel oil cost for the Property Management Division, Adjutant General's Department and the Department of Mental Health and Corrections, and the Department of Education		
Retirees' Health Insurance		
All Other	65,000	65,000
Provides state's share of the retirees' health insurance premium		

DEPARTMENT	1971-72	1972-73
FINANCE AND ADMINISTRATION—continued		
Leasing Office Space		
All Other	3,200	3,200
To cover increased cost of leasing office space		
Administration		
All Other	58,400	58,400
Provides funds to reimburse the Employment Security Commission for unemployment benefits paid to former public employees as required by recent Federal legislation. In future years, agencies shall request funds within their own budgets for this purpose		
Bureau of Taxation		
Tax Relief for the Elderly		
Personal Services	—	3,300
All Other	8,800	3,438,000
Capital Expenditures	—	120
Provides funds for relief of elderly householders from the extraordinary impact of property taxes		
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TOTAL DEPT. OF FINANCE AND ADMINISTRATION	\$ 695,960	\$4,130,020
FORESTRY DEPARTMENT		
Science Technology and Mineral Resources		
All Other	\$ 20,000	\$ 5,000
Provides funds cut out in Part I in error. \$15,000 in the first year shall go into a revolving fund as a one time appropriation and income from publications will return to this special account to be spent for the same purposes		
HEALTH AND WELFARE, DEPARTMENT OF		
Child Health and Medical Care		
All Other	\$ 275,000	\$ 275,000
Provides funds for increased case-loads		

DEPARTMENT	1971-72	1972-73
HEALTH AND WELFARE, DEPARTMENT OF—continued		
Bureau of Rehabilitation		
All Other	—	5,980
Aid to Families with Dependent Children		
All Other	1,400,000	—
Provides funds for caseload increases. The appropriation for the AFDC Program for the year 1971-72 reflects the money needed for increased caseloads. There has been deleted from the appropriation the sum of \$50,000 per month or a total for 1971-72 of \$600,000. It is the intent of the legislature that by decreasing this appropriation the Department of Health and Welfare shall abolish the unemployed father grant in the AFDC Program during the next biennium		
Medical Care		
All Other	1,100,000	—
Provides funds for caseload increases. It is the intent of the legislature that the funds provided in the AFDC Accounts shall be the total appropriated state funds expended for these programs during the 1971-72 year. In the event caseload increases continue, administrative action shall be taken to stay within legislative appropriation. This directive shall apply to all appropriations made to the Department of Health and Welfare. Transfers from one account to another to meet increased cost may continue		
TOTAL DEPT. OF HEALTH AND WELFARE	\$2,775,000	\$ 280,980
LAND USE REGULATION COMMISSION		
Personal Services	(4) \$ 38,000	(4) \$ 40,000
All Other	22,200	22,750
Capital	2,775	1,000
LEGISLATIVE		
Legislative Expense		
All Other	\$ —	\$ 60,000
Provides funds for professional contractual employees for the following		

DEPARTMENT

1971-72

1972-73

LEGISLATIVE—continued

committees: Education, Natural Resources, State Government, Judiciary and Legal Affairs. Personnel to be hired and salary set by Joint Legislative Order

MAINE PORT AUTHORITY

The Authority may hire 4 additional men to be used as a relief crew—funds to pay for these shall come from an increase in tariff rates

MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF

Commodity Price Increases				
All Other		\$ 190,971		\$ 189,729
State Prison				
All Other		20,000		20,000
Provides funds for medical services				
Pineland Hospital and Training Center				
All Other		20,000		20,000
Provides funds for increased medical costs				
Augusta State Hospital				
Capital Expenditures		45,937		23,844
Provides funds for items needed for accreditation				
Bangor State Hospital				
Personal Services		69,325		68,016
Military and Naval Children's Home				
All Other		3,296		3,160
Administrative				
Departmental Operations				
Personal Services	(13)	138,093	(13)	140,111
All Other		\$ 46,476		\$ 46,438
Capital Expenditures		1,452		525
Bureau of Mental Health				
Personal Services	(-9)	(150,490)	(-9)	(151,733)
All Other		(19,866)		(19,866)
Capital Expenditures		(687)		(450)
Community Mental Health Services				
All Other		26,900		26,900

DEPARTMENT	1971-72		1972-73	
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF—				
continued				
Bureau of Mental Retardation				
Personal Services	(-2)	(33,464)	(-2)	(34,201)
All Other		(7,649)		(7,649)
Capital Expenditures		(765)		(75)
Total Administrative (Consolidation of Central Office Accounts)	(2)	\$ —	(2)	\$ —
Stevens School				
Personal Services				
Reinstatement of one position	(1)		(1)	
TOTAL MENTAL HEALTH AND CORRECTIONS, DEPT. OF		\$ 349,529		\$ 324,749

PARK AND RECREATION COMMISSION

Allagash Wilderness Waterway				
Personal Services	(1)	\$ 5,499	(1)	\$ 5,746
All Other		1,000		1,000
Capital Expenditures		1,200		—
Provides funds for one Park Ranger. All Other and Capital Expenditures provide related operating expenses				

PERSONNEL DEPARTMENT

All Other		5,000		7,000
Provides funds for computer services				

STATE EMPLOYEES' SALARIES

Personal Services		1,718,000		1,766,000
Provides the General Fund portion of the funds required to put in operation the State Employee Association Pay Plan reduced by one (1) range effec- the 1st pay period in October 1971				

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.

Unclassified employees not subject to Governor and Council determination. With respect to unclassified employees whose wage rates are not subject to determination by the Governor and Council, the authorities responsible for determining the wage rates of such employees shall grant similar and equitable treatment.

DEPARTMENT	1971-72	1972-73
STATE EMPLOYEES' SALARIES—continued		

Utilization by other funds. Wages of employees in departments supported by the Highway Fund, Special Revenue Funds or other funds shall not be adjusted from moneys provided for the General Fund Pay Plan, but shall be adjusted from funds available to them from other sources.

TREASURER OF STATE

Administration		
All Other	\$ 25,000	\$ 25,000
Provides for increased postage rates		

VETERANS MEMORIAL CEMETERY

All Other	5,000	—
Provides funds for grave sites. The money is carried from 1971-72 to 1972-73 to be used for the same purpose		

TOTAL APPROPRIATIONS	\$6,497,151	\$7,740,573
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Amounting to \$6,497,151 for the fiscal year ending June 30, 1972 and \$7,740,573 for the fiscal year ending June 30, 1973.

GENERAL FUND

UNAPPROPRIATED SURPLUS OF GENERAL FUND

SECTION B

DEBT SERVICE — GENERAL FUND BONDS

Interest		
All Other	\$ 231,250	\$ 450,938
Provides funds for interest on MIBA Bonds		
Debt Retirement		
All Other	—	462,500
Provides funds for Debt Service on defaulted MIBA Bonds		

FINANCE AND ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improvements		
State House Renovation		
New electric service	\$ 101,000	\$ —
Space remodeling, first and second floors	90,000	—
Space remodeling, second and third floors	109,000	—
Provides funds to carry out proposal to Stage 2-A for new Cultural Building	214,000	—

DEPARTMENT	1971-72	1972-73
FINANCE AND ADMINISTRATION, DEPARTMENT OF—continued		
TOTAL DEPT. OF FINANCE AND ADMINISTRATION	\$ 514,000	\$ —
MUSEUM COMMISSION	\$ 100,000	\$ —
Provides \$50,000 for equipment and \$50,000 for exhibits for the new Cul- tural Building		
SEA AND SHORE FISHERIES, DEPARTMENT OF		
Capital Items	\$ 18,000	\$ —
Replace radios so that they can be in the same network as State Police and Inland Fish and Game		
TOTAL SECTION B	\$ 863,250	\$ 913,438

Amounting to \$863,250 for the fiscal year ending June 30, 1972 and \$913,438 for the fiscal year ending June 30, 1973. Any balance as of June 30, 1972 shall carry into 1973 fiscal year to be expended for the same purpose.

SECTION C

P. & S. L., 1969, c. 154, Section A, amended. The last paragraph of that portion of the Act under the caption "State Employees Salary Plan" is repealed and the following enacted in place thereof:

Any unexpended balance as of June 30, 1970 and June 30, 1971 shall not lapse but shall carry forward to June 30, 1973 to be expended for the same purposes.

SECTION D

R. S., T. 36, § 451, amended. The first sentence of section 451 of Title 36 of the Revised Statutes is amended to read as follows:

For necessary expenses of local and State Government, a tax is assessed annually at the rate of ~~25~~ 20 mills on the dollar upon each municipality, township and each lot and parcel of land not included in any township in the State.

SECTION E

Sec. 1. R. S., T. 36, § 4365, amended. The first sentence of section 4365 of Title 36 of the Revised Statutes, as repealed and replaced by section 96 of chapter 544 of the public laws of 1967, and as amended by section 6 of chapter 295 of the public laws of 1969, is further amended to read as follows:

A tax is imposed on all cigarettes held in this State by any person for sale, said tax to be at the rate of 6 7 mills for each cigarette and the payment there-

of to be evidenced by the affixing of stamps to the packages containing the cigarettes.

Sec. 2. R. S., T. 36, § 4365, amended. The next to the last sentence of section 4365 of Title 36 of the Revised Statutes, as repealed and replaced by section 97 of chapter 544 of the public laws of 1967, and as amended by section 7 of chapter 295 of the public laws of 1969, is further amended to read as follows:

The Tax Assessor thereupon shall notify the unclassified importer of the amount of the tax due thereon, which shall be at the rate of 6 7 mills per cigarette.

Sec. 3. Cigarettes on hand; stamping or account; waiver provisions. The State Tax Assessor may by regulation waive for a period of not over 7 days following the effective date of sections 1 and 2 of Section E payment of additional tax by retail dealers with respect to stocks of cigarettes properly stamped at the rate of 6 mills per cigarette sold during such period, provided such stocks were on hand as of the effective date of sections 1 and 2 of Section E and pursuant thereto, the State Tax Assessor may also waive for the same period the application to retail dealers of Title 36, sections 4369, 4370 and 4372 as respects such cigarettes.

Nothing herein shall be construed to authorize any distributor or subjobber to distribute to any retail outlet cigarettes not properly stamped at the rate of 7 mills per cigarette.

Cigarettes in the hands of retail dealers subsequent to the period of waiver provided for above, not properly stamped at the rate of 7 mills per cigarette, shall be subject to confiscation under the provision of Title 36, section 4372; and such retailer shall be subject to any other penalties by law provided.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1971.

Effective July 1, 1971

Chapter 118

AN ACT to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Washington County Vocational Technical Institute, and the Maine Maritime Academy, Water Front Engineering Complex (Phase I) at Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Multi-Purpose Buildings for Penobscot and Passamaquoddy Reservations.

Preamble. Two-thirds of both Houses of Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution to authorize