

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

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
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Sixth Legislature

AT THE
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

partment of Health and Welfare shall, either through its own workers or through a duly licensed child placing agency, furnish studies and reports relevant to proceedings hereunder.

If, after a hearing, the judge finds that the putative father is in fact the natural father of the child but has not undertaken or is unwilling or unable to undertake parental responsibilities in regard to that child, he shall rule that the natural father has not established parental rights to that child, and has abandoned the child, and that only the mother of the illegitimate child must consent to the adoption of that child or execute a surrender and release for the purpose of adoption of that child.

If the judge finds that the putative father is in fact the natural father of the child and that he has undertaken or is willing and able to undertake parental responsibilities in regard to that child, he may rule that the natural father has established parental rights to that child. The natural father may then either consent to the adoption of the child or execute a surrender and release for the purpose of adoption of the child. If the natural father will not either consent to the adoption of the child or execute a surrender and release for the purpose of adoption of the child, the judge may grant the exclusive care and custody of the child to the natural father.

If the judge of probate finds that the putative father of the child has not petitioned or appeared within the required period as set out in this section, he shall rule that the putative father has no parental rights and that only the mother of the child must consent to the adoption of that child or execute a surrender and release for the purpose of adoption of that child.

A record of any decree rendered or order entered pursuant to this section shall be entered into the records of the court, and a copy of such decree or order shall be attached to the petition for adoption filed with the court. All such records shall be subject to the same standards of confidentiality relating to adoption records set out in section 534.

An appeal shall lie from any ruling under this section to the supreme court of probate, and no consent to the adoption of, or surrender and release for the purpose of adoption of, the illegitimate child shall be approved pending such appeal.

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

Effective April 1, 1974

CHAPTER 792

AN ACT Relating to Standards for Selection of State Auditor and Duties of the Office.

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

Sec. 1. R. S., T. 5, § 241, amended. The 2nd sentence of section 241 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

He shall be a certified public accountant or a college graduate with not less than 6 years of experience as a professional accountant or auditor, including not less than 5 years of auditing experience, of which not less than 4 years shall have been in a supervisory capacity.

Sec. 2. Effective date. Section 1 of this Act shall become effective January 1, 1977.

Sec. 3. R. S., T. 5, § 242-B, additional. Title 5 of the Revised Statutes is amended by adding a new section 242-B to read as follows:

§ 242-B. Program Review and Evaluation Division

1. **Establishment.** The State Auditor is authorized to create a Program Review and Evaluation Division within the Department of Audit. He shall appoint a director of that division to serve at his pleasure. The director shall be chosen without reference to party affiliation and solely on the ground of fitness to perform the duties of his office and shall have had not less than 2 years of experience as a professional accountant or auditor.

The director may employ, with the approval of the State Auditor and subject to the Personnel Law, such employees as may be necessary to carry out the duties of the division. The director shall have available in the division employees who are expert in analyzing and conducting cost benefit studies of government programs.

2. **Purpose.** It shall be the purpose of the Program Review and Evaluation Division to examine State Government Programs and their administration to ascertain whether such programs are effective, continue to serve their intended purpose, are conducted in an effective and efficient manner, or require modification or elimination, and generally to assist the Legislature in providing greater control over receipt, disbursement and application of public funds.

3. **Assistance to the Legislature.** The State Auditor, through the Program Review and Evaluation Division, shall review and analyze the results of government programs and activities carried on under existing law, including the making of cost benefit studies, when ordered by either House of the Legislature, or upon his own initiative, or when requested by the Legislative Council or by any committee of the House of Representatives or the Senate, or any joint committee of the 2 Houses, having jurisdiction over such programs and activities.

Upon request of any committee of either House or any joint committee of the 2 Houses, or the Legislative Council, the State Auditor through the Program Review and Evaluation Division, shall assist such committee or joint committee, or the staff of such committee or joint committee or the Legislative Council in:

A. Analyzing cost benefit studies furnished by any state agency to such committee or joint committee or the Legislative Council; or

B. Conducting cost benefit studies of programs under the jurisdiction of such committee or joint committee or the Legislative Council.

Sec. 4. Appropriation. There is appropriated from the General Fund to the Department of Audit for the purpose of establishing a Program Review and Evaluation Division, the sum of \$68,000 for the fiscal year 1974-75. The breakdown shall be as follows:

1974-75

AUDIT, DEPARTMENT OF

Program Review and Evaluation Division	
Personal Services	(4) \$60,000
All Other	6,000
Capital Expenditures	2,000
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	\$68,000

Effective June 28, 1974

CHAPTER 793

AN ACT Clarifying the Functions of and Reconstituting the Office of Maine's Elderly and the Office of Resource Development.

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

Whereas, Title 22 is unclear as to which organizational unit of the Department of Health and Welfare is responsible for administration of \$12,000,000 provided to Maine pursuant to Titles IV and VI of the United States Social Security Act; and

Whereas, failure to enact this Act as an emergency may result in the lapsing on June 30, 1974 of several million dollars of such federal funds now available to Maine; and

Whereas, the Legislature intends to establish clear statutory authority and organizational powers and duty for administration of human services and social services prior to June 30, 1974; 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:

Sec. 1. R. S., T. 22, § 1, repealed and replaced. Section 1 of Title 22 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 1. Department; commissioner; bureaus; compensation; employees; definitions