

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 Seventh Legislature

1975

4. Debris removal in major disasters.

A. Whenever the Governor has declared a disaster emergency to exist under the laws of this State, or the President, at the request of the Governor has declared a major disaster or emergency to exist in this State, the Governor is authorized:

(1) Notwithstanding any other provision of law, through the use of state departments or agencies, or the use of any of the state's instrumentalities, to clear or remove from publicly or privately-owned land or water, debris and wreckage which may threaten public health or safety, or public or private property; and

(2) To accept funds from the Federal Government and utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately-owned land or water.

B. Conditions of execution of removal or clearance:

(1) Authority under this section shall not be exercised unless the affected local government, corporation, organization or individual shall first present an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the State Government against any claim arising from such removal;

(2) Whenever the Governor provides for clearance of debris or wreckage pursuant to subparagraphs (1) or (2) of paragraph A, employees of the designated state agencies or individuals appointed by the State are authorized to enter upon private land or waters and perform any tasks necessary to the removal or clearance operation; and

(3) Except in cases of willful misconduct, gross negligence or bad faith, any state employee or agent complying with orders of the Governor and performing duties pursuant thereto under this section shall not be liable for death of or injury to persons or damage to property.

C. The Governor is authorized to make rules and regulations to carry out this subsection.

Effective October 1, 1975

CHAPTER 618

AN ACT Establishing a Fee-for-Service System for the
Diagnostic Laboratory, Department of Health and Welfare.

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

22 MRSA § 562, as amended by PL 1971, c. 466, § 1, is further amended to read:

§ 562. Superintendent; appointment; duties; fees charged for certain services; certain services free

The department shall appoint a superintendent of such laboratory, who shall hold that position at the pleasure of the department. He shall keep a record of all specimens sent to him for examination, and examine these specimens without unnecessary delay, and do such other work and make such other investigations relating to the public health as said department may from time to time direct. ~~The services of the laboratory and all investigations made shall be free to the people of the State, except that the department, subject to the approval of the Governor and Council, may fix charges when deemed advisable or necessary.~~

The department shall charge the average costs for certain services rendered by the diagnostic laboratory. Costs shall be recalculated at least annually and imposed with the approval of the Governor and Council. The department is directed to establish a dedicated revenue account for fees derived from microbiological testing to be used for conducting such testing.

Services considered to be essential to the maintenance of the public health, including but not limited to services related to the diagnosis of tuberculosis and venereal disease, shall be provided free to the people of the State.

~~The department may make a charge, not to exceed \$2, for chemical and bacteriological examination of private water supplies. All such fees collected shall be credited to the General Fund.~~

Effective October 1, 1975

CHAPTER 619

AN ACT to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly, Disadvantaged Maine Citizens.

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

Sec. 1. 22 MRSA § 254 is enacted to read:

§ 254. Free drugs to elderly, disadvantaged individuals

The Department of Health and Welfare is authorized to conduct a program to provide free prescription and nonprescription drugs and medication to disadvantaged, elderly individuals. The person responsible for administration of this program must be either a Maine licensed pharmacist, physician, osteopathic physician or dentist, or must be under the administrative supervision of someone meeting these specifications. The extent and the magnitude of this program will be determined by the Commissioner of Health and Welfare and will be determined on the basis of the calculated need of the recipient population and the available funds. The department is not authorized to spend more on the conduct of this program than is available either through appropriations from the General Fund, dedicated revenue, federal or other grants and other established and committed funding sources. The commissioner is authorized to accept for the purposes of carrying out this program federal funds appropriated under any federal law relating to the furnishing of free drugs to the disadvantaged, elderly individuals and to do such acts as are necessary for the purposes of carrying out such federal law; and to accept from any other agency of government, individual, group or corporation such funds as may be available to carry out this chapter.