

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

**Sec. 8. Appropriation.** The appropriation to the Department of Educational and Cultural Services for 1976-77 shall be reduced in "0308 Education—General Purpose Aid for Local Schools—All Other" by an amount of \$113,298,754, and the anticipated General Fund revenue from the state assessed property tax shall be reduced in an amount of \$113,298,754.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 3, 1976.

Effective July 3, 1976

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## CHAPTER 755

### AN ACT to Reorganize or Repeal Certain Activities and Agencies in Maine State Government.

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

Whereas, the reorganization of certain activities and agencies is found to be essential for the effective operation of Maine State Government; 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**Sec. 1.** 5 MRSA § 711, sub-§ 11, as enacted by PL 1971, c. 350, § 1, and as amended by P & SL 1973, c. 53, is repealed and the following enacted in place thereof:

11. Officials of the Department of Mental Health and Corrections. The directors of Mental Health, of Mental Retardation and of Corrections, and the superintendents of the Augusta Mental Health Institute, of the Bangor Mental Health Institute and of the Pineland Center.

**Sec. 2.** 5 MRSA §§ 3306-3307, as enacted by PL 1967, c. 533, § 1, are repealed.

**Sec. 3.** 10 MRSA §§ 901-902, as amended by PL 1971, c. 584, § 1, are repealed.

**Sec. 4.** 22 MRSA § 1, 3rd ¶, as repealed and replaced by PL 1973, c. 793, § 1, is amended to read:

The commissioner may employ such bureau and division heads, deputies, assistants and employees as may be necessary to carry out the work of the department. All personnel of the department shall be under the immediate

supervision, direction and control of the commissioner. Such personnel shall be employed subject to the Personnel Law, except the deputy commissioners, the director, Bureau of Resource Development and the director, Bureau of Maine's Elderly and as otherwise designated by statute. Deputy commissioners shall be appointed by the commissioner, with the advice and consent of the Governor and Executive Council, and shall serve at the pleasure of the commissioner.

Sec. 5. 30 MRSA § 2411, sub-§ 2, ¶ A, first sentence, as enacted by PL 1971, c. 455, § 1, is amended to read:

The board shall consist of 5 or 7 members, serving staggered terms of at least 3 and not more than 5 years, except that municipalities with a population of less than 1,000 residents may form a board consisting of not less than 3 members.

Sec. 6. 34 MRSA § 1, 2nd ¶, as last amended by PL 1973, c. 553, § 3, is repealed and the following enacted in place thereof:

The department shall be under the control and supervision of a Commissioner of Mental Health and Corrections, hereinafter in this Title called the "commissioner," and who shall be appointed by the Governor, with the advice and consent of the Council, for a term coterminous with the Governor, subject to removal for cause by the Governor and Council. Any vacancy shall be filled by appointment for a like term. The commissioner shall be a person experienced in human services administration or who has had other satisfactory experience in the direction of work of a comparable nature. The commissioner may appoint, subject to the Personnel Law and except as may otherwise be provided, such employees as may be necessary.

The commissioner shall have the power to appoint associate commissioners, and bureau and institutional heads as shall be necessary for the proper performance of the duties of the department.

The commissioner shall appoint an associate commissioner for program and an associate commissioner for administration to assist in carrying out the responsibilities of the department. The associate commissioner for program shall be a person with training and experience in the planning and administration of human services. The associate commissioner for administration shall be a person with training and experience in general management.

The bureau directors and the heads of the several institutions within the department shall report directly to the commissioner.

In the event of a vacancy in the office of the commissioner or during his absence or disability, the associate commissioner for program shall perform such duties and have the same powers as provided by law for the commissioner. In the event of vacancy in both the office of commissioner and the office of the associate commissioner for program, or during the absence or disability of both officials, the associate commissioner for administration shall perform such duties and have the same powers as provided by law for the commissioner.

Sec. 7. 34 MRSA § 1, 4th ¶, is repealed and the following enacted in place thereof:

Wherever in this Title powers and duties are given to the department, these may be and shall be assumed and carried out by such of the associate commissioners, bureau directors or institutional heads as the commissioner may designate from time to time, and these powers and duties so delegated may in turn be delegated by the aforesaid officers with the approval of the commissioner.

Sec. 8. 34 MRSA § 526, as enacted by PL 1967, c. 20, is repealed and the following enacted in place thereof:

§ 526. Director, duties; institutional heads

The commissioner shall, with the advice of the Correctional Advisory Commission, appoint and set the salary, subject to the approval of the Governor and Council, for a Director of Corrections who shall be a person with training and experience in correctional administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner. It shall be the duty of the Director of Corrections to carry out the purposes of the bureau.

Sec. 9. 34 MRSA § 2002 is repealed and the following enacted in place thereof:

§ 2002. Director; duties

The commissioner shall, with the advice of the Committee on Mental Health, appoint and set the salary, subject to the approval of the Governor and Council, for a Director of Mental Health who shall be a person with training and experience in mental health program administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner. It shall be the duty of the Director of Mental Health to carry out the purposes of the bureau.

Sec. 10. 34 MRSA § 2062, as enacted by PL 1967, c. 535, § 1, is repealed and the following enacted in place thereof:

§ 2062. Director; duties

The commissioner shall, with the advice of the Committee on the Problems of the Mentally Retarded, appoint and set the salary, subject to the approval of the Governor and Council, for a Director of Mental Retardation who shall be a person with training and experience in mental retardation program administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner. It shall be the duty of the Director of Mental Retardation to carry out the purposes of the bureau.

Sec. 11. P & SL 1953, c. 105, Creating the Washington County Recreation Authority, is repealed.

Sec. 12. P & SL 1959, c. 131, Creating the Washington County Development Authority, is repealed.

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

Effective April 13, 1976

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## CHAPTER 756

### AN ACT to Reorganize the Bureau of Corrections.

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

Whereas, it is essential that the Bureau of Corrections has adequate facilities to provide for the increasing number of adult offenders; and

Whereas, the establishment of a Maine Youth Center in South Portland, serving male and female juvenile offenders, is found appropriate for improved services and cost effectiveness; 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.** 5 MRSA § 1507, sub-§ 1, first sentence, as repealed and replaced by PL 1969, c. 455, § 1, is amended to read:

\$120,000 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.

**Sec. 2.** 15 MRSA § 2611, sub-§ 4, ¶ B, as last amended by PL 1967, c. 195, § 1, is repealed and the following enacted in place thereof:

B. Commit to the Maine Youth Center, if the juvenile is of the proper age;

**Sec. 3.** 15 MRSA § 2611, sub-§ 5, as last repealed and replaced by PL 1975, c. 538, § 7, is amended to read:

5. Dispositions after return to a juvenile court. In instances of commitment of a juvenile to the ~~Boys Training Center or to the Stevens School~~ Maine Youth Center, the superintendent thereof following such commitment may for good cause petition the juvenile court having original jurisdiction in the case for a judicial review of disposition. In all cases in which a juvenile is returned to a juvenile court from the ~~Boys Training Center or Stevens School~~ Maine Youth Center, the juvenile court may make any of the dispositions otherwise provided in this section.

**Sec. 4.** 15 MRSA § 2611, last ¶, as enacted by PL 1973, c. 522, § 1, is amended to read: