

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
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Sec. 18. 21 MRSA § 1423, sub-§ 1, 2nd sentence, as enacted by PL 1975, c. 621, § 10, is amended to read:

Such hearing shall be held within 15 days after completion of the receipt of the appeal.

Sec. 19. 21 MRSA § 1424, as enacted by PL 1975, c. 621, § 10, is repealed and the following enacted in its place:

§ 1424. Questions of law

1. Appeals. An appeal from a final decision by the body with final determinative powers pursuant to section 1423 may be taken to the Supreme Judicial Court on questions of law, if taken within 3 days of such final determination, in accordance with the procedure described in subsection 2.

2. Procedure. The appellant shall file the required number of copies of the record of the findings of fact and opinions and any decision issued pursuant to the final determination made by the appropriate body with the clerk of the courts within 5 days after filing notice of appeal. Within 10 days after the appeal is taken, the parties shall file briefs with the clerk of courts. As soon as the record and briefs have been filed, the court shall consider the case forthwith. The court shall not recount the ballots, but shall determine questions of law. The court shall issue its decision as soon as reasonably possible. The court shall allow costs to the prevailing party as justice may require.

Sec. 20. 21 MRSA § 1425, 2nd sentence, as enacted by PL 1975, c. 621, § 10, is repealed as follows:

"Referendum" shall mean an election for the determination of any question or proposition submitted to the voters.

Effective October 24, 1977

CHAPTER 576

AN ACT to Provide Legislative Oversight of Appropriated Fund Transfers.

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

Sec. 1. 5 MRSA § 1585, as amended by PL 1975, c. 771, § 72, is repealed and the following enacted in its place:

§ 1585. Transfer of unexpended appropriations

1. Transfers authorized. Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purposes named in such appropriation or subdivision, may be transferred at any time prior

to the closing of the books, to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year subject to the limitations in subsections 2 and 3.

2. Governor. The Governor may transfer funds from one appropriation or subdivision of an appropriation to another appropriation or subdivision, if the aggregate sum of the funds transferred from the appropriation or subdivision or to another appropriation or subdivision in any one fiscal year does not exceed the smaller of:

A. \$100,000; or

B. 10% of the appropriation or subdivision in the appropriation, as approved by the Legislature, from which or to which the funds are to be transferred.

3. Governor and Legislature. A transfer of funds greater than that authorized in subsection 2 shall occur only after compliance with the following procedures.

A. If a department or agency head desires a transfer of appropriated funds, he shall recommend the transfer to the Governor. If the Governor desires such a transfer, he shall recommend the transfer to the Legislature.

B. Included with any recommendation for a transfer described under paragraph A, shall be a written statement as to why the funds to be transferred are not needed in the appropriation or subdivision of the appropriation for which they were appropriated, and a specification as to the uses to which the transferred funds shall be put.

C. When the Legislature is in regular or special session and the Governor desires to recommend a transfer of appropriated funds, the Governor shall recommend the transfer to the Legislature by submitting his written recommendation, including a written statement which contains the information set forth in paragraph B, to the Joint Standing Committee on Appropriations and Financial Affairs of the Legislature.

If the Legislature does not act by majority vote of both Houses to disapprove the recommended transfer within 30 days of the date of submission of the recommended transfer to the Joint Standing Committee on Appropriations and Financial Affairs, the transfer shall be deemed to have been approved.

D. When the Legislature is not in regular or special session and the Governor desires to recommend a transfer, the Governor shall submit his written recommendation to the Legislative Council, the members of the Joint Standing Committee on Appropriations and Financial Affairs and the Legislative Finance Officer. Included with the Governor's recommendations, shall be a written statement which contains the information set forth in paragraph B and the reasons why the need for the transfer could not have been anticipated while the Legislature was in session and why the transfer is essential before the Legislature will be in session.

Transfers recommended while the Legislature is not in session shall also

take effect 30 days after the date of submission of the recommended transfer to the Legislature, unless disapproved by majority vote of both houses.

Sec. 2. Effective date. This Act shall take effect 92 days after adjournment of the Legislature.

Effective October 26, 1977

CHAPTER 577

AN ACT to Authorize Family Crisis Workers and Short-term Emergency Services for Children, to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to Children.

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

Sec. 1. 22 MRSA c. 1051, as last amended by PL 1972, c. 598, § 37, is repealed and the following enacted to read:

CHAPTER 1051

CHILDREN'S SERVICES: GENERAL PROVISIONS

§ 3701. Definitions

As used in this part, unless the context or other definition otherwise indicates, the following words shall have the following meanings:

1. **Child.** "Child" or "minor" means any person who has not attained the age of 18 years.

2. **Child at risk.** "Child at risk" means a child who is or is alleged to be absed, neglected, abandoned, exploited, or a runaway from home. This definition shall not be construed to mean that the department has no responsibility to provide services to a child who is affected by other handicapping conditions or other adverse circumstances in combination with the conditions and circumstances included in the definition.

3. **Family in crisis.** "Family in crisis" means a family in which one or more members is a child at risk.

§ 3702. Goals, objectives, priorities and services

1. **Goals.** The department shall have the following goals when it provides services to children at risk, families in crisis and other categories of children and families who receive services under this part: