

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

January 5, 1977 to July 25, 1977

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

1977

be commenced within one year from the date of receiving such injury or suffering damage, of the county or town obliged by law to repair the same, if the commissioners of such county or the municipal officers or road commissioners of such town or any person authorized by any commissioner of such county or any municipal officer or road commissioner of such town to act as a substitute for either of them had 24 hours' actual notice of the defect or want of repair, but not exceeding ~~\$8,000~~ \$6,000 in case of a town.

Emergency clause; effective date. In view of the emergency cited in the preamble, this Act shall take effect upon approval except as otherwise provided and except that section 2 shall not become effective until July 1, 1977 Sections 1 through 5 shall remain effective until February 1, 1979.

For claims arising after the effective date of this Act and before July 1, 1977, exceptions to section 8103 shall be permitted to the same extent as provided by the common law of Maine existing prior to October 12, 1976.

Effective July 25, 1977, except as otherwise indicated

CHAPTER 579

AN ACT Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately after July 1, 1977; 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. Appropriations from General Fund. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1978 and June 30, 1979 the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated.

Sec. 2. Allotments required. Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these appropriations, 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 amounts 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.

Sec. 3. Temporary curtailment of allotments. Whenever it appears to the Commissioner of Finance and Administration that the anticipated income and other available funds of the State will not be sufficient to meet the expenditures authorized by the Legislature, he shall so report to the Governor and the Governor may temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income and other available funds.

Sec. 4. Transfers limited. The Governor shall not approve any allotment revision 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.

Sec. 5. Personal Services appropriation. The figures in parentheses shown above each dollar amount provided for Personal Services in this Act, or as adjusted by legislative action, shall represent the total number of permanent positions 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. The amounts appropriated for Personal Services include funds for the state's share of state employees retirement. The State Controller shall transfer the state's share to the Maine State Retirement System as soon as practicable after each payroll is paid.

Sec. 6. Personal Services review. The Budget Office, during this biennium, shall continually review with all departments the status of their manpower levels and staffing patterns for the purpose of determining whether funds and positions are being utilized in the most economical and efficient manner to accomplish the intent of the Legislature.

Sec. 7. Personal Services savings and flexibility. Savings accruing within appropriations made for permanent positions may be used for nonrecurring Personal Services or retirement costs when recommended by the department head and approved by the State Budget Officer. Any classification of a position and any allocation or reallocation of a position made by the Commissioner of Personnel pursuant to this section shall become effective on the first day of the fiscal year following approval by the State Budget Officer and the appropriation of funds therefor, except that the State Budget Officer may, if he determines that sufficient funds exist, authorize an effective date prior to the first day of the ensuing fiscal year. Copies of all actions and certifications shall be furnished to the Legislative Finance Officer.

Sec. 8. Merit rating required. It is hereby declared to be the policy of the State that in those instances where annual merit increases are earned and

warranted as evidenced by the performance appraisals, they shall be awarded. In those instances where such increases are not earned and warranted, they shall be denied.

In furtherance of this policy, the Commissioner of Personnel, utilizing a form or forms prescribed by the commissioner, is directed to require annual merit ratings on all employees regardless of whether or not any such employee is eligible or recommended for a merit increase. The form or forms prescribed by the commissioner, in addition to a performance appraisal section, shall include a section wherein each probationary employee's supervisor shall indicate the extent to which such employee has been oriented to the duties and responsibilities of his position. Further, in every instance where an employee is not awarded a merit increase, a record of the reasons therefor and the actions recommended by the employee's supervisor to correct deficiencies, if any, shall be recorded in the performance appraisal.

The Commissioner of Personnel is also directed to develop and install a training program for supervisory personnel, including appropriate guides and manuals, which shall ensure that all evaluators charged with the responsibility of doing employee merit ratings shall do so fairly and equitably, one employee to the next and one organizational unit to another.

The Commissioner of Personnel and all concerned department heads are further directed to review the merit ratings of all eligible employees who have been denied merit increases from November 1, 1976, to the effective date of this Act. In those instances wherein employees deserving of merit increases were denied increases solely because of the 60% limitation on increases in force at the time, such employees shall be awarded their merit increases retroactive to the effective date of such merit ratings.

The Commissioner of Personnel shall supply to the State Personnel Board all data necessary to monitor and evaluate the performance appraisal system, including data regarding the percentage and distribution of merit increases. The board pursuant to its powers under the Revised Statutes, Title 5, section 592, shall review the operation of the performance evaluation system and make such recommendations and render such advice to the Commissioner of Personnel, as may be necessary to carry out the purposes of this Act.

The Commissioner of Personnel shall forward to the Joint Standing Committee on State Government of the Legislature the findings and recommendations of the State Personnel Board, annually, prior to the start of the legislative session.

Sec. 9. Number of necessary employees. The Governor and the State Budget Officer when next preparing a Budget Document may at their discretion adjust the figures in parentheses, representing numbers of permanent positions, to reflect the number of positions which in their opinion is necessary to the proper operation of each department, institution or agency.

Sec. 10. New or expanded programs. No department 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 Budget Office for evaluation and recommendation to the Legislature and until funds are made available therefor by the Legislature.

Sec. 11. Federally funded programs. It is the intent of the Legislature that in the event 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. Positions entirely or partially funded by federal or other than state sources of funds shall be considered as limited period positions, notwithstanding the figures in parentheses representing numbers of employees, should such funds be withdrawn or reduced.

Sec. 12. Travel limitations. 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 development, loans, etc., may continue to do so. The Legislature directs that department heads hold down cost of all travel where it is not absolutely needed. Any state employee who travels in-state shall not be reimbursed for noon meals unless the meal is part of an organized meeting or program or overnight travel.

Sec. 13. Equipment to be reviewed. 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, combining their use, providing centralized facilities, or eliminating existing equipment and facilities, as he believes to be in the most economical, most efficient and best interests of the State.

Sec. 14. Motor vehicle replacement policy. The State Purchasing Agent is directed to require that requisitions for replacement motor vehicles include the age and total mileage of the motor vehicle being replaced. For the purposes of this section, 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 75,000 miles before they are replaced. This policy shall also be adopted by the State Budget Officer when next preparing a Budget Document. Exceptions to the established replacement policy shall require the prior approval of the Commissioner of Finance and Administration.

Sec. 15. Significant action recommended by Budget Officer. 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.

Sec. 16. State Cost Allocation Program. The State Cost Allocation Program shall annually identify the kind and cost of central services furnished to each state agency from General Fund appropriations. The non-General Fund portion of each agency shall be assessed for these services as determined by the State Cost Allocation Program procedures to the extent such payments are not expressly prohibited by state or federal law. These payments shall be credited to the General Fund as undedicated revenue.

Sec. 17. Year-end closing. The State Controller is authorized to close the books as soon as practicable after the close of the fiscal years ending June 30, 1978 and June 30, 1979. Any bills presented after those dates may be paid from appropriations for the ensuing year on recommendation of the State Controller if within the amounts of approved allotments.

Sec. 18. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state moneys, except those that carry forward as provided by law, shall lapse to Unappropriated Surplus as provided by the Revised Statutes of 1964, Title 5, section 1544. At the end of each fiscal year, all encumbered appropriation balances shall not be carried more than once, except in those accounts which carry forward from year to year by law.

Sec. 19. Other appropriation measures. It is intended that the language in the preceding sections of this Act shall apply to all other appropriation measures enacted by the Legislature.

Appropriations from
General Fund

1977-78 1978-79

SECTION A

GENERAL GOVERNMENT

EXECUTIVE DEPARTMENT

Executive—Blaine House

Positions	(3)	—
Personal Services	20,674	10,337
All Other	3,065	—

Restores funds to provide proper staffing for the Governor when he moves into the Blaine House.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Insurance Program

All Other	60,000	60,000
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Provides funds to purchase insurance on behalf of employees to insure them against any personal liability.

BPI—Planning/Construction

Administration		
Unallocated	90,000	—

Provides funds for Phase II of the energy efficiency survey of public school buildings and other state-owned buildings throughout the State and to evaluate the cost effectiveness of energy conservation measures.

DEPARTMENT OF ATTORNEY GENERAL

Attorney General—Operations

Appropriations from
General Fund

1977-78 1978-79

DEPARTMENT OF ATTORNEY GENERAL—Continued

Positions	(1)	(1)
Personal Services	66,000	66,000
All Other	71,000	71,000

Provides funds for Indian claims defense and \$50,000 in each year for salary increases. Such salary increases shall not result in an increased request to future legislatures.

DEPARTMENT OF AUDIT

Audit—Program Evaluation and Review Division

Positions	(-4)	(-4)
Personal Services	(64,400)	(65,335)
All Other	(3,336)	(3,336)

JUDICIAL DEPARTMENT

Supreme Judicial and Superior Courts

Unallocated	125,000	150,000
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Provides funds for administration of the courts.

INDEPENDENT AGENCIES—OTHER

Personnel—Administration

Positions	(6)	(6)
Personal Services	16,318	68,159
All Other	100,000	100,000
Capital Expenditures	12,895	—

Provides funds for 6 new positions effective April 1, 1978. Also provides additional funds for computerization of personnel records.

ECONOMIC DEVELOPMENT
DEPARTMENT OF AGRICULTURE

Agriculture, Department of

Positions	—	(-1)
Personal Services	—	(9,315)
All Other	—	(4,685)

This eliminates the amount appropriated in the 2nd year under PL 1977, c. 381.

Appropriations from
General Fund

1977-78 1978-79

ECONOMIC DEVELOPMENT
DEPARTMENT OF AGRICULTURE—Continued

Agriculture—Consumer Services

Positions	(-3)	(-3)
Personal Services	(33,288)	(33,288)
All Other	(107,184)	(150,814)
Capital Expenditures	(2,000)	—

Eliminates all but \$40,000 in All Other of the appropriations for the Dog Licensing Program which section C of this Act changes to a dedicated revenue account. It is the intent of the Legislature that the remaining \$40,000 in All Other is a loan from the General Fund to help establish this program. The appropriation shall be repaid to the General Fund over a period of 5 years. Payments will be in 5 equal payments beginning in 1978-79.

INDEPENDENT AGENCIES—REGULATORY

PUC—Administrative Division

Positions	(8)	(8)
Personal Services	99,380	112,498
All Other	45,000	37,502
Capital Expenditures	5,620	—

EDUCATION AND CULTURE

Education—Grant/Loan/Scholarship Fund

All Other	107,000	209,000
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Provides funds for 6 new students each year at Vt. & Tufts, 2 new students each year (Optometry), and adjustment in Osteopathic Loan Program (\$15,000 in 1977-78 and (-\$15,000) in 1978-1979.)

Also provides funds for 4 new students in the 1978-79 fiscal year for 4 students to attend the New England College of Osteopathic Medicine.

Education—No. American Indian Scholarship

All Other	55,000	—
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Appropriations from
General Fund

1977-78 1978-79

EDUCATION AND CULTURE—Continued

Museum—Exhibit Design and Preparation
All Other

20,000 —

Provides additional money to complete permanent exhibits.

Museum—Administration
Positions
Personal Services
All Other

(2) (2)
9,700 9,700
300 300

It is the intent of the Legislature that funds be used to employ 2 part-time guards/guides to allow the Museum to be open additional hours.

Northern Maine Vocational-Technical Institute
Positions
Personal Services
All Other
Capital Expenditures

— (2)
— 27,000
— 4,000
— 10,000

Provides funds for a Forest Products Industry Program. There will be an increase of revenue to the General Fund of \$19,000 in 1978-79.

Library—Library Development Services
All Other

85,780 —

Provides funds for Educational Television for one year only.

INDEPENDENT AGENCIES—NOT PART OF
STATE GOVERNMENT

Maine Maritime Academy
All Other

100,000 100,000

Provides funds for salary increases. These funds shall be used for salary increases only. Any balance not used for this purpose shall lapse to the General Fund.

	Appropriations from General Fund	
	1977-78	1978-79
HUMAN SERVICES		
DEPARTMENT OF HUMAN SERVICES		
Health—Medical Care		
All Other	210,000	240,000
<p>Provides additional funds necessitated by the increase in AFDC payments.</p>		
Social Welfare—Aid to Families with Dependent Children		
All Other	500,000	650,000
<p>It is the intent of the Legislature that moneys appropriated for AFDC will be used to increase the percentage of needs payment from 85% to 88% of 1969 Standard of Need effective September 1, 1977 and that the surplus funds identified by the Department of Human Services will increase the percentage of needs payment from 88% to 90% of 1969 Standard of Need effective September 1, 1977. Commencing October 1, 1977, all amounts of money not to exceed \$1,000,000 saved and projected to be saved from within the AFDC Program from any source shall be used to increase grant payments.</p>		
Free Drugs for the Elderly		
All Other	500,000	500,000
<p>The department, in promulgating rules and regulations for this program, may set a dollar limit on the amount an individual recipient may receive in any one month. The department shall institute a system of co-payment not to exceed \$1 per prescription.</p>		
Office of Alcoholism and Drug Abuse Prevention		
All Other	270,000	270,000
<p>Provides additional funds due to the decline of federal funding.</p>		

INDEPENDENT AGENCIES

Funds for Clients in Special Age Groups Served
by Cerebral Palsy Centers

Appropriations from
General Fund

1977-78 1978-79

INDEPENDENT AGENCIES—Continued

United Cerebral Palsy of Northeastern Maine Inc., at Bangor	5,000	5,000
Mid-State United Cerebral Palsy Inc., at Augusta	5,000	5,000
Cerebral Palsy Association of Greater Portland, Portland	5,000	5,000
Cerebral Palsy Association of Central Aroostook County, Fort Fairfield	5,000	5,000

Provides funds for the biennium to be used to help support a program of infant services, extended adult services, pre-vocational services, diagnostic and evaluation services and therapy services for clients 0-4 and ages 21 and over, who are not covered by existing laws.

Young Women's Christian Association Fair Harbor Shelter Program in Portland, Maine		
All Other	10,000	10,000

To provide funds for an emergency and extended shelter for girls in crisis. To provide 12 units shelter nightly, counseling, referral and outreach services to young women between the ages of 7 and 18.

DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS

Community Mental Health Services		
All Other	—	1,000,000

Provides additional funds to offset the decline in federal funding. If federal funds are received, balance of these funds will revert to General Fund.

Community Mental Retardation Services		
Unallocated	—	276,000

To continue program previously funded with Title II funds.

Pineland Center		
Positions	(61)	(61)
Personal Services	575,304	592,437
All Other	17,873	17,873

Appropriations from
General Fund

1977-78 1978-79

DEPT. OF MENTAL HEALTH AND CORRECTIONS—(Cont'd)

Provides additional positions and funds needed due to the right to treatment suit.

Maine Youth Center		
Positions	(10)	(10)
Personal Services	102,985	108,058
All Other	3,000	3,000
Capital Expenditures	4,000	—

It is the intent of the Legislature that these funds be used to open and maintain an additional intermediate control cottage.

State Prison		
Positions	(5)	(20)
Personal Services	39,600	170,966
All Other	2,900	5,600

Provides for additional guards.

Bangor Mental Health Institute		
Positions	(6½)	(6½)
Personal Services	100,564	100,564
All Other	22,950	2,000

Provides funds necessary to maintain ICF certification of the Pooler Pavilion.

NATURAL RESOURCES
DEPARTMENT OF CONSERVATION

Bureau of Geology		
Positions	(1)	(1)
Personal Services	17,517	18,442
All Other	800	800

To provide funds for a Hydrogeologist.

PUBLIC PROTECTION
DEPARTMENT OF PUBLIC SAFETY

State Police		
All Other	25,000	25,000

To provide 5 additional troopers.

**Appropriations from
General Fund**

1977-78 1978-79

GENERAL GOVERNMENT
LEGISLATIVE DEPARTMENT

Legislature

Positions	(4)	(4)
Personal Services	64,400	65,335
All Other	3,336	3,336

Notwithstanding any other provisions of this Act, this appropriation shall become effective October 1, 1977. It is the intent of the Legislature that these positions shall provide for program review capabilities in the Legislative Finance Office as to be defined by the Joint Standing Committee on Appropriations and Financial Affairs.

Commission on Governmental Ethics and Election Practices

Personal Services	3,000	1,000
All Other	2,500	1,000

Legislative Research Office

All Other	93,000	99,600
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Provides funds for replacement volumes of the Maine Revised Statutes.

Total Appropriation—SECTION A	<u>\$3,471,253</u>	<u>\$4,949,734</u>
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SECTION B

Miscellaneous Appropriations

Sec. 1. 5 MRSA § 242-B, as last amended by PL 1975, c. 591, is repealed.

Sec. 2. PL 1977, c. 98, § 10 is amended by adding at the end the following sentence:

When the 50% mentioned above has been received by the State, the funds shall immediately be transferred for the reimbursement of inventory tax loss.

Sec. 3. PL 1977, c. 380, is amended by striking out in Part A under the caption "HUMAN SERVICES, Health-Medical Care . . . 2-471," all of the last paragraph and inserting in its place the following:

It is the intent of the Legislature that the Department of Human Services establish a fee schedule governing reimbursement for physicians' services that will result in an annual expenditure reduction of at least 10% over expenditures that would result if the current method of reimbursement is continued.

In establishing this fee schedule the department shall make an effort to consult with individual provider physicians or their representative associations.

Sec. 4. P & SL 1972, c. 179, § G, sec. 3 is repealed.

Sec. 5. **Appropriation.** There is appropriated from the General Fund to the Maine Seed Potato Board the sum of \$50,000 for capital improvements to buildings at the Porter Farm, Masardis, Maine. The appropriation shall be repaid into the General Fund over a period of 5 years. Payments will be in 5 equal payments beginning in fiscal year 1978-79.

Sec. 6. **Appropriation.** There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of (\$2,250,000) for the fiscal year ending June 30, 1977. The breakdown shall be as follows:

1976-77

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

Education—General Purpose Aid for Local Schools	
All Other	(\$2,250,000)

Sec. 7. **Appropriation.** There is appropriated from the General Fund to the Judicial Department for fiscal year 1977-78 the sum of \$162,375 and for fiscal year 1978-79 the sum of \$324,750 to be used for salary increases for the judges. The breakdown shall be as follows:

**Appropriations from
General Fund**

1977-78	1978-79
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JUDICIAL DEPARTMENT

Supreme and Superior Courts		
Unallocated	\$88,875	\$177,750
District Court		
Unallocated	73,500	147,000

Provides for a salary increase for the justices and judges of the Supreme and Superior Court and the District Court. Notwithstanding any other provision of the law the justices and judges shall receive a salary increase of \$3,000 in the first year of the biennium and an additional \$3,000 in the 2nd year of the biennium.

Sec. 8. **Legislative intent.** It is the intent of the Legislature that \$20,000 of the funds appropriated to the University of Maine in chapter 380, public laws 1977, for fiscal year 1977-78 shall be allocated to the Office of Camping Resources at the University of Maine, Portland-Gorham. These funds are to be provided to the Office of Camping Resources only upon an equal sum matched by the Office of Camping Resources. This joint funding will be expended only to continue the study of the Maine camping industry.

Sec. 9. Maine Vocational Development Commission; funds. The funds appropriated to the Maine Vocational Development Commission in public law, 1975, chapter 602, for the fiscal year 1976-77 shall not lapse, but shall carry forward to June 30, 1978 to be expended for the same purpose.

Sec. 10. Department of Finance and Administration; funds. The funds appropriated to the Department of Finance and Administration, BPI—Leasing Office Space in P & SL 1975, chapter 78, for the fiscal year 1976-77 shall not lapse, but shall carry forward to June 30, 1978 to be expended for the same purpose.

Sec. 11. Department of Educational and Cultural Services; assistance. The Human Rights Commission and the Department of Attorney General shall assist the Department of Educational and Cultural Services as they shall request in meeting its obligation to respond to complaints raised pursuant to duties under the Revised Statutes, Title 20, section 3755.

SECTION C

DOG LICENSING

Sec. 1. 7 MRSA § 3452, first sentence, as amended by PL 1969, c. 82, § 1, is repealed and the following enacted in its place:

The clerks of cities and towns shall issue the licenses, receive the money therefor and pay the same to the commissioner.

Sec. 2. 7 MRSA § 3452, as amended by PL 1969, c. 82, § 1, is further amended by inserting at the end the following new sentences:

Such moneys received shall be paid into a separate account to be established by the Treasurer of State to be used for salaries and other expenses incurred in the administration of this chapter. The account shall not lapse, but shall continue from year to year.

Sec. 3. 7 MRSA § 3453, 2nd ¶, 1st sentence, as amended by PL 1969, c. 82, § 2, is repealed and the following enacted in its place:

The dog recorder shall issue licenses, receive the money therefor and pay the same to the Commissioner of Agriculture.

Sec. 4. 7 MRSA § 3453, 2nd ¶, as amended by PL 1969, c. 82, § 2, is further amended by inserting at the end the following new sentences:

Such moneys received shall be paid into a separate account to be established by the Treasurer of State to be used for salaries and other expenses incurred in the administration of this chapter. The account shall not lapse, but shall continue from year to year.

SECTION D

TAX RELIEF FOR THE ELDERLY

Sec. 1. 36 MRSA § 6112, as last repealed and replaced by PL 1973, c. 771, § 2, is amended to read:

§ 6112. Amount of claim

The claim shall be limited to the amount by which property taxes accrued, or rent constituting property taxes accrued in such tax year on the claimant's homestead, is in excess of ~~27%~~ 10% of such household income which exceeds \$3,000 but does not exceed \$5,000.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Finance and Administration, Bureau of Taxation, the sum of \$700,000 for the fiscal year ending June 30, 1978 and the sum of \$750,000 for the fiscal year ending June 30, 1979 to be used for tax relief for the elderly. The breakdown shall be as follows:

	1977-78	1978-79
DEPARTMENT OF FINANCE AND ADMINISTRATION		
Taxation—Tax Relief for the Elderly	\$700,000	\$750,000
All Other		

SECTION E

IMPROVE PROSECUTION SERVICES

Sec. 1. 15 MRSA § 708, as last amended by PL 1973, c. 567, § 20, is repealed and the following enacted in its place:

§ 708. Preparation of complaints

The clerk may, in the absence or unavailability of a complaint justice or of a prosecuting attorney or any of his assistants, prepare and draft complaints upon the request of any law enforcement officer, except that no complaint shall issue to any person who is not a law enforcement officer or for any criminal homicide or Class A, B or C crime unless approved by the district attorney or his designee or the Attorney General or his designee.

Except in prosecutions instituted by the Attorney General or his designee, the district attorney or his designee shall, whenever practical, prepare all complaints for criminal homicide and Class A, B and C crimes and for all complainants who are not law enforcement officers. No complaint shall be filed nor process issued until such time as the complainant has made oath to the complaint or process before the proper official.

Each district attorney shall establish written guidelines for the approval of issuance of complaints pursuant to this section. In those guidelines, the district attorney may extend the above procedure to Class D and E crimes, provided that the approval of the district attorney shall not be necessary for any complaint issued with the approval of the Attorney General or his designee.

Whenever a complaint is not approved for prosecution by the district attorney or his designee, or the Attorney General or his designee, he shall, if requested, inform the complainant, orally or in writing, of the reasons therefor.

Sec. 2. 30 MRSA § 554-A, sub-§ 1, 1st sentence, as enacted by PL 1973, c. 567, § 19, is repealed and the following enacted in its place:

Each district attorney shall appoint assistant district attorneys, one or more of whom may be full-time, to serve at his pleasure. The assistants shall take the oath prescribed for district attorneys and assist the district attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand juries and in the preparation and trial of criminal causes.

Sec. 3. 30 MRSA § 554-A, sub-§ 1, 2nd ¶, as enacted by PL 1975, c. 411, is repealed and the following enacted in its place:

Each district may designate one full-time assistant district attorney or, if there is no full-time district attorney, one part-time district attorney to be his deputy. The deputy shall, in the absence of the district attorney, act in his stead and have the authority, duties and responsibilities of the district attorney. Notwithstanding any other provision of law, any full-time assistant district attorney designated as a deputy district attorney may receive a salary up to 80% of the salary designated for the district attorney.

Sec. 4. 30 MRSA § 554-A, sub-§ 3, as enacted by PL 1973, c. 567, § 19, is repealed and the following enacted in its place:

3. Assistant district attorneys shall be paid salaries set by the district attorney. Salaries for full-time assistants shall not exceed 70% of the salary designated for the district attorney. Salaries for part-time assistants shall not exceed 40% of the salary designated for the district attorney or \$10,000, whichever is greater. Salaries for assistant district attorneys shall be on an annual basis and shall be paid in the same manner as is provided for the payment of salaries for district attorneys.

Sec. 5. 30 MRSA § 554-A, sub-§§ 4, 5 and 6, as enacted by PL 1973, c. 567, § 19, are repealed and the following enacted in their places:

4. Each district attorney shall be allowed sufficient sums to assure an adequate staff of assistants to screen, process and investigate complaints, to assist law enforcement agencies, to conduct trials in the District and Superior Courts, to prosecute appeals in the Supreme Judicial Court and to carry out all other duties and responsibilities.

5. For the compensation of assistant district attorneys, the district attorneys shall be allowed annually sums up to the limit as specified in the following schedule:

Prosecutorial District 1	\$46,000
Prosecutorial District 2	\$67,500
Prosecutorial District 3	\$75,000
Prosecutorial District 4	\$67,500
Prosecutorial District 5	\$67,500

- Prosecutorial District 6 \$40,000
- Prosecutorial District 7 \$40,000
- Prosecutorial District 8 \$46,000

Sec. 6. 30 MRSA § 555-A is enacted to read:

§ 555-A. District attorney operations

County commissioners shall allow to the district attorney serving the county sufficient funds for all office expense, clerk hire and travel, including, but not limited to, funds for consultation and services of experts, rendition of prisoners, training and reference books and treatises which may aid the district attorney and his staff in prosecution of criminal matters.

The county commissioners shall also provide to the district attorney serving the county office space suitable for the performance of his duties, including sufficient private area for research, conferences and meetings with officers, witnesses, complainants and citizens. If such office space is not available on county property, the county commissioners shall provide to the district attorney serving the county sufficient funds for rental or lease of suitable quarters at locations convenient to courthouses within the county.

Sec. 7. Appropriation. There is appropriated from the General Fund to the Department of the Attorney General the sum of \$287,875 for the payment of salaries of assistant district attorneys. The breakdown shall be as follows:

	1977-78	1978-79
ATTORNEY GENERAL, DEPARTMENT OF		
Personal Services	\$123,375	\$164,500

Notwithstanding any other provisions of this Act, this section shall not become effective until October 1, 1977.

SECTION F

Provides for Tourism Promotion and Information Services

Sec. 1. Statement of necessity and purpose. On occasion, it may be appropriate for the State to support the efforts of the private sector in the development of an industry, although the impetus and leadership for the development of a particular industry can most effectively come from, and should come from, those in the private sector concerned with that industry.

Tourism is a major component of the state's economy. Tourism is a unique industry in Maine in terms of its direct contribution to sales tax revenues and the requests for information which are directed to State Government. A partnership effort in tourism promotion and information between the State and a private organization representing all major segments of the tourism industry is the most effective way to support tourism development in Maine.

This partnership can be enhanced by providing funds to the State Development Office to contract with a private organization for tourism promotion and information services, provided that the contractor shall match the state funds utilized in such contract or contracts with an equal dollar amount of matching funds.

Sec. 2. Responsibilities of State Development Office. The State Development Office may contract with one private organization which represents all major segments of the tourism industry in Maine to do the following:

Conduct a promotion and advertising campaign to attract tourists to Maine and make prompt, effective responses to requests for information from actual and potential tourists. The State Development Office shall submit to the Legislature a brief assessment of the accomplishments of this program annually by September 1st.

The contract or contracts may be awarded only if the contractor provides an equal dollar amount of matching funds for the state funds utilized in such a contract or contracts. The state funds may be used in any amount, subject to the appropriations limit and the other conditions of this Act.

Sec. 3. Terms of contract. The contractor shall be an organization which demonstrates a capability for efficient operation and rapid response to opportunities and the need to make operating decisions.

It is intended that the state's funds be used to match private funds raised above and beyond the current level of private tourism development effort. For the purposes of this Act, this level shall be deemed to be \$100,000 raised from private sources and to be spent by the contractor during each year of the biennium for the direct costs of activities which would be allowable under section 2 of this Act. The combined state and private funds shall be used to cover the direct costs of further promotion, advertising and information service efforts of the contractor. Up to 5% of these combined funds may be used for administrative and other overhead costs of the contractor. The contractor shall be allowed to subcontract for particular services.

The terms of the contract shall be designed to encourage a private organization to use its imagination and initiative in a tourism development effort. The contractor shall be judged primarily on his performance, with the State Development Office exercising sufficient control to protect the state's interest, which includes, but is not limited to, the encouragement of tourism in now underutilized areas of Maine and the encouragement of tourism during all 4 seasons of the year.

Sec. 4. Appropriation. There is appropriated from the General Fund to the State Development Office the sum of \$400,000 to carry out the purposes of this Act. Funds not expended shall not lapse, but shall be carried forward for a period not to exceed one year. The breakdown shall be as follows:

	1977-78	1978-79
STATE DEVELOPMENT OFFICE		
All Other	\$ 200,000	\$ 200,000

SECTION G

To Award Transitional Allowances to Permanent Full-time and Limited Period Full-time Unclassified Employees and to Award Appeal Period Allowances and Transitional Allowances to All Permanent Part-time Employees, Both Classified and Unclassified.

Sec. 1. P & SL 1975, c. 147, Pt. D, § 5 is amended by adding the following new paragraph:

Each permanent full-time and limited period full-time unclassified employee shall receive an allowance equal to the difference between the annualized increase provided by the implementation of the schedule in section 3 and \$572. This allowance shall be paid in 2 approximately equal payments in February 1977 and April 1977 to eligible employees who were in the employ of the State in 1975 and still employed by the State at the time of each payment. Allowance of \$50 or less may be paid in full in February 1977. The transitional allowance shall not be considered annual earnable compensation for retirement purposes.

Sec. 2. Transitional allowance. Each permanent, part-time and limited period permanent part-time classified and unclassified employee shall receive an allowance equal to the difference between the annualized increase provided by the implementation of the schedule in section 3 and \$572. This allowance shall be paid in 2 approximately equal payments in February and April, 1977, to eligible employees who were in the employment of the State in 1975, and still employed by the State at the time of each payment. Allowances of \$50 or less may be paid in full in February 1977. The transitional allowance shall not be considered annual earnable compensation for retirement purposes.

Sec. 3. Appeal period allowance. Each part-time and limited period employee, both classified and unclassified, shall receive a payment of \$40 for each of the months of July, August, September and October of 1976. Such payments shall be made to eligible employees who were employed in calendar year 1975 and still employed during the month for which each such payment is made. Such payment shall now be considered annual earnable compensation for retirement purposes.

Sec. 4. Notwithstanding the payment dates established in sections 1, 2 and 3 of Section G of this Act, such payments shall be made in one payment on or before September 1, 1977.

Sec. 5. Appropriation. There is appropriated from the General Fund to the Department of Finance and Administration, Appeals Period and Transitional Allowance Fund, for the fiscal year 1977-78, the sum of \$173,400 to carry out the purposes of section 1 of Section G of this Act, and \$88,128 to carry out the purposes of sections 2 and 3 of Section G of this Act. The breakdown shall be as follows:

	1977-78
FINANCE AND ADMINISTRATION, DEPARTMENT OF	
Appeals Period and Transitional Allowance Fund	
Personal Services	\$ 261,528

SECTION H

Scholarships

Sec. 1. 20 MRSA c. 301-A, as repealed by PL 1977, c. 380, Part B, section 3, is reenacted to read:

CHAPTER 301-A

NORTH AMERICAN INDIAN SCHOLARSHIPS

§ 2205. Scholarship fund

There is established by the State of Maine a scholarship fund for the purpose of assisting North American Indians residing in Maine to obtain a secondary or post-secondary education, or both, from properly accredited institutions.

§ 2206. North American Indians residing in Maine defined

As used in this chapter, "North American Indians residing in Maine" shall be deemed to include those persons whose names are included on the current tribal census of either the Passamaquoddy or Penobscot Tribes of Indians or who are members of the Malacite and Micmac Tribes who can prove $\frac{1}{4}$ Indian blood and who have resided in the State of Maine during the 5 consecutive years next preceding their application for a scholarship.

§ 2207. Properly accredited institutions defined

As used in this chapter "properly accredited institutions" shall be deemed to include any and all secondary and post-secondary institutions of learning which are approved or accredited by the department of education of the state in which they are located or are approved or accredited by a regional association of secondary schools and colleges, or are approved for payment of tuition by the United States Veterans' Administration.

§ 2208. Application

Any student meeting the requirements of properly accredited institutions may apply for a grant, not exceeding \$3,000 per year, for the purpose of paying his or her tuition, room, board, books and other costs of attending any institution of learning meeting the requirements of properly accredited institutions.

§ 2209. Institutional grant

Any institution that enrolls one or more grant recipients may apply for a grant, not to exceed \$1,000 per enrolled grant recipient, for purpose of establishing and conducting a program of support services for said grant recipient.

§ 2210. Committee

An Indian Scholarship Committee set up by the Department of Educational and Cultural Services shall, at its discretion, approve all grants under this chapter. The composition of the Indian Scholarship Committee shall be as follows: The superintendent of schools of Maine Indian Education; 2 representatives of the Passamaquoddy Tribe, chosen by joint session of the tribal councils of Indian Township and Pleasant Point; 2 representatives of the

Penobscot Tribe, chosen by the tribal council of the Penobscot Tribe; 2 representatives of the Association of Aroostook Indians, Inc., chosen by the board of directors of the Association of Aroostook Indians, Inc.; and a representative of the Chancellor of the University of Maine. The term of service of each member of the Indian Scholarship Committee will be for one, 2 or 3 years as determined by the appointing authority.

The committee is authorized to accept funds for the scholarships provided by this chapter.

Sections 2205, 2206, 2207, 2208, 2209 and 2210 shall remain in effect until June 30, 1978.

SECTION I

Increasing State Employees Pay

Sec. 1. Salary increases. An amount of \$10 shall be added to the weekly dollar amount of each step of the current State Salary Plan. All steps shall be increased \$10 per week and new hourly rates shall be computed to reflect these increases, based on a 40-hour week.

Sec. 2. Unclassified employees subject to Governor's determination. With respect to unclassified employees whose wage rates are subject to the Governor's determination, the Governor shall grant similar and equitable treatment to individuals currently holding such position.

Sec. 3. Unclassified employees not subject to Governor's determination. With respect to unclassified employees whose wage rates are not subject to determination by the Governor, the authorities responsible for determining the wage rates of such employees shall grant similar and equitable treatment.

Sec. 4. 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 Salary Plan Fund, but shall be adjusted from funds available to the department from their own sources.

Sec. 5. Effective date. The first adjustment of the salary plan shall be effective with the first pay period in July, 1977.

Sec. 6. Appropriation and allocation. There is appropriated from the General Fund the sum of \$1,200,000 for the fiscal years ending June 30, 1978 and June 30, 1979. There is allocated from Title II of the Public Works Employment Act the sum of \$5,000,000 for the fiscal years ending June 30, 1978 and June 30, 1979. The appropriation and allocation are to be used for state employees salary increases, elimination of the 60/40 merit increase practice, and to offset the increase in state health insurance cost. The breakdown shall be as follows:

State Employees Salary Fund		
General Fund		
Personal Services	\$ 700,000	\$ 500,000
Title II		
Personal Services	2,500,000	2,500,000

Any balance remaining in this fund shall carry forward until June 30, 1979 to be used for the same purpose.

Sec. 7. P & SL, 1975, c. 147, Part A amended. That part of Part A of chapter 147 of the private and special laws of 1975 under the caption "Bureau of the Budget — Employees Group Health Insurance Program" is amended by adding the following paragraph:

Any unexpended balance at June 30, 1977 shall not lapse but shall carry forward to June 30, 1979 to be expended for state employee salary increases.

Sec. 8. P & SL, 1975, c. 147, Part A, amended. That part of Part A of chapter 147 of the private and special laws of 1975 under the caption "Bureau of the Budget — Compensation Plan" is amended by inserting after "Provides funds for implementation of the new employees compensation plan" the following new paragraph:

Any unexpended balance at June 30, 1977 shall not lapse but shall carry forward to June 30, 1979 to be expended for state employees salary increases.

Sec. 9. P & SL, 1975, c. 147, Part A amended. That part of Part A of chapter 147 of the private and special laws of 1975 under the caption "Bureau of the Budget — Employee Mileage Allowance" is amended by adding the following paragraph:

Any unexpended balance at June 30, 1977 shall not lapse but shall carry forward to June 30, 1979 to be expended for state employee salary increases.

Sec. 10. P & SL, 1975, c. 147, Part D, Sec. 11, amended. That part of Part D, Sec. 11, chapter 147 of the Private and Special Laws of 1975 under the caption "Employees Salary Plan" is amended by inserting after the last sentence the following new sentence:

Any unexpended balance at June 30, 1977 shall not lapse but shall carry forward to June 30, 1979 to be expended for state employee salary increases.

Sec. 11. Legislative intent. It is the intent of the Legislature that any wage settlement negotiated through the collective bargaining process will not be implemented prior to July 1, 1978.

SECTION J

Maine - Canadian Exchange Advisory Commission and Office

Sec. 1. 5 MRSA § 6002, last ¶, as enacted by PL 1975, c. 485, is amended to read:

The Legislature further declares that the multiplicity and complexity of

such relations calls for direction and coordination by the ~~Executive Department~~ State Development Office.

Sec. 2. 5 MRSA § 6004, as enacted by PL 1975, c. 485, is repealed and the following enacted in its place:

§ 6004. Director

The executive head of the Maine-Canadian Exchange Office shall be the director, who shall be appointed by the Maine-Canadian Exchange Advisory Commission. The director shall be paid a salary fixed by the commission.

Sec. 3. 5 MRSA § 6007, first ¶, as enacted by PL 1975, c. 485, is repealed and the following enacted in its place:

There is established the Maine-Canadian Exchange Advisory Commission. The commission shall consist of 9 members, all of whom shall be citizens of this State. The Governor shall appoint 3 members, 2 for a term of one year and one for a term of 2 years, at least 2 of whom shall be fluent in the French language. The President of the Senate and the Speaker of the House shall each appoint 3 members, one for a term of one year and 2 for a term of 2 years. At least one member appointed by the President of the Senate and one member appointed by the Speaker of the House shall be fluent in the French language. In the event of the death or resignation of any member, the vacancy shall be filled for the remainder of the term in the same manner as the original appointment.

Sec. 4. Appropriation. There is appropriated from the General Fund to the State Development Office the sum of \$48,572 for the fiscal years ending June 30, 1978 and June 30, 1979 to be used for funding the Maine-Canadian Exchange Advisory Commission and Office. The breakdown shall be as follows:

	1977-78	1978-79
STATE DEVELOPMENT OFFICE		
Maine - Candian Exchange Advisory Commission and Office		
Positions	(2)	(2)
Personal Services	\$ 24,286	\$ 24,286

SECTION K

Sec. 1. 29 MRSA § 201, 2nd ¶, as last amended by PL 1977, c. 423, Part B, § 2, is further amended to read:

Each official shall deduct and retain from the use taxes collected pursuant to this subchapter a fee of ~~\$2.50~~ \$1.25 for each vehicle in respect to which a use tax certificate has been submitted in accordance with section 203 even though such certificate indicated that no use tax was due in respect to the vehicle in question.

Sec. 2. Allocations of highway funds. Additional undedicated income to the Highway Fund for the fiscal years ending June 30, 1978 and June 30, 1979 shall be segregated, apportioned and expended as follows:

1977-78 1978-79

DEPARTMENT OF TRANSPORTATION

Employees Salary Fund \$1,500,000 \$1,700,000

These funds are to allocate increased estimated Undedicated Revenue which will supplement \$1,500,000 available in Surplus to fund the \$10 per week salary increase and elimination of the 60/40 merit restriction.

DEPARTMENT OF SECRETARY OF STATE

Motor Vehicle Division
Unallocated (200,000) (200,000)

This reduction in allocation results from the elimination of the increase from \$1 to \$2.50 as increased in Highway Allocation Act Part B, section 2.

Sec. 3. **Retroactivity.** Section K of this Act shall be retroactive to July 1, 1977.

SECTION L

STATE CONTRACT STUDENTS

Sec. 1. 20 MRSA § 2273, as enacted by PL 1977, c. 335, § 3, is repealed and the following enacted in its place:

§ 2273. **Agreement of state contract student with the State; state capitation payment; tuition grants**

1. **Agreement.** Notwithstanding any other provision of law, any state contract student commencing his profession education on or after September 1977 shall, as a precondition for the commencement of such education, enter into an agreement with the State under which the student shall agree to pay tuition to the institution and shall also agree that, upon the conclusion of his professional education, including internship, residency, obligated military service, obligated public health service and obligated armed forces service, he shall pay the State an amount of money equal to the state capitation payment expended by the State in purchasing the student position which he occupied as a state contract student. This amount shall be payable in not more than 10 annual equal installments plus 6% simple annual interest and such installment payments shall commence at such time as the state contract student concludes his professional education under rules promulgated by the commissioner. Any state contract student commencing his professional education on or after September, 1977, who does not return to practice in Maine, shall pay the State the full amount of money expended by the State in purchasing the student position which he occupied as a state contract student, in accordance with the above procedures. Further, a student who does return to practice in Maine shall be obligated to pay to the State 80% of the amount expended by the State in purchasing the student position which he occupied as a state contract student. This amount shall be pay-

able in not more than 10 annual installments, at no interest, and such installment payments shall commence at such time as the state contract student concludes his professional education under rules promulgated by the commissioner. Payments shall be made to the State at the rate of 5% per year of the total amount expended by the State to secure the space for the first 4 years, and at 10% per year of the total amount expended by the State to secure the space for the remaining years. For the purposes of this section, practicing in Maine shall mean to have practiced during the full term of the reimbursement periods.

Sec. 2. 20 MRSA § 2278, as enacted by PL 1977, c. 335, § 6, is repealed and the following enacted in its place:

§ 2278. Nonlapsing fund and Grant-Loan Scholarship Revolving Account

It is the intent of the Legislature that any unexpended money appropriated by the Legislature under section 2276 shall not lapse, but shall be carried to the following year to be expended by the department solely for the same purpose. It is further the intent to establish a revolving grant-loan scholarship fund and moneys returned to the State shall not be deposited in the General Fund but shall be deposited in the Grant-Loan Scholarship Revolving Account, to be expended solely for same purpose.

SECTION M

APPROPRIATIONS AND ALLOCATIONS

TOTAL APPROPRIATIONS AND ALLOCATIONS

IN THIS ACT

	1976-77	1977-78	1978-79
TOTAL GENERAL FUND	(\$2,250,000)	\$5,692,817	\$6,913,270
TOTAL ALLOCATION — TITLE II		\$2,500,000	\$2,500,000
TOTAL ALLOCATION — HIGHWAY FUND		\$1,300,000	\$1,500,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977, unless otherwise indicated.

Effective July 1, 1977, except as otherwise indicated

CHAPTER 580

AN ACT to Prohibit the Practice of a Mandatory Retirement Age.

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

Sec. 1. 5 MRSA § 1001, sub-§ 27 is enacted to read:

27. Normal retirement age. "Normal retirement age" means the specified age, the years of service requirement, or any age and years of service