

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE  
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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Augusta, Maine  
1979

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
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ONE HUNDRED AND EIGHTH LEGISLATURE  
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alternative to it which would assure the State of the soundest possible method of financing education.

**Sec. 5. Reports.** The commission shall present its findings, together with any suggested legislation, to the First Regular Session of the 109th Legislature.

**Sec. 6. Compensation of members.** Members shall receive reimbursement for the necessary actual expenses incurred in carrying out their duties.

**Sec. 7. Assistance.** All executive departments are directed to give prompt assistance to the commission.

**Sec. 8. Staff.** The commission is authorized to use expert assistance, including, but not limited to the staff of the National Conference of State Legislatures and the Education Commission of the States.

**Sec. 9. Acceptance of funds.** The commission is authorized to accept funds from any agency of the United States, from any private foundation and from any other public or private source for the purposes of carrying out this Act.

**Sec. 10. Appropriation.** There is appropriated from the General Fund to the Education Finance Commission the sum of \$15,000 to carry out the purposes of this Act. These funds shall not lapse but shall be carried forward in a continuous carrying account until the purposes of this Act are carried out.

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

Effective April 6, 1978

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## CHAPTER 712

### **AN ACT Adjusting Appropriations and Allocations for the Expenditures of State Government 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 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; 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:

## PART A

**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, 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 in accordance with established law.

**Sec. 3. 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.

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.

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. 4. Personal Services policy and 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 and managed in the most economical and efficient manner to accomplish the intent of the Legislature that permanent positions for which funds are appropriated or allocated shall be classified positions unless specifically designated otherwise by the Legislature. It shall be the responsibility of the Commissioner of Personnel and the State Budget Officer to ensure that classified and unclassified positions are assigned to a proper pay grade within authorized funds.

**Sec. 5. Personal Services flexibility.** Any classification or reclassification of a position and any allocation or reallocation of a position within the compensation plan made by the Commissioner or Personnel pursuant to the personnel law and rules 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. 6. 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 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. 7. Budgetary priorities and the tax burden.** The State Planning Office shall annually conduct an analysis of the economy of the State to be presented to the Governor, the Bureau of the Budget and the Legislative Finance Officer on or before October 1st of each year for consideration in the formulation of budget proposals for the next legislative session. The analysis shall include historical data and comparisons for the 5 previous fiscal years, estimates for the current fiscal year and projections for 2 years ahead in such detail as the Governor may require.

The Governor and the State Budget Officer when preparing budget proposals for the Legislature shall give first priority to consideration to the tax mix among the major broad-based categories of tax and the recommendation of an increase or decrease in the tax burdens as they develop state program recommendations.

The state budget document shall include a report of the economic analysis and such recommendations and other information as the Governor may wish to include.

It is the intent of the Legislature to give consideration to the Governor's recommendations in establishing levels of taxation and spending for the ensuing fiscal period.

**Sec. 8. Number of necessary employees.** The Governor and the State Budget Officer, when next preparing budget proposals for the Legislature, may, at their discretion, adjust the figures in parentheses representing numbers of permanent positions to reflect the number of positions which in their opinion are necessary to the proper operation of each department, institution or agency.

**Sec. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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. 14. Significant action recommended by Budget Officer.** The Bureau of the Budget 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. 15. 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. The State Budget Officer may adjust this assessment to any individual account when he feels the charge is excessive.

**Sec. 16. 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. 17. **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. 18. **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.

### PART B — GENERAL APPROPRIATIONS

	Appropriations from General Fund	
	1977-78	1978-79
<b>ATTORNEY GENERAL</b>		
Office of the Chief Medical Examiner		
Positions	(1)	(2)
Personal Services	3,000	59,240
Capital Expenditures	8,500	
	11,500	59,240
<p>Funds in the first year are for a full-time assistant, equipment and a vehicle to provide for transportation of bodies. Second year funding is for a full-time assistant and a full-time Deputy Chief Medical Examiner.</p>		
<b>TREASURY DEPARTMENT</b>		
Treasurer — Debt Service		
All Other	(1,200,000)	
<p>Funds not needed in the first year due to later issue dates of bonds.</p>		
<b>DEPARTMENT OF FINANCE AND ADMINISTRATION</b>		
Administrative Services Division		
Positions	(14)	(14)
Personal Services	78,211	160,864
All Other	6,015	12,026
Bureau of Accounts and Control		
Positions	(-3)	(-3)
Personal Services	(14,353)	(30,011)
All Other	(656)	(1,310)
Bureau of the Budget		
All Other	(180)	(360)
Bureau of Public Improvements		
Buildings & Grounds Operations		
Positions	(-1)	(-1)
Personal Services	(6,723)	(13,494)
All Other	(909)	(1,818)

Appropriations from  
General Fund

DEPARTMENT OF FINANCE AND ADMINISTRATION (Con.)	1977-78	1978-79
Bureau of Taxation		
Positions	(-6)	(-6)
Personal Services	(36,336)	(73,951)
All Other	(1,990)	(3,980)
	23,079	47,966
<p>Provides funds and positions to establish an Administrative Services Division. The balance of funds is provided from the reduction of allocation to the Bureau of Alcoholic Beverages combined with deposit to General Fund Undedicated Revenue by the Bureau of Purchases — Central Purchasing Services, and by Central Computer Services total \$23,079 (77-78) and \$47,966 (78-79) which will offset the added appropriation necessary from the General Fund.</p>		
Bureau of Taxation — Tax Relief for the Elderly		
All Other	(300,000)	(350,000)
<p>These balances are not necessary under the current law.</p>		
Bureau of Public Improvements — Planning/ Construction Administration		125,920
Personal Services		71,000
All Other		196,920
<p>Provides funds to complete the energy audit program.</p>		
Bureau of Public Improvements — Capital Construction/Repairs/Improvements		365,000
All Other		55,000
Capital Expenditures	75,000	420,000
	75,000	

Provides funds in the first year of \$75,000 for roof repair to the State Capitol Building. The \$75,000 for roof repair shall not lapse June 30, 1978, but shall carry until June 30, 1979. It also provides in the 2nd year funds to restore the original recommended level of funding which was adjusted to allow for construction of the gym at Maine Correctional Center. The reduced amount would be inadequate to provide necessary minimum maintenance statewide. Also in the 2nd year there is an increase in funds of \$35,000 for Southern Maine Vocational-Technical Institute and

	Appropriations from General Fund	
	1977-78	1978-79
DEPARTMENT OF FINANCE AND ADMINISTRATION (Con.)		
\$5,000 for Eastern Maine Vocational- Technical Institute.		
 TOTAL DEPARTMENT OF FINANCE & ADMINISTRATION	<hr/>	<hr/>
	(201,921)	314,886
 LEGISLATIVE DEPARTMENT		
Law and Legislative Reference Library		
Positions	(1)	(1)
Personal Services	5,880	10,000
All Other	75	400
Funds an additional Librarian I.		
Commission of Uniform State Laws		
All Other	800	800
Provides funds for increased operational costs.		
Commission on Governmental Ethics and Election Practices		
Personal Services	2,100	2,350
Provides funds for increased operational costs.		
Commission on Interstate Cooperation		
All Other		7,730
Provides funds for increased dues to the Council of State Governments.		
Commission on Probate Code		
All Other	7,000	
Provides funds to finish the study on Uniform Probate Code.		
 TOTAL LEGISLATIVE DEPARTMENT	<hr/>	<hr/>
	15,855	21,280
 DEPARTMENT OF AUDIT		
Audit — Departmental Division		
Personal Services	(1,000)	
All Other	1,000	
Transfers funds from Personal Services to All Other to cover increased costs in the All Other category.		
JUDICIAL DEPARTMENT		
Supreme Judicial and Superior Courts		
Unallocated	190,400	
Provides funds for increased cost of operations of the courts.		
District Court Administration		

	Appropriations from General Fund	
	1977-78	1978-79
<b>JUDICIAL DEPARTMENT (Con.)</b>		
Unallocated	9,600	
Provides funds for increased cost of operations of the courts.		
<b>TOTAL JUDICIAL DEPARTMENT</b>	200,000	
 <b>INDEPENDENT AGENCIES — OTHER</b>		
Municipal Valuation Appeals Board		
Personal Services	800	4,000
Provides funds for a part-time clerk due to increased work load.		
Personnel — Administration		
Personal Services	(25,000)	(25,000)
Removes funds not necessary for the current staffing pattern.		
 <b>ECONOMIC DEVELOPMENT DEPARTMENT OF AGRICULTURE</b>		
Consumer Services		
Positions		(1)
Personal Services		9,315
All Other		2,500
		11,815
Provides 2nd year funding for a Food Inspector Position (salary and related costs) created to carry out the new law on beverage containers. The increased workload cannot be handled effectively with only 2 inspectors.		
State Harness Racing Commission		
Positions	(1)	(1)
Increases authorized headcount from 4 to 5. A seasonal position has been abolished to provide sufficient funding.		
<b>TOTAL AGRICULTURE DEPARTMENT</b>		11,815
 <b>DEPARTMENT OF BUSINESS REGULATION</b>		
Manufactured Housing Board		2,600
Personal Services		10,000
All Other		12,600
Provides funds to correct inadvertent underfunding of the Manufactured Housing Board.		
 <b>DEPARTMENT OF MARINE RESOURCES</b>		
Enforcement Division		(1)

	Appropriations from General Fund	
	1977-78	1978-79
<b>DEPARTMENT OF MARINE RESOURCES</b>		
<b>(Con.)</b>		
Positions		21,000
Personal Services	30,000	37,000
All Other		1,000
Capital		1,000
	30,000	59,000

Provides funds for one new position of fisheries assessment biologist and additional funds due to increased activities.

**INDEPENDENT AGENCIES—REGULATORY**

**Public Utilities Commission**

Personal Services	(32,863)	82,863
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Provides additional operating funds and funds for the employment of consultants. It is anticipated that additional funds will be made available from New England Regional Commission.

**INDEPENDENT AGENCY — Not Part of State Government**

**MAINE DEVELOPMENT FOUNDATION**

All Other		100,000
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Provides sufficient funds for the foundation to operate effectively. Matching contributions must be raised from both public and private sources before access is allowed to the legislative appropriation. This additional support would strengthen this fund-raising effort. Any appropriated funds not matched by the foundation shall not lapse, but shall carry forward from year to year until the foundation can demonstrate a matching and equal fiscal support from its private and public corporators and members.

**MAINE MARITIME ACADEMY**

All other		75,000
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Provides \$75,000 for salary increases. These funds shall not be used for any other purpose. Any remaining balances shall lapse to the General Fund.

Appropriations from  
 General Fund

1977-78                      1978-79

EDUCATION AND CULTURE  
 DEPARTMENT OF EDUCATIONAL AND  
 CULTURAL SERVICES

General Purpose Aid for Local Schools  
 All Other

1,529,956

Provides funds for reimbursement to local units for debt service. Offset by an equal amount of revenue.

Library and Development Services  
 All Other

90,000

Provides funds to contract with WCBB-TV to air in-school television programs during the 1978-79 school year.

Adult Education  
 All Other

(63,688)

These funds are not necessary to fund the current program at 100% level.

Southern Maine Vocational Technical Institute  
 Positions

(1)

(1)

Provides count for one Law Enforcement Technology Instructor for which sufficient funds are available.

Education — North American Indian Scholarship Fund  
 All Other

50,000

Restores funds to the North American Indian Scholarship Fund.

Vocational Education — Administration  
 Capital Expenditures

250,000

Funds appropriated in this section shall be allocated to the V.T.I.'s based on a priority schedule developed by the Associate Commissioner for Vocational Education. In developing this schedule, the director shall set as his first priority the funding of equipment for previously built facilities that were never fully furnished with instructional equipment. His 2nd priority shall be to replace old and obsolete equipment. This amount shall not lapse June 30, 1978, but shall carry forward until June 30, 1979, for these purposes.

TOTAL DEPARTMENT  
 OF EDUCATIONAL & CULTURAL  
 SERVICES

1,779,956

76,312

**Appropriations from  
General Fund**

DEPARTMENT OF HUMAN SERVICES

Children's Protective Services

Positions

Personal Services

All Other

(16)

215,500

97,000

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312,500

Provides funds to continue services to children under 4 categories: Child Protective Services; Substitute Care; Family Crisis Services; and, Purchased Services previously funded. It is the intent of the Legislature that authorization of these funds be allowed for matching purposes with federal funds, but in no case shall this result in the reduction of the total contracted allocations currently authorized in the Title XX program. If such a reduction is unavoidable and existing children's Protective Services cannot be funded at the current level under Title XX, funds shall be allocated instead from the Title XX contingency account.

TITLE XX CONTINGENCY ACCOUNT

All Other

937,500

The purpose of this account shall be to ensure full utilization and commitment of all available Title XX funds to the maximum allowable limits of combined federal, state and other resources as determined by the federally authorized matching formula. These funds shall not lapse but shall carry forward from year to year to be expended for this purpose.

Intermediate Care

All Other

2,520,000

50% of Mental Health Improvement Fund revenues for FY 79 were undedicated and need to be appropriated to Intermediate Care. Additional General Fund revenues will offset this appropriation. In addition to these funds, \$980,000 in PL 95-619 funds shall be allocated for this purpose.

Intermediate care

All Other

95,530

584,985

Provides funds to cover increased costs in Intermediate Care due to the increase in the minimum wage. In addition to the funds in the first year, \$170,000 shall be reallocated from Title II funds. The funds appropriated here shall not be used for any other purpose. Any remaining balance shall lapse to the General Fund.

DEPARTMENT OF HUMAN SERVICES  
 (Continued)

Appropriations from  
 General Fund

1977-78                      1978-79

Medical Care

All Other

200,623                      632,717

The \$200,623 in the first year and \$432,717 in the second year are to cover increased costs in medical Care due to the increase in the minimum wage. the funds appropriated for this purpose shall not be used for any other purpose, any remaining balance shall lapse to the General Fund. The additional \$200,000 in the second year will pay this program's share of increases in Social Welfare — Aid to Families with Dependent Children.

Social Welfare — Aid to Families with  
 Dependent Children

All Other

400,000

These funds shall be used to increase the percentage of needs payments from 90% to 95% of 1969 Standard of Need effective January 1, 1979.

General Assistance

All Other

(200,000)                      (736,258)

Provides for \$50,000 in the 2nd year to be transferred to the Department of Indian Affairs to comply with the Revised Statutes, Title 22, section 4722, and to adjust balances not needed under current law.

Bureau of Resource Development

State Seed

Day Care Services

All other

(168,294)

Homemaker Services

All Other

(31,497)

Transportation Services

All other

(21,736)

After Care — Reg. #3

All Other

(11,439)

Provides for various accounts to be combined into one account for more efficient accounting.

Bureau of Resource Development

State Seed

All Other

458,362

Provides for various accounts to be combined into one account for more efficient accounting and for additional funds for day care. \$393,362 of this appropriation shall be used for day care.

Bureau of Rehabilitation

Governor's Committee on Employment of the  
 Handicapped

All Other

1,000

To provide operating funds.



DEPARTMENT OF HUMAN SERVICES (Continued)	Appropriations from General Fund	
	1977-78	1978-79
Resource Development		
Developmental Day Care		
All Other	(374,943)	(393,690)
Provides for return of funds to General Fund in accordance with language in the appropriation in chapter 380, P.L. 1977.		
Comprehensive Day Care Services		
All Other		274,604
Funds appropriated for this program may be used to pay a portion of expenditures under each day care agreement in an amount not to exceed 75% of the total expenditure under each agreement.		
Priority Social Services — Health and Home Care Needs for the Elderly		
All Other		50,000
To provide the funds necessary for implementation of Chapter 317, Public Laws of 1977.		
	(278,790)	4,808,754
TOTAL DEPARTMENT OF HUMAN SERVICES		
MAINE HUMAN RIGHTS COMMISSION		
Regulatory		
All Other	7,500	7,500
	7,500	7,500
Provides for additional costs of the Commission.		
		Appropriations from General Fund
DEPARTMENT OF INDIAN AFFAIRS	1977-78	1978-79
All Other		50,000
Provides funds to comply with the Revised Statutes Title 22, section 4722, which became effective 4/26/77. Tribal overseers of the poor are now required to provide relief to persons who are not tribal members found destitute on Indian reservations formerly paid by the Department of Human Services.		
DEPARTMENT OF MENTAL HEALTH & CORRECTIONS		
Capital Construction		
Capital Expenditures	122,300	
Provides funds to correct fire and safety deficiencies in the various institutions as identified by the State Fire Marshal and the Bureau of Labor (OSHA) as follows:		

DEPARTMENT OF MENTAL HEALTH &  
CORRECTIONS (Continued)

Appropriations from  
General Fund

1977-78                      1978-79

Description	Cost
Maine State Prison, Fire and Safety Deficiencies	26,500
Maine Correctional Center, Fire and Safety Deficiencies	15,800
Maine Youth Center, Fire and Safety Deficiencies	80,000
	<hr/>
	122,300

This appropriation shall carry until the completion of the projects. Any additional projects listed in L. D. 2021 (108th Legislature) have been transferred to the Mental Health — Mental Retardation fund.

Capital Construction

Capital Expenditures                                              1,305,000

Provides funds for high priority repair and capital improvement needs in the various institutions as follows:

	Cost
Maine State Prison — Security bars, new locks, showers and heating renovations	285,000
Maine Correctional Center Control Center	25,000
Maine Youth Center — Construct New Security Building	995,000
	<hr/>
	1,305,000

This appropriation shall carry until the completion of the projects. Additional projects listed in L. D. 2021 (108th Legislature) have been transferred to the Mental Health — Mental Retardation Fund.

Pineland Center

Positions		(12)
Personal Services		146,858
All Other	105,478	31,812
	<hr/>	<hr/>
	105,478	178,670

Provides funds in the first year for emergency supplemental funds to meet increased costs of operations. Funds in the 2nd year are provided to meet the requirements at Pineland relative to the class action suit. Above amounts are

DEPARTMENT OF MENTAL HEALTH &  
CORRECTIONS (Continued)

Appropriations from  
General Fund  
1977-78                      1978-79

supplemented with \$81,000 allocated in the  
Mental Health and Mental Retardation  
Improvement Fund.

Mental Retardation Services

Positions		(2)
Personal Services		35,919
All Other		749,720
Capital		800

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786,439

Provides funds needed to meet the  
requirements at Pineland and in the  
community relative to the class action suit.  
Additional funds (in the amount of \$1,555,000)  
necessary for this purpose have been  
provided for in the Mental Health — Mental  
Retardation Improvement Fund.

Department Operations

Positions		(26)
Personal Services		323,335
All Other		107,348
Capital		23,200

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453,883

Provides 26 positions and related costs to  
allow the department to initiate and provide  
a Court Intake System for Juveniles as a  
result of enactment of the Juvenile Code. At  
the end of the first year, the department  
shall make a complete review of the  
program and submit a written report to the  
next session of the Legislature, detailing the  
accomplishments and future  
recommendations of the program.

Community Correctional Services

All Other		309,407
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Provides funds to continue Community  
Correctional Services, treatment and  
evaluation units, adult halfway houses,  
juvenile halfway houses, emergency shelter  
and prevention and intervention programs.

Maine State Prison

Positions		(5)
Personal Services		50,240
All Other	80,840	3,000
Capital		80,000

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80,840                      133,240

DEPARTMENT OF MENTAL HEALTH & CORRECTIONS (Continued)	Appropriations from General Fund	
	1977-78	1978-79
Provides supplemental funding, plus requested security coverage and funds for electronic detection system to cover the wall.		
Maine Correctional Center		
Positions		(11)
Personal Services		112,815
All Other		14,500
		<hr/>
		127,315
Provides funds to continue the operation of the prerelease center which is presently Law Enforcement Assistance Agency funded.		
Maine Correctional Center		
Positions	(5)	(7)
Personal Services	21,866	78,000
All Other	30,875	2,439
		<hr/>
	52,741	80,439
Provides emergency supplemental funds to meet increased costs of operations. Provides emergency and continuing funding to staff cottage 3 and to alleviate the overcrowded situation at this institution.		
<b>TOTAL DEPARTMENT OF MENTAL HEALTH &amp; CORRECTIONS</b>	<hr/>	<hr/>
	1,666,359	2,069,393
<b>DEPARTMENT OF CONSERVATION</b>		
Division of Forest Fire Control		
Unallocated	150,000	150,000
Funds shall be used to convert air support capability from fixed to rotor wing equipment.		
<b>TOTAL OF GENERAL FUND</b>	<hr/>	<hr/>
	2,123,396	7,877,643

**PART C**

Sec. 1. 12 MRSA § 1015, sub-§ 2, as amended by PL 1977, c. 105, § 2, is repealed and the following enacted in its place:

2. Tax rate. The excise tax on parcels of softwood forest land shall be 37¢ per acre for 1978 and 38¢ per acre for 1979. The excise tax on parcels of mixed wood forest land shall be 18½¢ per acre for 1978 and 19¢ per acre for 1979.

Sec. 2. Appropriation. There is appropriated from the General Fund \$2,646,293 to be credited to the Budworm Suppression Fund and to be expended by the Department of Conservation, Bureau of Forestry. Any unexpended balance of this appropriation and funds previously appropriated for this purpose shall not

lapse but shall remain a continuing carrying account for these purposes. The breakdown shall be as follows:

	1977-78	1978-79
NATURAL RESOURCES		
DEPARTMENT OF CONSERVATION		
Spruce budworm control	457,969	1,988,324
Unallocated		
Provides funds for spruce budworm suppression and control.		
Spruce budworm control		
Unallocated	100,000	100,000
Provides funds for research grants pursuant to the Revised Statutes, Title 12, section 1027.		

General Fund Undedicated Revenues from Excise Tax should be increased \$467,742 for the fiscal year 1978 and \$1,915,639 for the fiscal year 1979.

**PART D**

**Sec. 1. Allocation of Maine Coastal Protection Fund.** Income to the Maine Coastal Protection Fund for the next fiscal year, from July 1, 1978, to June 30, 1979, shall be segregated, apportioned and disbursed as designated in the following schedule:

	1978-79
Natural Resources	
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Maine Coastal Protection Fund	
Research and development	100,000
This allocates the Maine Coastal Protection Fund as required by the Revised Statutes, Title 38, section 551, subsection 1.	

**Sec. 2. Adjustments to allocations of the Bureau of Alcoholic Beverages and the State Liquor Commission.** The following adjustments are made to the allocations for the operation and administration of the Bureau of Alcoholic Beverages and the State Liquor Commission.

	1977-78	1978-79
General Government		
Department of Finance and Administration		
Alcoholic Beverages		
Administration		
Positions	(-1)	(-1)
Personal Services	(5,732)	(11,998)
All Other	(728)	(1,454)
	<hr/>	<hr/>
	(6,460)	(13,452)
Liquor Store Supervision		
Positions	(-1)	(-1)
Personal Services	(5,094)	(10,609)
All Other	(737)	(1,474)
	<hr/>	<hr/>
	(5,831)	(12,083)

Decreases the allocation act for those positions and funds provided to the Division of Administrative Services under the Department of Finance & Administration in the appropriation act. General Fund revenues should be increased by a like amount.

**PART E**

P & SL 1975, c. 147, Pt. D, § 3, Schedule Ia is repealed and the following enacted in its place:

**SCHEDULE Ia  
(Physicians)**

Grade	Point	Range	A	B	C	D	E	F	G
50	606	652	22,894.09	24,039.06	25,239.68	26,503.92	27,829.12	29,220.57	30,680.94
51	653	702	23,803.25	24,993.69	26,242.00	27,556.44	28,934.26	30,380.98	31,899.33
52	703	757	24,768.08	26,006.77	27,305.68	28,673.40	30,107.07	31,612.42	33,192.33
53	758	815	25,825.69	27,117.27	28,471.64	29,897.76	31,392.65	32,962.28	34,609.65
54	816	878	26,938.95	28,286.21	29,698.96	31,186.56	32,745.89	34,383.18	36,101.56
55	879	945	28,144.99	29,552.56	31,028.56	32,582.76	34,211.90	35,922.49	37,717.80
56	946	1018	29,443.60	30,916.33	32,460.44	34,086.36	35,790.68	37,580.21	39,458.37
57	1019	1097	30,853.93	32,396.99	34,015.05	35,718.84	37,504.78	39,380.02	41,348.13
58	1098	1181	32,375.40	33,994.54	35,692.39	37,480.20	39,354.21	41,321.92	43,387.08
59	1182	1272	33,989.63	35,689.51	37,472.01	39,348.96	41,316.41	43,382.23	45,550.36
60	1273	1370	35,752.30	37,540.33	39,415.28	41,389.56	43,459.04	45,631.99	47,912.55
61	1371	1476	37,644.85	39,527.53	41,501.73	43,580.52	45,759.55	48,047.52	50,448.81
62	1477	1590	39,685.84	41,670.59	43,751.82	45,943.32	48,240.49	50,652.51	53,183.99

NOTE: Step D of each Range = 21.48 P + 12,993, where P = average of point spread for each Range. Formula based on 1977 salary survey data.

Provides an adjustment to the schedule affecting physicians — psychiatrists professionals to alleviate a critical recruitment problem in state institutions.

**PART F**

Sec. 1. 5 MRSA § 1667, last ¶, as amended by PL 1975, c. 771, § 77, is repealed.

Sec. 2. 22 MRSA § 3173, as last amended by PL 1977, c. 582, § 2, is further amended by inserting before the last paragraph the following:

The Department of Human Services may establish fee schedules governing reimbursement for services provided under this chapter. In establishing the fee schedules, the department shall consult with individual providers and their representative associations. The fee schedules shall be subject to annual review.

Sec. 3. 22 MRSA § 3273, sub-§ 7 is enacted to read:

7. Balances of funds not to lapse. Any balances of funds appropriated for the program of state supplemental income benefits authorized under sections 3271 and

3274 shall not lapse but shall be carried forward from year to year to be expended for the same purpose.

Sec. 4. PL 1977, c. 42, § 2, first sentence is amended to read:  
~~\$1,250,000~~ \$1,080,000 of the revenue available pursuant to Title II of the U. S. Public Works Employment Act is allocated to carry out this Act and shall be segregated, apportioned and expended as follows:

Sec. 5. PL 1977, c. 42, § 2, 3rd line under the caption "HUMAN SERVICES, DEPARTMENT OF" is amended to read:

Personal Services		<del>\$416,000</del>
	\$39,000	\$246,000

Sec. 6. PL 1977, c. 547, § 3 is amended by inserting after the 2nd sentence the following:

Funds provided by this chapter shall not lapse June 30, 1978, but shall carry forward until June 30, 1979, to be expended for the same purpose.

Sec. 7. PL 1977, c. 579, § A, under the caption "DEPARTMENT OF FINANCE AND ADMINISTRATION" is amended by striking out all of the last paragraph under "Insurance Program — All Other" and inserting in its place the following:

Provides funds to purchase insurance on behalf of the State and its employees to insure against personal liability. Funds in this program shall not lapse June 30, 1978, but shall carry forward until June 30, 1979. All other funds shall pay their proportional share of the costs of this program.

Sec. 8. PL 1977, c. 579, § B, § 3, is repealed.

Sec. 9. PL 1977, c. 579, § I, § 6, 3rd sentence is amended to read:

The appropriation and allocation are to be used for state employees salary increases, elimination of the 60/40 merit increase practice, unemployment compensation reimbursements and to offset the increase in state health insurance costs.

**Comment**

Provides a source of supplemental funds for reimbursement. Effective January 1, 1978, all units of State Government are liable for unemployment benefits paid to eligible recipients.

Sec. 10. P&SL 1977, c. 58, § 3 is amended to read:

Sec. 3. Expenditure of funds. These expenditures shall be made from any available balances in the nonlapsing major capital construction fund and the education subsidy account for fiscal year ~~1976-77~~ 1977-78 in an amount not to exceed ~~\$350,000~~ \$370,000 for this project.

**Comment**

Provides for a shift in the cost of the Stockholm project between fiscal years.

Sec. 11. P&SL 1977, c. 59, last line is amended to read:

HUMAN SERVICES, DEPARTMENT OF	<del>\$900,000</del>	<del>\$1,952,000</del>
	<u>4,400,000</u>	<u>628,000</u>

**Comment**

Provides for the adjustment of allowable expenditures in these 2 programs for this current fiscal year. Revenues generated from this source to the Department of Human Services have been undedicated and appropriated in the 1978-79 fiscal year.

**Sec. 12. Department of Human Services Allocation.** \$170,000 of the revenue available pursuant to Title II of the U.S. Public Works Employment Act is allocated to carry out this Act and shall be segregated, apportioned and expended as follows:

	<b>1977-78</b>
HUMAN SERVICES, DEPARTMENT OF	
Intermediate Care	
All Other	<b>\$170,000</b>
Provides funds to cover increased costs in Medical Care due to the increase in the minimum wage.	

**Sec. 13. Department of Human Services Allocation.** \$980,000 of the revenue available pursuant to PL 95-619 of the U.S. Social Security Act is allocated to carry out this Act and shall be segregated, apportioned and expended as follows:

	<b>1977-78</b>
HUMAN SERVICES, DEPARTMENT OF	
Intermediate Care	
All Other	<b>\$980,000</b>
Provides funds to supplement the funds appropriated for Intermediate Care.	

**Sec. 14. Funds not to lapse in certain transportation projects.** Funds allotted from the appropriation in PL 1977, c. 380, for the purpose of carrying out the provisions of P&SL 1977, chapters 66 and 79, shall not lapse but shall carry forward until June 30, 1979.

**Sec. 15. Postage, Printing and Supply Fund to include surplus property program.** Notwithstanding any other provision of law or regulation, the Intergovernmental Service Fund known as the Postage, Printing and Supply Fund shall include the federal-state surplus property program and the repayment schedule adjusted so that the next installment will be in 1979-80.

**PART G**

**Sec. 1. 20 MRSA § 2206**, as reenacted by PL 1977, c. 579, § H, § 1, is amended to read:

§ 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 ~~Individually can~~ shall prove ¼ Indian blood and who have resided in the State of Maine during 5 consecutive years next preceding their application for a scholarship.

Sec. 2. 20 MRSA § 2210, last ¶, as reenacted by PL 1977, c. 579, § H, § 1, is repealed as follows:

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

Sec. 3. 20 MRSA § 2211 is enacted to read:

§ 2211. Grant Limitation

No grant shall be given to any student or institution when the student is enrolled in a 4-year post-secondary degree granting program.

PART H

Sec. 1. P&SL 1977, c. 59, 10th and 11th lines under the caption "MENTAL HEALTH AND CORRECTIONS", are repealed and the following enacted in their place:

Institutional Services	132,380	517,200
Total expenditures	\$1,816,380	\$1,944,630

Sec. 2. Allocation of fund. In order to provide the necessary expenses for the operation and administration of the Mental Health and Mental Retardation Improvement Fund, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the fund for the fiscal year ending June 30, 1979:

Allocation	Mental Health	Mental Retardation
MENTAL HEALTH AND CORRECTIONS, Department of		
Community Mental Health Services	\$ 846,000	\$
Childrens Mental Health Services	1,269,000	
Mental Health Services to Corrections	220,000	
Institutional Services	686,724	1,072,526
Administrative and Supportive	94,700	14,470
Community Mental Retardation Services		2,246,927
Total Allocation	\$3,116,424	\$3,333,923

From the \$1,072,526 allocated for Institutional Services under Mental Retardation, an amount not to exceed \$350,000 shall be allocated for the purchase of 2 state operated group homes of 15 beds each and the \$686,724 allocated for Institutional Services under Mental Health shall be used for Bangor Mental Health Institute for

renovations to the Pooler Pavilion and for additional positions.

**PART I**

**Sec. 1. Basic elementary and secondary per pupil operating rate.** The basic elementary per pupil operating rate for 1978-79 shall be \$910 and the basic secondary per pupil rate for 1978-79 shall be \$1,220.

**Sec. 2. Basic education allocation.** The basic allocation of state and local funds for 1978-79 for the purposes listed below shall be as follows:

1. Elementary and secondary operating costs	\$ 235,094,512
2. Special education-costs for programs operated by the administrative units	10,119,446
3. Special education-costs for tuition and board, excluding medical costs	3,739,120
4. Vocational education costs	7,505,340
5. Transportation costs	
a. Operating	17,359,106
b. Purchase of buses	2,999,461
6. Debt service costs	
a. Debt service	26,500,000
b. Insured value factor	322,227
c. Approved leases	464,525
Subtotal	304,103,737
Less P.L. 874 Funds	2,389,220
Total	\$ 301,714,517

**Sec. 3. Subsidy index.** The subsidy index for computing 1978-79 local allocations shall be established at 10 mills.

**Sec. 4. Appropriations.** There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of \$173,039,963 for the fiscal year beginning July 1, 1978, and ending June 30, 1979, for the following purposes:

1. State allocation	\$ 161,372,517
2. Maximum state share of local leeway	9,958,873
3. Unusual enrollment adjustments	650,000
4. Geographic isolation adjustments	267,642
5. Small administrative unit adjustments	85,000
6. Audit adjustments	50,000

7. Private school transportation	277,931
8. Costs for pupils placed directly by the State and institutional residents	378,000
Total	\$ 173,039,963

The breakdown shall be as follows:

	1978-79
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF	
General purpose aid for local schools	
All Other	\$ 173,039,963

**Sec. 5. Limit of state's obligation.** In the event that the state's computed obligation for any individual program contained within sections 2 and 4 exceeds the level of funding provided for that program, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual program. Any unexpended balance from sections 2 and 4 shall not lapse, but shall be carried forward to be used for the same purpose.

**Sec. 6. Appropriation.** There is appropriated from the General Fund to the Department of Education and Cultural Services the sum of (\$5,200,000) for the fiscal year ending June 30, 1978, and (\$168,652,370) for the fiscal year ending June 30, 1979, to carry out the purpose of this Act.

The breakdown shall be as follows:

	1977-78	1978-79
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF		
General purpose aid for local schools		
All Other	(\$ 5,200,000)	(\$ 168,652,370)

**PART J**

	Total Appropriations	
	1977-78	1978-79
Total General Fund	(\$ 2,518,635)	\$ 14,353,560

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

Effective April 6, 1978 Unless otherwise indicated.

**CHAPTER 713**

**AN ACT Making Certain Substantive Revisions to the Marine Resources Statutes.**

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