

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

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1979

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**PUBLIC LAWS**  
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## CHAPTER 69

### H. P. 1007 — L. D. 1169

#### **AN ACT Making Additional Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government.**

**Emergency preamble.** Whereas, Acts passed by 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 departments and institutions will become due and payable before July 1, 1979; 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 government and other purposes, 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.

#### **APPROPRIATIONS FROM GENERAL FUND 1978-79**

#### **DEPARTMENT OR AGENCY**

#### **Department of Agriculture**

#### **Inspections**

Positions (1)

Provides for a Produce Inspector II under the Maine Meat Inspection Act.  
Funding for this position to come from savings within the department.

**APPROPRIATIONS FROM  
GENERAL FUND  
1978-79**

**DEPARTMENT OR AGENCY**

**Department of Educational and Cultural  
Services**

Washington County Vocational-  
Technical Institute

Positions (1)

Personal Services \$3,980

All Other 11,000

Provides funds for one building custodian,  
fuel and electricity costs at new dormitory.  
Increased revenue for fiscal year 1979 is  
estimated to be \$8,000.

**TOTAL DEPARTMENT OF EDUCATIONAL AND  
CULTURAL SERVICES \$14,980**

**Department of Finance and Administration**

Bureau of Public Improvements -  
Buildings and grounds operations

All Other 100,000

Provides funds for increased costs of  
professional services, utilities and general  
operating costs.

Bureau of Public Improvements -  
Capital construction, repairs and  
improvements

All Other 300,000

Provides funds for renovations to Harlow  
building into office space.

**TOTAL DEPARTMENT OF FINANCE AND  
ADMINISTRATION \$400,000**

Independent Agencies - Not part of  
State Government

**APPROPRIATIONS FROM  
GENERAL FUND  
1978-79**

**DEPARTMENT OR AGENCY**

Indian Housing Authority - Penobscot  
Tribal Reservation

All Other 39,975

Provides funds to clear outstanding bill or bills of Wright & Pierce, RE: services before installation of water & sewer systems.

**TOTAL INDEPENDENT AGENCIES - NOT  
PART OF STATE GOVERNMENT**

\$39,975

**Judicial Department**

Supreme Judicial, Superior, District  
and Administrative Courts

Personal Services 53,000

All Other 502,400

Any compensation plan for the employees of the Judicial Department and any salary increases including cost-of-living increases for the employees of the Judicial Department must be approved by the Legislature before implementation is commenced.

**TOTAL JUDICIAL DEPARTMENT**

\$555,400

**Department of Mental Health & Corrections**

Maine State Prison

All Other 174,319

Provides funds for deficiencies in most all other costs particularly medical, utilities, general operations and workers' compensation.

Correctional Improvement Program

**APPROPRIATIONS FROM  
GENERAL FUND  
1978-79**

**DEPARTMENT OR AGENCY**

All Other 85,000

Provides funds for housing of inmates in county jails and other facilities. This appropriation shall carry until June 30, 1980.

**Childrens Services**

All Other 62,500

Provides funds for group homes for sexually abused children. Such funds shall be repaid to the General Fund from the Mental Health Improvement Fund when available.

**TOTAL DEPARTMENT OF MENTAL HEALTH &  
CORRECTIONS** \$321,819

**Independent Agencies - Not part of  
State Government**

**Maine Maritime Academy**

All Other \$200,000

Provides funds to apply toward the reconstruction of Leavitt Hall.

**TOTAL INDEPENDENT AGENCIES - NOT  
PART OF STATE GOVERNMENT** \$200,000

**Secretary of State**

**Administrative Operations**

Positions (1)

Provides position count that relates to C. 526, P. L. 1977, which approved funds for personal services, RE: secured transactions under the Uniform Commercial Code.

**Treasury Department**

**Departmental Operations**

**APPROPRIATIONS FROM  
GENERAL FUND  
1978-79****DEPARTMENT OR AGENCY**

All Other	11,500
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Capital Expenditures	3,800
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Provides funds for added postage costs and funds to replace check photo machine.

<b>TOTAL TREASURY DEPARTMENT</b>	<b>\$15,300</b>
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**Department of Educational and  
Cultural Services**

General purpose aid for local schools

All Other	(\$5,800,000)
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**Department of Human Services**

Medical Care Services

All Other	2,084,793
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Intermediate Care Services

All Other	1,171,714
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General Assistance - Reimbursement to cities and towns

All Other	(\$591,000)
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State supplemental to federal - Supplemental Security Income (SSI)

All Other	(748,000)
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Bureau of Resource Development

All Other	(745,000)
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Free drugs to Maine's elderly

All Other	(515,000)
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**APPROPRIATIONS FROM  
GENERAL FUND  
1978-79**

**DEPARTMENT OR AGENCY**

Social Welfare - Work  
Incentive Program  
(WIN)

All Other (94,000)

Health Facilities - Cost Review  
Board

Personal Services (20,000)

All Other (30,000)

Social Welfare - food stamps

Personal Services (36,000)

All Other (30,000)

Approval of this request will permit necessary adjustments to the accounts listed for the remainder of fiscal year 1979. The additional General Fund appropriation is to be supported by an income in undedicated revenue of \$447,507 through a federal settlement from previous years' activities. The balance of \$2,809,000 is available by a reduction of the accounts listed with bracketed figures.

**TOTAL DEPARTMENT OF HUMAN SERVICES \$447,507**

**LEGISLATIVE DEPARTMENT**

Legislature

All Other (3,000)

Capital Expenditures 3,000

Provides for line category transfer of funds,  
no additional funds are appropriated.

**APPROPRIATIONS FROM  
GENERAL FUND  
1978-79**

**DEPARTMENT OR AGENCY**

TOTAL APPROPRIATION - PART A (\$3,805,019)

**PART B**

**Sec. 1. 12 MRSA § 1014, sub-§ 1, 2nd sentence**, as enacted by PL 1975, c. 764, § 3, is amended to read:

The Bureau of the Budget shall include this recommended amount in the Part 1 Budget ~~together with an estimate of the funds to be paid to the Budworm Suppression Fund pursuant to subsection 6.~~

**Sec. 2. 12 MRSA § 1014, sub-§ 6**, as enacted by PL 1975, c. 764, § 3, is repealed.

**Sec. 3. 12 MRSA § 1015, sub-§ 2**, as repealed and replaced by PL 1977, c. 712, Part C, § 1, is amended to read:

**2. Tax rate.** The excise tax on parcels of softwood forest land shall be 37¢ per acre for 1978 and ~~38¢~~ **\$1.24** per acre for 1979. The excise tax on parcels of mixed wood forest land shall be 18½¢ per acre for 1978 and ~~19¢~~ **62¢** per acre for 1979.

**Sec. 4. Appropriation.** There is appropriated from the General Fund \$3,256,275 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:

1978-79

**DEPARTMENT OF CONSERVATION**

Spruce budworm control

Unallocated \$3,256,275

Provides additional funds for spruce budworm suppression and control.

General Fund Undedicated Revenues from excise tax should be increased \$3,459,053 for the fiscal year 1979.

**Sec. 5. 12 MRSA § 1015-A** is enacted to read:

**§ 1015-A. Supplementary excise tax**

**1. Supplementary tax.** All softwood and mixed wood forest land acreage subject, in 1979, to the excise tax described in section 1015 is also subject to a supplementary excise tax.

**2. Amount.** The revenue to be raised by the supplementary excise tax is the difference, if any, between \$3,960,000 and the amount of federal funds committed to the State, prior to August 1, 1979, for the 1979 spruce budworm spray project. The amount of federal funds so committed will be certified by the State Budget Officer to the State Tax Assessor by August 1, 1979.

**3. Determination.** The State Tax Assessor shall determine the basic tax rate per acre. The basic tax rate per acre is computed by dividing the amount to be raised by a factor which is equal to the number of mixed wood acres subject to taxation plus twice the number of softwood acres subject to taxation. The basic tax rate per acre shall apply to each mixed wood acre and an amount equal to twice the basic tax rate per acre shall apply to each softwood acre. The basic tax rate per acre is to be rounded to the next highest half cent.

**4. Notice.** The State Tax Assessor shall determine the amount of supplementary excise tax on the owner or owners of each parcel subject to this tax and shall give notice thereof to the owner or owners upon whom this tax is assessed or to their authorized agents by a mailing at the address shown on the tax records. Notice hereunder is complete upon mailing.

**5. Due date.** The supplementary excise tax is payable in regard to land located within the unorganized territory on or before the 30th day of September 1979 or 30 days after the bills are mailed, whichever is later. The supplementary excise tax is payable in regard to land located within municipalities on or before the 31st day of December 1979 or 30 days after the bills are mailed, whichever is later.

**6. Collection.** Section 1015, subsections 6, 7 and 8 also apply to this section.

**Sec. 6. Appropriation.** There is appropriated from the General Fund an amount up to but not exceeding \$3,960,000 to be credited to the Budworm Suppression Fund and to be expended by the Department of Conservation, Bureau of Forestry, for the fiscal year ending June 30, 1980. The amount of the appropriation shall be equal to the tax assessed under Title 12, section 1015-A. Any unexpended balance of this appropriation shall not lapse but shall remain a continuing carrying account for these purposes. There is also appropriated, if an assessment under Title 12, section 1015-A is made, for the fiscal year ending June 30, 1980, from the General Fund the amount of \$2,000 to be credited to the Department of Finance and Administration, Bureau of Taxation, to carry out the purposes of this Act.

**Sec. 7. Commissioner of Conservation recommendations for future spruce budworm policy.** By January 1, 1980, the Commissioner of Conservation shall present to the Legislature a comprehensive report on his recommendation for future spruce budworm policy.

The policies shall be directed toward accomplishing, not later than the fiscal year 1981-82, a significant reduction from the current level of dependence on pesticides and a more equitable method of determining participation and a more equitable method of determining the division of budworm program costs among landowners.

The proposed method should allow maximum landowner freedom to choose to participate or not to participate, and should reduce the tax burden on landowners not being sprayed in any given year.

The report should recommend what ongoing public functions in budworm management should receive General Fund support. The Commissioner of Conservation shall submit draft legislation to implement his recommendations.

The report will also summarize the cost and effectiveness of the past control program, steps being taken to improve cost and effectiveness and research completed or underway to improve control programs.

TOTAL APPROPRIATION - PART B \$3,256,275

SUMMARY OF APPROPRIATIONS

	PART A	(\$3,805,019)
	PART B	3,256,275
	TOTAL	(\$548,744)

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

Effective April 3, 1979

## CHAPTER 70

H. P. 323 — L. D. 424

**AN ACT to Provide that the Adoption of Rules by the State Controller are Consistent with the Maine Administrative Procedure Act.**

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

5 MRSA § 1541, sub-§ 13, as enacted by PL 1977, c. 248, is amended to read:

**13. Travel expense reimbursement.** The State Controller, with the approval of the Commissioner of Finance and Administration, may ~~adopt, modify or abrogate rules and regulations~~ **establish policies** for travel expense reimbursement and carrying out this chapter. **Those policies determining which expenses shall be reimbursable and levels of reimbursement shall be deemed rules, and shall be adopted, modified and repealed, only in accordance with procedures set forth in the Maine Administrative Procedure Act, Title 5, chapter 375.**

Effective September 14, 1979