

# MAINE STATE LEGISLATURE

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

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

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

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**K.J. Printing Co.**  
Augusta, Maine  
1981

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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5. Effective July 1, 1982, the State shall pay 50% of the total cost of spouse and dependent health insurance premium of confidential employees. This shall be in addition to continuance by the State of payment of the full cost of the premium for the individual employee's health insurance coverage.

6. Effective at the start of the pay week closest to July 1, 1982, the current salary schedules for confidential employees shall be adjusted to reflect an increase of 8% per week.

**Sec. 13. Employees whose salaries are subject to Governor's adjustment or approval.** For those unclassified employees whose salaries are subject to the Governor's adjustment or approval, the Governor may grant similar and equitable treatment consistent with this Act.

**Sec. 14. Carrying clause.** Any balances remaining from previous salary accounts and special accounts established by this Act shall not lapse, but shall be carried forward to June 30, 1983, to be expended for state employee salary increases and contract administration.

**Sec. 15. Appropriation to the University of Maine.** There is appropriated from the General Fund to the University of Maine the sum of \$2,378,000 for the fiscal year ending June 30, 1982, and \$6,397,400 for the fiscal year ending June 30, 1983.

**Sec. 16. Appropriation to the Maine Maritime Academy.** There is appropriated from the General Fund to the Maine Maritime Academy the sum of \$100,000 for the fiscal year ending June 30, 1982, and \$200,000 for the fiscal year ending June 30, 1983.

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

Effective June 11, 1981

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## CHAPTER 454

H. P. 1540 — L. D. 1655

**AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research.**

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

**Sec. 1.** 22 MRSA § 7102, sub-§§ 2 and 3, as enacted by PL 1973, c. 566, § 1, are amended to read:

2. **Integrated approach.** In order to efficiently and effectively accomplish this

objective, it is essential to adopt an integrated approach to the problem and to focus all the varied resources of the State on developing a comprehensive range of drug abuse prevention and treatment services ~~conducted by one administrative unit~~.

**3. Office established.** It is, therefore, the objective of this Act to establish one office to coordinate the planning ~~and operation~~ of all state drug abuse services, including those related to the abuse of alcohol, and excepting those relating to the prevention of drug traffic, and to provide support and guidance to individuals, public and private organizations and especially local governments, in their drug abuse prevention activities.

**Sec. 2. 22 MRSA § 7106, sub-§ 3, ¶ B,** as enacted by PL 1973, c. 566, § 1, is amended to read:

**B.** Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to drug abuse prevention activities made by or requested of all state agencies. The office shall have the authority to submit to these bodies findings, comments and recommendations, which ~~in the case of the Judicial Council, Legislature, Governor and commissioner shall be advisory ; and which in the case of other state agencies shall be binding~~. Such findings, comments and recommendations shall specify what modification in proposals or actions ~~shall~~ **should** be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities;

**Sec. 3. 22 MRSA § 7106, sub-§ 4, first ¶, 3rd sentence,** as enacted by PL 1973, c. 566, § 1, is amended to read:

Implementation of this duty shall mean that the office shall have the authority to ~~supervise through a review process the preparation and administration of~~ any portion of any state plan relating to drug abuse prevention prepared and administered by any agency of State Government for submission to the Federal Government to obtain federal funding under federal legislation.

**Sec. 4. 22 MRSA § 7106, sub-§ 8, last 3 sentences,** as enacted by PL 1973, c. 566, § 1, are amended to read:

The office may do all things necessary to cooperate with the Federal Government or any of its agencies in making application for any funds ~~Included in this duty is authority to coordinate the disbursement of all state funds, or funds administered through agencies of State Government, appropriated or made available for drug abuse prevention. No fiscal transaction, including encumbrance or disbursement, shall be made for drug abuse prevention without approval of the office ;~~

**Sec. 5. 22 MRSA § 7112, first ¶,** as enacted by PL 1973, c. 566, § 1, is amended to read:

State agencies proposing to develop, establish, conduct, or administer drug

abuse prevention programs or to assist with such programs as covered by this chapter shall, prior to carrying out such actions, consult with the office ~~to obtain the approval of the office to conduct such action.~~

**Sec. 6.** 22 MRSA § 7112, 2nd ¶, 3rd sentence, as enacted by PL 1973, c. 566, § 1, is repealed as follows:

~~No such action shall be taken related to drug abuse prevention without approval of the office~~

**Sec. 7.** 28 MRSA § 204, first ¶, as last amended by PL 1975, c. 771, § 302, is further amended by adding at the end a new sentence to read:

**Nothing in this section may be construed to permit the commission to sell spirituous and vinous liquor without collecting the entire premium assessed under chapter 12.**

**Sec. 8.** 28 MRSA c. 12 is enacted to read:

## CHAPTER 12

### ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND RESEARCH

#### § 471. Findings and intent

The Legislature finds that alcoholism is an increasingly costly burden on the personal lives and pocketbooks of Maine citizens; that a small minority of the population consumes the vast majority of alcoholic beverages sold; that the public is unfairly burdened with the expense of preventing alcoholism and of caring for alcoholics; and that the growing cost of prevention and treatment should be borne by those persons who deliberately incur the risk of contracting this disease. Accordingly, the intent of this chapter is to ensure that programs for alcoholism prevention, education, treatment and research are adequately supported by shifting the financial burden of preventing and treating alcoholism to those who choose to drink.

#### § 472. Alcoholism Prevention, Education, Treatment and Research Fund

1. **Establishment.** There is established a nonlapsing fund known as the Alcoholism Prevention, Education, Treatment and Research Fund, which shall be used to carry out the purposes of this chapter.

2. **Revenues.** All premiums collected under section 474 and moneys received from any other source shall be deposited to this fund.

3. **Expenditures.** Expenditures shall be made from the fund in accordance with section 475, allocation procedure.

4. **Reports.** The State Controller shall maintain records and prepare reports

in accordance with provisions of Title 5, chapter 143.

**§ 473. Special trust account**

1. **Establishment.** There is established within the fund a special trust account, which shall be used to carry out the purposes of this section.

2. **Endowment.** Until June 30, 1991, the Treasurer of State shall deposit in the account 5% of all premiums collected under section 474, together with all earnings accruing on the account, except earnings appropriated after June 30, 1985, under subsection 3.

3. **Availability of earnings.** All earnings accruing on the account after June 30, 1985, shall be available to the Legislature to appropriate for alcoholism prevention and education in accordance with section 475.

**§ 474. Premiums; collection**

1. **Spirits and fortified wines.** The commission shall sell all spirits and wines, except table wines, at a price which will produce, in addition to any other tax or charge imposed under state or federal law, a premium in the amount specified in subsection 3.

2. **Malt liquor and table wines.** In addition to any other tax or charge imposed under state or federal law, a premium shall be imposed on all malt liquor and table wine manufactured, bottled or imported into this State. The premium shall be in the amount specified in subsection 3. Premiums shall be paid to the commission by Maine manufacturers and importing wholesalers. The commission shall open a premium account with all Maine manufacturers and wholesale licensees. The collection of premiums under this subsection shall be governed in the same manner as provided for the collection of excise taxes under section 652. The duties, prohibitions and liabilities under this subsection of licensees and holders of certificates of approval shall be the same as those under sections 603, 604 and 652. The commission shall give credits and make adjustments under this subsection on the same terms and conditions as provided in section 452.

3. **Amount of premium.** The premium imposed by subsections 1 and 2 shall be 5¢ per gallon, or its metric equivalent, or fraction or multiple thereof, on all malt beverages sold in this State; 15¢ per gallon, or its metric equivalent, or fraction or multiple thereof, on all wine containing 14% or less alcohol by volume sold in this State; 12¢ per gallon, or its metric equivalent, or multiple or fraction thereof, on all sparkling wines manufactured in or imported into this State; 62 1/2¢ per proof gallon as the term proof gallon is defined in the United States Code, Title 26, Section 5002, or its metric equivalent, or fraction or multiple thereof, on all spirituous liquors and wines containing more than 14% alcohol by volume sold in this State.

4. **Payment to fund.** All premiums collected by the commission under this section shall be paid forthwith to the Treasurer of State and credited to the fund in accordance with section 472.

§ 475. Allocations procedure

1. **Purposes and objects.** The Legislature may make allocations from the fund to any public or private agency or person to carry out the purposes of this chapter.

2. **Commissioners' report.** The Commissioners of Educational and Cultural Services, Mental Health and Corrections and Human Services shall jointly prepare and submit a report on alcoholism prevention, education, treatment and research to the Legislature on or before the first day of every regular session. The Commissioner of Human Services shall act as the coordinator in the preparation of this report. Other governmental department and nongovernmental organizations may be consulted in the preparation of this report. The report shall include their specific recommendations regarding allocations from the fund, including agencies or persons to whom allocations should be made and the amounts that should be allocated, the specific reasons for their recommendations and any other information that the Legislature may request. The commissioners may hold hearings, solicit and receive proposals or take any other action they consider necessary and appropriate in order to prepare their report.

3. **Other recommendations.** The public shall be afforded appropriate opportunity to make recommendations directly to the Legislature regarding allocations from the fund.

4. **Legislative prerogative.** Nothing in this chapter or in Title 22, chapter 1601, may be construed to authorize any agency or person to disburse, administer, coordinate or otherwise act with respect to allocations from the fund, unless so authorized by the allocation, to require the Legislature to make an allocation from the fund or to allocate a specific amount to any particular agency or person, or to preclude the Legislature from making any allocation of any amount from the fund irrespective of any recommendation, provided that the allocation carries out the purposes of this chapter.

**Sec. 9. Allocations.** The following funds are allocated from the Alcoholism Prevention, Education, Treatment and Research Fund to carry out the purposes of this Act.

1981-82

EDUCATIONAL AND CULTURAL SERVICES,  
DEPARTMENT OF

All Other \$ 50,000

HUMAN SERVICES, DEPARTMENT OF

Community Based Services 97,870

This amount replaces federal funds  
which were lost as of January, 1981.



MENTAL HEALTH AND CORRECTIONS,  
DEPARTMENT OF

All Other	50,000
Total:	\$197,870

Effective September 18, 1981

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**CHAPTER 455**  
**S. P. 648 — L. D. 1674**

**AN ACT to Amend the Maine Health and Higher Educational Facilities Authority Act.**

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

Whereas, the Certificate of Need Act authorizes the Department of Human Services to review only certain portions of a project, which may be financed under the Maine Health and Higher Educational Facilities Authority Act; and

Whereas, there are now pending before the authority applications for expansions by Maine hospitals; and

Whereas, limited review of the department may result in hospitals being unable to receive approval for financing under the Act; 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:**

22 MRSA § 2061, sub-§ 2, as amended by PL 1979, c. 680, § 18, is further amended to read:

2. **Review.** Each project for a hospital or nursing home has been reviewed and approved by the appropriate regional and state health planning agencies as organized under section 253, or to the extent required by the agency of the State which serves as the Designated Planning Agency of the State for purposes of in accordance with the provisions of section 1122 of the Federal Social Security Act, as amended, or by the Department of Human Services in accordance with the provisions of the Maine Certificate of Need Act of 1978, as amended;