

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

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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

CHAPTER 463

S. P. 666 — L. D. 1686

AN ACT Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1981, June 30, 1982, and June 30, 1983.

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, 1982 and June 30, 1983 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 these 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 Joint Standing 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. Salary savings may also be used to fund any additional costs incurred for job-sharing positions.

The amounts appropriated for Personal Services include funds for the state's share of state employees retirement. The State Controller shall transfer the state share to the Maine State Retirement System as soon as practicable after each payroll is paid.

Sec. 4. Personal Services policy and review. The Bureau of the Budget, 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. 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 of 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 these 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 that 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 Maine Revised Statutes, Title 5, section 592, shall review the operation of the performance evaluation system and make such recommendations and render such advise 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. 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. 8. New or expanded programs. No department may establish new programs or expand existing programs beyond the scope of those programs already established, recognized and approved by the Legislature, until that program and the method of financing are submitted to the Bureau of the Budget for evaluation and recommendation to the Legislature and until funds are made available therefor by the Legislature.

Sec. 9. 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 those funds be withdrawn or reduced.

Sec. 10. 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. 11. 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. The Commissioner of Finance and Administration is empowered to develop

and institute such review and control mechanisms as are necessary to insure that capital equipment purchases authorized by the Legislature are consistent with the intent for which funds were recommended and made available.

Sec. 12. 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, and panel and pickup trucks, excluding those vehicles authorized and assigned for pursuit purposes. Under no circumstances are any state vehicles to be used primarily for commuting purposes. 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.

The Commissioner of Finance and Administration shall also have the authority to set appropriate standards with regard to motor vehicle type, size and equipment and direct that all motor vehicles be purchased in accordance with an established commodity calendar.

Sec. 13. Significant action recommended by the State Budget Officer. The Bureau of the Budget shall inform the Joint Standing Committee on Appropriations and Financial Affairs through the Legislative Finance Office of significant action recommended by it in the performance of the budget responsibilities assigned.

Sec. 14. 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 those payments are not expressly prohibited by state or federal law or by the terms of a gift or donation made to the State from private sources. These payments shall be credited to the General Fund as undedicated revenue. The State Budget Officer may adjust this assessment to any individual account.

Sec. 15. 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, 1982, and June 30, 1983. 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. 16. 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 Maine Revised Statutes, 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. 17. 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**

1981-82 1982-83

**DEPARTMENT OF AGRICULTURE, FOOD
 AND RURAL RESOURCES**

Bureau of Agricultural Production

Positions	(1)	(1)
Personal Services	\$ 12,162	\$ 12,438
All Other	3,000	3,000
Capital Expenditures	500	—
Provides funds for a full-time Entomologist for the Bee Industry.		

Bureau of Agricultural Production

Positions	(1)	(1)
Personal Services	\$ 21,251	\$ 21,500
All Other	4,000	4,000
Provides funds for an Animal Industry Specialist II.		

Harness Racing Commission

Positions	(5)	(5)
Personal Services	38,572	34,850
All Other	15,000	16,000
Capital Expenditures	3,500	—
Provides funds for one additional Security Guard and for salaries and expenses to accommodate 24 additional racing dates.		

Office of the Commissioner

Personal Services	2,085	2,085
Provides funds to implement approved range changes.		

Bureau of Agricultural Production

Personal Services	2,376	1,432
Provides funds to implement approved range changes.		

Bureau of Agricultural Marketing

Personal Services	4,748	3,165
Provides funds to implement approved range changes.		

	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES (cont'd)		
Bureau of Agricultural Marketing		
All Other	11,700	11,700
Provides funds for Eastern States Exposition and foreign trade activities.		
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
	_____	_____
Total Current Services	\$118,894	\$110,170
DEPARTMENT OF ATTORNEY GENERAL		
Operations		
Positions	(2)	(2)
Personal Services	\$ 32,807	\$ 34,270
All Other	25,193	25,730
Capital Expenditures	2,000	—
Provides funds for 2 paralegals and support for conversion to word processing.		
DEPARTMENT OF ATTORNEY GENERAL		
	_____	_____
Total Current Services	\$ 60,000	\$ 60,000
DEPARTMENT OF AUDIT		
Departmental Bureau — Audit		
Positions	(1)	(1)
Personal Services	\$14,000	\$14,000
All Other	3,500	3,500
Provides funds for a Legislative Auditor I to cope with increased workload.		
DEPARTMENT OF AUDIT		
	_____	_____
Total Current Services	\$ 17,500	\$ 17,500
DEPARTMENT OF BUSINESS REGULATION		
Banking — Bureau of		
Positions	(1)	(1)
Personal Services	\$ 10,000	\$ 10,500
Provides funds for a Clerk Typist I to assist with the increased number of filings.		

DEPARTMENT OF BUSINESS REGULATION (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
DEPARTMENT OF BUSINESS REGULATION		
Total Current Services	\$ 10,000	\$ 10,500
DEPARTMENT OF CONSERVATION		
Administrative Services		
Personal Services	\$ 2,611	\$ 2,407
Reclassifications approved by Personnel.		
Forestry — Entomology		
Personal Services	5,319	3,875
Reclassifications approved by Personnel.		
Forestry — Utilization and Marketing Services		
Personal Services	4,137	5,201
Provides funds to reclassify Forester II to Director of Utilization and Marketing.		
Forestry — Utilization and Marketing		
Positions	(1)	(1)
Personal Services	26,804	25,864
All Other	6,379	6,734
Restores one position and related costs.		
Geological Survey		
Positions	(1)	(1)
Personal Services	27,334	27,573
Provides funds for a Marine Geology Scientist position.		
Land Use Regulation Commission		
Positions	(1)	(1)
Personal Services	\$ 7,700	\$ 7,228
All Other	10,793	11,273
Provides funds for per diem payments to Land Use Regulation Commission members. Provides additional support funds and combines 2 seasonal positions into one permanent position.		
Land Use Regulation Commission		
Personal Services	353	
Reclassifications approved by Personnel.		

DEPARTMENT OF CONSERVATION (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
Forest Fire Control — Division of Personal Services Reclassifications approved by Personnel.	1,541	964
Parks — General Operations Personal Services Provides funds for reclassifications already approved by the Department of Personnel.	53,568	26,892
DEPARTMENT OF CONSERVATION		
Total Current Services	\$146,539	\$118,011
DEPARTMENT OF DEFENSE AND VETERANS' SERVICES		
Bureau of Civil Emergency Preparedness Personal Services Provides funds for range change — Chief of Communications — approved by the Department of Personnel.	\$ 5,914	\$ 2,407
Military, Training and Operations Personal Services Provides funds for reclassification approved by the Department of Personnel.	1,855	746
Military, Training and Operations Personal Services Provides funds for reclassification approved by the Department of Personnel	9,187	3,683
Military, Training and Operations Personal Services All Other Provides funds to make the National Guard State Armory available for rental by the public. (Revenues can be increased by a like amount.)	60,000 75,000	65,000 83,000
Military, Training and Operations Personal Services Provides funds for reclassification approved by Department of Personnel.	\$ 4,576	\$ 2,450

**DEPARTMENT OF DEFENSE AND
 VETERANS' SERVICES (cont'd)**

**APPROPRIATIONS
 FROM GENERAL FUND**
 1981-82 1982-83

Veterans Services		
Personal Services	11,520	5,425
Provides funds for reclassifications approved by the Department of Personnel.		

**DEPARTMENT OF DEFENSE AND
 VETERANS' SERVICES**

Total Current Services	\$168,052	\$162,711
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**DEPARTMENT OF EDUCATIONAL AND
 CULTURAL SERVICES**

Handicapped Children Services — Preschool

All Other	\$ —	\$150,000
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Provides funds to expand state capacity to provide identification procedures and services for preschool handicapped children. (Recommendation funds 3 additional sites).

Administration — Education

All Other	5,000	5,000
Provides funds to be used only by the State Board of Education.		

Historic Preservation Commission

Personal Services	2,395	2,480
Provides funds to implement approved range changes.		

Museum — Administration

Personal Services	8,500	8,500
Provides funds for intermittent staffing to serve needs of school services (3 substitute certified teachers for special activities and school programs).		

Museum — Exhibit Design and Preparation

All Other	10,000	15,000
Provides funds for contractual services to allow for specialists to complete construction work on exhibits.		

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
Museum — Research and Collection		
All Other	\$ 10,000	\$ 21,500
Provides funds to establish program whereby museum can respond to opportunities to save important Maine art and artifacts.		
Schooling of Children in Unorganized Territory		
Positions	(-1)	(-1)
Personal Services	(24,435)	(23,530)
Removes one position.		
Central Maine Vocational-Technical Institute		
All Other	10,000	15,000
Provides funds to maintain current services.		
Eastern Maine Vocational-Technical Institute		
All Other	40,000	60,000
Capital Expenditures	20,000	30,000
Provides funds to maintain current services and to replace needed equipment.		
Kennebec Valley Vocational-Technical Institute		
All Other	65,000	70,000
Capital Expenditures	10,000	10,000
Provides funds to maintain current services and to replace needed equipment.		
Northern Maine Vocational-Technical Institute		
All Other	50,000	75,000
Capital Expenditures	40,000	50,000
Provides funds to maintain current services and to replace needed equipment.		
Southern Maine Vocational-Technical Institute		
Positions	(-4½)	(-4½)
All Other	60,000	75,000
Corrects the position count and provides funds to maintain current services.		
Washington County Vocational-Technical Institute		
All Other	20,000	35,000

**DEPARTMENT OF EDUCATIONAL AND
 CULTURAL SERVICES (cont'd)**

**APPROPRIATIONS
 FROM GENERAL FUND**

	1981-82	1982-83
Capital Expenditures Provides funds to maintain current services and to replace needed equipment.	20,000	30,000
Administrative Services — Education Personal Services Provides funds for approved reclassifications.	5,600	3,600
Vocational Education — Operations Personal Services Provides funds for approved reclassifications.	\$ 5,875	\$ 3,600
Southern Maine Vocational-Technical Institute Personal Services Provides funds for approved reclassifications.	675	405
Human Development and Guidance Personal Services Provides funds for approved reclassifications.	1,075	940
Curriculum — Education Personal Services Provides funds for approved reclassifications.	4,300	2,120
Governor Baxter School for the Deaf Personal Services Provides funds for approved reclassifications.	2,100	1,255
Administration — Library Personal Services Provides funds for approved reclassifications.	1,810	1,110
Education-Grant, Loan-Scholarship Fund All Other Provides funds for the state's assessment to the New England Board of Higher Education.	65,678	71,145
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES		
Total Current Services	\$433,573	\$713,125

**APPROPRIATIONS
FROM GENERAL FUND**
1981-82 1982-83

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

Administration		
Personal Services	\$ 2,200	—
Provides funds for approved reclassifications.		
Bureau of Air Quality Control		
Personal Services	2,200	2,200
Provides funds to increase hours of one Clerk Typist II from 34 to 40.		
Bureau of Air Quality Control		
Personal Services	\$ 2,420	\$ 970
Provides funds for approved reclassifications.		
Bureau of Land Quality Control		
Personal Services	800	—
Provides funds for approved reclassification.		
Bureau of Water Quality Control		
Personal Services	500	—
Provides funds for approved reclassifications.		

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

Total Current Services	\$ 8,120	\$ 3,170
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EXECUTIVE DEPARTMENT

Office of Employee Relations		
Positions	(1)	(1)
Personal Services	\$ 19,650	\$ 20,635
Provides funding for Labor Relations Research Specialist.		
Division of Community Services—		
Administration		
Personal Services	204,068	218,352
All Other	14,251	15,249
Provides funds for administration of weatherization and fuel assistance programs.		

EXECUTIVE DEPARTMENT (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
Division of Community Services — Young Adult Conservation Corps		
Personal Services	16,500	16,500
All Other	44,922	44,922
Capital Expenditures	7,000	7,000
Provides funds to continue this program.		
Division of Community Services		
All Other	1,000,000	1,000,000
Provides funds for housing repair under Home Winterization Program.		
Criminal Justice Planning and Assistance Agency		
Positions	(-7)	(-7)
Personal Services	(159,038)	(157,918)
All Other	(73,455)	(73,455)
Lower requirement for General Fund participation.		
EXECUTIVE DEPARTMENT		
Total Current Services	\$1,073,898	\$1,091,285
DEPARTMENT OF FINANCE AND ADMINISTRATION		
Bureau of the Budget		
Personal Services	\$ 3,629	\$ 3,495
Provides funds to cover the cost of approved range changes.		
Administration — Finance and Administration		
All Other	40,000	—
Provides funds for unanticipated costs not previously budgeted for.		
Accounts and Control — Bureau of		
Personal Services	6,623	5,008
Provides funds to cover the cost of approved range changes.		
Maine Insurance Advisory Board		
Positions	—	(2)
Personal Services	—	29,500
All Other	63,000	31,500
Capital Expenditures	—	2,000

DEPARTMENT OF FINANCE AND ADMINISTRATION (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
Provides funds for compensation claims management.		
Bureau of Public Improvements — Capital Construction, Repairs and Improvements		
All Other	1,194,650	1,194,650
Capital Expenditures	329,860	3,645,762
Provides funds for the Capital Construction and Repairs and Minor Improvements Program including \$18,200 for the Military and Naval Children's Home in the first year and \$650,000 for the pavilion renovation of the Bangor Mental Health Institute in the 2nd year.		
Bureau of Public Improvements — Planning and Construction — Administration		
Positions	(2)	(1)
Personal Services	30,500	15,334
All Other	3,500	—
Capital Expenditures	1,000	—
Provides funds to maintain the energy audit program and begin energy management function as recommended by the Governor's Management Task Force.		
DEPARTMENT OF FINANCE AND ADMINISTRATION		
Total Current Services	\$1,672,762	\$4,927,249
DEPARTMENT OF HUMAN SERVICES		
Regional Social Services		
Positions	(11)	(11)
Personal Services	\$132,284	\$174,784
All Other	23,960	23,960
Capital Expenditures	6,893	—
Provides funds for improved child welfare caseloads. (Funds for positions to become effective 10/1/81).		
Regional Social Services		
Personal Services	71,946	40,228
Provides funds for the reclassification		

DEPARTMENT OF HUMAN SERVICES (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
of Human Services Workers and Managers now being processed by the Department of Personnel.		
Administration — Human Services		
Personal Services	2,145	—
Provides funds for reclassification approved by the Department of Personnel.		
Administration — Human Services		
All Other	66,598	—
Attorney's fees — Thiboutot v. Maine		
Bureau of Maine's Elderly		
Personal Services	2,790	1,099
Provides funds for reclassification approved by the Department of Personnel.		
Bureau of Maine's Elderly		
Personal Services	975	478
Provides funds for reclassification approved by the Department of Personnel.		
Division of Eye Care		
Positions	(1)	(1)
Personal Services	18,765	21,195
All Other	27,468	29,465
Capital Expenditures	567	—
Provides funds for cost of one Mobility Instructor and funds for contractual arrangements for one Teacher for the Blind.		
Crippled Children Services		
Personal Services	\$ 1,455	\$ 647
Provides funds for reclassification approved by Department of Personnel.		
Bureau of Health		
All Other	40,000	40,000
Provides funds for expansion of the school Dental Health Education Program in the Bureau of Health.		
Intermediate Care — Payments to Providers		

DEPARTMENT OF HUMAN SERVICES (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
All Other	—	682,441
Provides funds for development of new Intermediate Care Facility beds.		
Intermediate Care — Payments to Providers		
All Other	310,971	994,707
Provides funds for payments to providers of intermediate care and also new intermediate care facilities-mental retardation beds in each of the 1982 and 1983 years.		
Medical Care — Payments to Providers		
All Other	49,950	72,150
Provides funds for an increase in fees to providers of dental care.		
Medical Care — Payments to Providers		
All Other	194,584	192,780
Provides funds for increased medical care payments which will result from the proposed rate increase in Aid to Families with Dependent Children.		
Medical Care — Payments to Providers		
All Other	(1,000,000)	(1,200,000)
To establish a separate account for catastrophic illness.		
Catastrophic Illness Program		
All Other	1,000,000	1,200,000
Establish a separate account for this program.		
Medical Care Administration		
Personal Services	2,341	1,105
Provides funds for reclassification approved by the Department of Personnel.		
Regional Administration		
Personal Services	6,289	2,713
Provides funds for reclassification approved by the Department of Personnel.		
Bureau of Rehabilitation — Vocational Rehabilitation		
All Other	\$ 50,000	\$ 50,000

DEPARTMENT OF HUMAN SERVICES (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
<p>Provides funds for expanded Vocational Rehabilitation Services to Handicapped Clients Program. These funds shall only be expended if federal matching moneys are received.</p>		
<p>Bureau of Rehabilitation — Administration</p>		
Positions	—	(5)
Personal Services	—	83,910
All Other	—	12,102
Capital Expenditures	—	2,744
<p>Provides funds for the cost of the Case Services Program for the Independent Living Services in the Bureau of Rehabilitation Administration. These funds shall only be expended if federal matching moneys are received.</p>		
<p>Child Welfare Services</p>		
All Other	199,665	199,665
<p>Provides funds for an increase in the foster home board and care ratio.</p>		
<p>Child Welfare Services</p>		
All Other	144,666	144,666
<p>Provides funds to cover increased costs and placements of children committed to the state's custody.</p>		
<p>Child Welfare Services</p>		
Positions	(12)	(12)
Personal Services	169,037	226,533
All Other	28,560	31,416
Capital Expenditures	7,032	—
<p>Provides funds for increased support for Adoptive Services Program in the child welfare services.</p>		
<p>Bureau of Resource Development — Day Care, Homemaker Services, Transportation Services, State Seed</p>		
All Other	201,467	268,623
<p>Provides funds for a cost-of-living increase for Title XX services, effective 10/1/81.</p>		
<p>Bureau of Resource Development — Day Care, Homemaker Services, Transportation Services, State Seed</p>		
All other	84,000	84,000

DEPARTMENT OF HUMAN SERVICES (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
Provides increased support for services for victims of family violence.		
Social Welfare — Aid to Families with Dependent Children		
All Other	\$1,146,728	\$1,136,080
Provides funds for an increase in the Aid to Families with Dependent Children recipient standard of needs rate.		
Social Welfare — Food Stamp Program		
Positions	(8)	(8)
Personal Services	83,730	109,261
All Other	15,398	16,397
Capital Expenditures	4,187	—
Provides additional funds and positions for the Food Stamp Program. It is legislative intent that the department implement changes to streamline administration of income supplementation and related programs. Administration of, at least, the Food Stamp and Aid to Families with Dependent Children programs shall be coordinated to include a single application form, a single process for review of eligibility, "one family-one worker," and improved use of computers, particularly maintaining a single consolidated client record. The commissioner shall report to the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 110th Legislature as to the progress made in implementation of the above-mentioned changes.		
Administration — Social Welfare		
All Other	4,200	4,200
Provides funds for a Watts line and advertising for reporting program violations.		
Social Welfare — Food Stamp Program		
Personal Services	3,631	2,249
Provides funds for reclassifications		

DEPARTMENT OF HUMAN SERVICES (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
approved by the Department of Personnel.		
State Supplemental to Federal Supplemental Security Income		
All Other	357,100	357,100
Provides funds for increased operating expenses.		
State Supplemental to Federal Supplemental Security Income		
All Other	\$775,692	\$775,692
Provides for an increase in payments to flat rate boarding homes of 10% and to cost reimbursement boarding homes of 7%.		
DEPARTMENT OF HUMAN SERVICES		
Total Current Services	\$4,235,074	\$5,782,390
MAINE HUMAN RIGHTS COMMISSION		
Maine Human Rights Commission		
Personal Services	\$1,153	\$1,156
Provides funds for a range change approved by the Department of Personnel.		
MAINE HUMAN RIGHTS COMMISSION		
Total Current Services	\$1,153	\$1,156
LEGISLATURE		
Legislature		
All Other	\$250,000	\$250,000
Provides funds for computerization and word-processing.		
LEGISLATURE		
Total Current Services	\$250,000	\$250,000
MAINE MARITIME ACADEMY		
Maine Maritime Academy Operations		
All Other	\$300,000	—

MAINE MARITIME ACADEMY (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
Provides funds for the outstanding debt for Leavitt Hall.		
MAINE MARITIME ACADEMY		
Total Current Services	\$300,000	\$ —
DEPARTMENT OF MANPOWER AFFAIRS		
Bureau of Labor — Administration		
Personal Services	\$ (752)	\$ (827)
All Other	7,726	7,628
Provides funds for basic costs of the Apprenticeship Program, one reclassification, a salary adjustment and increased costs of the Research and Statistics Division.		
Bureau of Labor — Administration		
Personal Services	\$ 2,185	\$ 2,296
Provides funds for the bureau's share of the commissioner's salary and benefits.		
Maine Labor Relations Board		
Personal Services	385	404
Provides funds for the cost of sharing of the salary of the Commissioner of Manpower Affairs in accordance with the Revised Statutes, Title 26, section 1401.		
DEPARTMENT OF MANPOWER AFFAIRS		
Total Current Services	\$9,544	\$9,501
DEPARTMENT OF MARINE RESOURCES		
Administration		
Personal Services	\$ 1,040	\$ 520
Provides funds for approved reclassification of Clerk IV to Administrative Secretary.		
Marine Sciences — Bureau of		
Positions	(2)	(2)
Personal Services	20,502	20,088
All Other	35,000	35,000
Provides funds to transfer positions		

DEPARTMENT OF MARINE RESOURCES (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
which constitute the Paralytic Shellfish Program.	1981-82	1982-83
DEPARTMENT OF MARINE RESOURCES		
Total Current Services	\$56,542	\$55,608
DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS		
Administration — Mental Health and Corrections		
Personal Services	\$19,080	\$ 8,133
Reclassifications approved by Personnel.		
Aroostook Residential Center		
Positions	(6)	(6)
Personal Services	78,000	90,000
All Other	12,282	71,245
Capital Expenditures	2,000	8,000
To provide for 7-day per week residential program. A 5-day week program is now provided. (Federal reimbursement should entirely recover these costs).		
Bangor Mental Health Institute		
Personal Services	\$ 26,594	\$ 9,506
Reclassification approved by Department of Personnel.		
Bangor Mental Health Institute		
Capital Expenditures	150,000	—
Provides funds for refurbishing of wards.		
Maine Correctional Center		
Personal Services	34,009	15,143
Reclassifications approved by Department of Personnel.		
Elizabeth Levinson Center		
Personal Services	33,963	15,994
Reclassifications approved by Department of Personnel.		
Elizabeth Levinson Center		
Positions	(2)	(2)
Personal Services	23,850	33,653
All Other	2,950	720
Capital Expenditures	27,150	—

DEPARTMENT OF MENTAL HEALTH AND
CORRECTIONS (cont'd)APPROPRIATIONS
FROM GENERAL FUND
1981-82 1982-83

To provide for meal preparation at the center. Meals are now prepared at Bangor Mental Health Institute.		
Community Mental Retardation Services		
Personal Services	6,248	3,868
Community Mental Retardation Services		
Positions	(10)	(10)
Personal Services	163,290	171,197
All Other	32,700	31,200
Capital Expenditures	2,970	—
Provides funds to develop community-based alternatives for the class covered by the Pineland Consent Decree.		
Pineland Center		
Positions	(44)	(44)
Personal Services	638,322	657,472
To fund positions necessary to operate several group homes as intermediate care facilities-mental retardation. (Costs should be recovered through Medicaid reimbursement).		
Maine State Prison		
Personal Services	2,391	790
Provides funds for reclassifications approved by the Department of Personnel.		
Maine State Prison		
Positions	(27)	(27)
Personal Services	\$ 415,260	\$ 436,469
All Other	2,376	2,376
Provides funds to supplement the current security force and initiate a night activities program. At least one of the positions authorized shall be that of an ombudsman who shall, for administrative purposes, be assigned to the Chief Advocate of the Department of Mental Health and Corrections and at least one position shall be designated as a vocational rehabilitation teacher.		
Maine State Prison		
Positions	(3)	(3)

**DEPARTMENT OF MENTAL HEALTH AND
 CORRECTIONS (cont'd)**

**APPROPRIATIONS
 FROM GENERAL FUND**
 1981-82 1982-83

Personal Services	46,140	48,497
All Other	264	264

Provides funds to establish new positions in Support Services and to create a Mental Health Treatment Unit.

Maine State Prison		
Positions	(15)	(15)
Personal Services	251,847	262,115
All Other	1,100	1,100

Provides funds to convert 12 limited period positions and 3 federal positions to permanent state positions.

Probation and Parole		
Personal Services	44,348	19,258

Provides funds for reclassifications approved by the Department of Personnel.

Maine Youth Center		
Personal Services	4,778	—

Provides funds for reclassifications approved by the Department of Personnel.

**DEPARTMENT OF MENTAL HEALTH AND
 CORRECTIONS**

Total Current Services	\$2,021,912	\$1,887,000
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DEPARTMENT OF PERSONNEL

Administration — Personnel

Positions	(1)	(1)
Personal Services	\$22,787	\$22,994
All Other	14,122	25,623
Capital Expenditures	3,600	—

Provides funds for additional position, increased All Other costs and equipment replacement.

DEPARTMENT OF PERSONNEL

Total Current Services	\$ 40,509	\$ 48,617
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DEPARTMENT OF PUBLIC SAFETY

**APPROPRIATIONS
FROM GENERAL FUND**
 1981-82 1982-83

Maine Criminal Justice Academy		
Positions	(1)	(1)
Personal Services	18,822	18,944
All Other	9,260	9,260
Provides funds for the in-service training at the Maine Criminal Justice Academy for Correctional Officers. (100% General Fund)		
Public Safety — Liquor Enforcement		
Personal Services	1,709	922
Provides funds to fund range change for the Director of Liquor Enforcement approved by the Department of Personnel. (100% General Fund)		
State Police		
All Other	1,658	868
Provides funds for reclassifications approved by the Department of Personnel.		
State Police		
Positions	(-3)	(-3)
All Other	(14,470)	(20,485)
Reduces 3 uniformed positions.		
Public Safety — Administration		
All Other	128,337	—
Provides for costs associated with contracting for operations of the Regional Communication Centers in Oxford and Washington Counties.		
DEPARTMENT OF PUBLIC SAFETY		
Total Current Services	\$145,316	\$ 9,509
PUBLIC UTILITIES COMMISSION		
Public Utilities — Administrative Division		
Personal Services	\$ 2,628	\$ 1,872
Provides funds for reclassifications approved by the Department of Personnel.		

PUBLIC UTILITIES COMMISSION (cont'd)	APPROPRIATIONS FROM GENERAL FUND	
	1981-82	1982-83
PUBLIC UTILITIES COMMISSION		
Total Current Services	\$ 2,628	\$ 1,872
DEPARTMENT OF SECRETARY OF STATE		
Administration — Secretary of State		
All Other	28,219	—
Attorney's fees — Anderson v. Quinn		
DEPARTMENT OF SECRETARY OF STATE		
Total Current Services	\$ 28,219	\$ —
DEPARTMENT OF TRANSPORTATION		
Travel Information Services		
Unallocated	100,000	50,000
Provides funds to maintain services.		
DEPARTMENT OF TRANSPORTATION		
Total Current Services	\$100,000	\$ 50,000
WORKERS' COMPENSATION COMMISSION		
Workers' Compensation Commission		
Positions	(4)	(4)
Personal Services	\$98,531	\$117,456
All Other	58,065	30,218
Capital Expenditures	2,855	—
Provides funds for 2 full-time commissioners, one Law Clerk and one Court Reporter. Also provides funds for related All Other and Capital costs, plus funds in the first year All Other for management improvement systems.		
WORKERS' COMPENSATION COMMISSION		
Total Current Services	\$ 159,451	\$ 147,674
TOTAL CURRENT SERVICES — PART A	\$11,059,686	\$15,457,048

PART B

APPROPRIATIONS
FROM GENERAL FUND
1980-81

DEPARTMENT OF CONSERVATION

Forest Fire Control, Division of
All Other

\$60,560

Provides funds to assist the department
in paying certain workers'
compensation claims:

John Bailey	\$ 4,672
George Johnson	3,706
Delmar Nason	5,346
Randall Wood	46,836

DEPARTMENT OF DEFENSE AND
VETERANS' SERVICES

Military Training and Operation

All Other

79,020

Provides funds for some of the large
workers' compensation claims for the
department.

Randy Lee Bates	\$4,678
Joseph Clavette	15,047
Albert Giandrea	1,504
Stanley Murphy	8,833
Barry Wyman	8,787
Manning Theriault	23,058
Wilfred Lemieux	1,110
Paul Marquis	16,003

Veterans' Memorial Cemetery

All Other

36,337

Provides funds for one large workers'
compensation claim (Glenwood
Blanche)

TOTAL CURRENT SERVICES — PART B

\$175,917

PART C

Sec. 1. 36 MRSA § 5102, sub-§ 11, last 2 sentences, as last amended by PL 1979, c. 615, § 3, are further amended to read:

Any reference in this Part to the laws of the United States shall ~~mean~~ be construed as a reference to the provisions of the Internal Revenue Code of 1954, and amendments thereto and other provisions of the laws of the United States relating

to federal income taxes as of December 31, ~~1979~~ 1980. This subsection shall be effective as to items of income, deductions, loss or gain accruing in taxable years ending on or after January 1, ~~1979~~ 1980 but only to the extent ~~such that~~ those items have been earned, received, incurred or accrued on or after ~~such that~~ effective date.

Sec. 2. 36 MRSA § 5122, sub-§ 1, as enacted by P&SL 1969, c. 154, Sec. F, § 1, is amended to read:

1. **Additions.** ~~There shall be added to federal~~ Federal adjusted gross income shall be increased by:

A. Interest or dividends on obligations or securities of any state or of a political subdivision or authority thereof (other than this State and its political subdivisions and authorities); ~~and~~

B. Interest or dividends on obligations of any authority, commission, instrumentality, territory or possession of the United States which by the laws of the United States are exempt from federal income tax but not from state income taxes; ~~and~~

C. For a taxable year beginning in 1981 or 1982, interest and dividends excluded under the United States Internal Revenue Code, Section 116, except for an amount equivalent to the amount of dividends, not exceeding \$100, received by the individual.

PART D

Sec. 1. 22 MRSA § 5106, sub-§ 11, last sentence, as enacted by PL 1973, c. 793, § 6, is amended to read:

Included shall be the power to sponsor in cooperation with the committee the Blaine House Conference on Aging ~~and the Maine Three Quarter Century Club annual meeting.~~

Sec. 2. 22 MRSA § 5112, sub-§ 7, last sentence, as enacted by PL 1973, c. 793, § 11, is repealed as follows:

~~The committee shall be responsible for sponsoring, in cooperation with the bureau and in conjunction with such other conferences it may hold, the Maine Three Quarter Century Club's annual meeting~~

PART E

Sec. 1. **Contribution toward dependent health insurance.** Notwithstanding the Revised Statutes, Title 5, section 285, subsection 7, effective January 1, 1981, the State shall pay \$8 a month toward the cost of dependent health insurance for legislative employees.

Sec. 2. Provision of basic group life insurance. Effective the pay week starting closest to July 1, 1980, the State shall pay the premiums for basic group life insurance on legislative employees as available pursuant to the Revised Statutes, Title 5, section 1151. This shall not affect the eligibility of any such employee to elect to insure the life of a dependent pursuant to the Revised Statutes, Title 5, section 1151, subsection 2-B.

PART F

State Development Office; tourism promotion. Funds appropriated to the State Development Office in Public Law 1981, c. 316, Part A, include \$350,000 in each year of the biennium for tourism promotion. The \$350,000 included for the fiscal year beginning July 1, 1982, shall not be allocated for expenditures without legislative approval and such approval shall not be granted until a study of this program has been completed. Such study shall be conducted by the Joint Standing Committee on Appropriations and Financial Affairs with the assistance of the State Development Office.

PART G

Sec. 1. Capital construction funds. Funds provided by Public Law 1979, chapter 542, Part A, to the Department of Finance and Administration, Bureau of Public Improvements, for the capital construction, repair and improvement program which remain available in this account on June 30, 1981, shall not lapse but shall carry forward until June 30, 1982.

Sec. 2. General Fund Salary Plan. In cases where the authorized General Fund position and funding level will necessitate the layoff of state employees and these actions cannot be completed prior to the beginning of fiscal year 1982, any funds remaining in the General Fund Salary Plan may be used to fund such additional costs as may arise because of the layoff process. This should not be construed to mean continued funding of the positions, but only the increased costs incurred directly as a result of the layoff process.

PART H

Sec. 1. 22 MRSA § 3185, 3rd ¶, 2nd and 3rd sentences, as enacted by PL 1977, c. 714, § 5, are amended to read:

From all net income before taxes received by the applicant or those legally responsible for the applicant's care, ~~20%~~ 30% will be assumed to be applicable to the liabilities for the care for which assistance is being sought. Where an individual is legally responsible for the medical liabilities of more than one applicant in a given year, no more than a total of ~~20%~~ 30% of his net income before taxes shall be assumed to be applicable to these liabilities.

Sec. 2. 22 MRSA § 3185, 3rd ¶, 4th sentence, as enacted by PL 1977, c. 714, § 5, is repealed and the following enacted in its place:

Ten percent of nonexcluded assets, as defined by the United States Supplemental Security Income Program, belonging to the applicant or those legally responsible for the applicant shall be assumed to be applicable to the liabilities for care.

Sec. 3. 22 MRSA § 3185, 3rd ¶, 5th sentence, as enacted by PL 1977, c. 714, § 5, is amended to read:

If, after the application of all of the above resources, the residual liability, in any one year, for which assistance is being sought is less than ~~\$1,000~~ \$7,000, no payment shall be made from this fund and only that amount in excess of \$1,000 \$7,000 shall be paid.

Sec. 4. 22 MRSA § 3185, as enacted by PL 1977, c. 714, § 5, is amended by adding at the end a new paragraph to read:

The receipt of benefit under the Catastrophic Illness Program shall constitute an assignment by the recipient to the department of the right to recover from 3rd parties for medical costs of injury, disease, disability or similar occurrence for which the recipient receives medical benefits. The department's assigned right to recover shall be limited to the amount of medical benefits received by the recipient. The recipient shall also be deemed to have appointed the commissioner as his attorney in fact to perform the specific act of submitting claims to insurance carriers or endorsing to the department any and all drafts, checks, money orders or other negotiable instruments collected with the payment of 3rd-party medical claims. For the purposes of this paragraph, "3rd party" means any entity that is or may be liable to pay all or part of the medical costs of injury, disease, disability or similar occurrence of an applicant or recipient of benefits under the Catastrophic Illness Program.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that Part E, section 1, shall be effective retroactive to January 1, 1981, and Part E, section 2, shall be effective retroactive to July 1, 1980.

Effective June 16, 1981, unless otherwise indicated

CHAPTER 464

H. P. 220 — L. D. 298

AN ACT to Make Corrections and Clarifications in the Education Laws.

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

Whereas, Acts of previous Legislatures have resulted in certain technical errors and inconsistencies in the education laws of Maine; and