

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

	<u>1981-82</u>	<u>1982-83</u>
Highway - Traffic Services Unallocated	(500,000)	--
Highway - Winter Maintenance Unallocated	--	(880,000)
Highway - Summer Maintenance Unallocated	(265,000)	(3,310,000)
Highway - Bond Interest Unallocated	487,600	1,068,313
Highway - Bond Retirement Unallocated	--	(2,400,000)
Highway - Highway and Bridge Improvements Unallocated	--	(1,000,000)
Highway - State Aid Unallocated	<u>--</u>	<u>700,000</u>
Total Allocations	\$(297,400)	\$(5,861,687)

Sec. 5. Notice to Legislature of additional allowances needed. Prior to December 1st of each year for which there are state funds to match all local state aid funds, the Commissioner of Transportation shall certify to the Legislature the amount of additional allocations needed for the State to fulfill its obligations. The certification shall itemize the obligation to each municipality. Each municipality itemized shall be notified by the commissioner of the additional allocations needed for the State to fulfill its obligations to that municipality.

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

Effective May 4, 1982.

CHAPTER 703

H.P. 2384 - L.D. 2146

AN ACT Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law.

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 departments and agencies will become due and payable on or immediately after July 1, 1982; and

Whereas, certain independent agencies will terminate unless continued by the Legislature prior to June 30, 1982; 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. 3 MRSA §507-B, sub-§3 is enacted to read:

3. Agencies scheduled for termination on June 30, 1982. Pursuant to section 507, subsection 4, paragraph A, the following independent agencies, scheduled for termination on June 30, 1982, are continued as modified by Act of the Legislature passed prior to June 30, 1982.

A. Agencies continue as modified by Act of the Legislature are:

- (1) Plumbers' Examining Board;
- (2) State Board of Funeral Service;
- (3) Board of Hearing Aid Dealers and Fitters; and
- (4) Maine Human Services Council.

Sec. 2. 10 MRSA §8001, as last amended by PL 1981, c. 501, §37, is further amended to read:

§8001. Department; agencies within department

There is created and established the Department of

Business Regulation to regulate financial institutions, insurance companies, commercial sports and grantors of consumer credit, to license professional and occupational trades and to award just compensation in land condemnations and in certain other claims against the State. The department shall be composed of the following bureaus, boards and commissions:

Banking, Bureau of;

Consumer Credit Protection, Bureau of;

Insurance, Bureau of;

Athletic Commission, Maine;

Real Estate Commission;

Running Horse Racing Commission, State;

Arborist Examining Board;

Claims Board, State;

Electricians' Examining Board;

Foresters, State Board of Registration for Professional;

Funeral Service, State Board of;

Geologists and Soil Scientists, State Board of Certification for;

Hearing Aid Dealers and Fitters, Board of;

Manufactured Housing Board;

Oil and Solid Fuel Board;

Physical Therapy, Board of Examiners in;

Plumbers' Examining Board;

Psychologists, State Board of Examiners of;

Social Worker Registration, State Board of;

Speech Pathology and Audiology, Board of Examiners on; and

Substance Abuse Counselors, Board of Registration of.

Sec. 3. 19 MRSA §751, as last amended by PL 1981, c. 132, §§1-4, is further amended by adding at the end a new paragraph to read:

If the court requests an investigation for purposes other than suspected abuse or neglect as defined in Title 22, chapter 1071, the court shall order either or both parties to pay to the Department of Human Services part or all of the costs of services under this chapter, unless the court has made a finding of inability to pay. Revenue from investigations or services provided under this chapter shall be dedicated to the Department of Human Services to defray the cost of these services.

Sec. 4. 22 MRSA §1, 2nd sentence, as amended by P&SL 1975, c. 147, Pt. G, §2, is further amended to read:

It shall also include the Committee on Children and Youth, the Maine Committee on Aging and the Maine Human Services Council.

Sec. 5. 22 MRSA §9, sub-§4, as enacted by PL 1979, c. 509, §1, is repealed.

Sec. 6. 22 MRSA c. 151 is repealed.

Sec. 7. 22 MRSA §451, first ¶, last sentence is repealed.

Sec. 8. 22 MRSA §§452 and 456 are repealed.

Sec. 9. 22 MRSA cc. 159 and 161 are repealed.

Sec. 10. 22 MRSA c. 254, as enacted by PL 1973, c. 582, §1 and as amended, is repealed.

Sec. 11. 22 MRSA §1602, sub-§3, as enacted by PL 1977, c. 347, §3, is amended by adding at the end a new sentence to read:

No permit may be issued by the department until the commissioner or his representative has discussed the application with the municipal officers of the municipality in which the event is intended to be held.

Sec. 12. 22 MRSA §1815, 4th sentence is repealed and the following enacted in its place:

The state's share of all fees received by the department under this chapter shall be deposited in the General Fund.

Sec. 13. 22 MRSA §1952, as amended by PL 1981, c. 470,

Pt. A, §§74-75, is repealed.

Sec. 14. 22 MRSA §1953, as amended by PL 1981, c. 470, Pt. A, §76, is repealed.

Sec. 15. 22 MRSA §2002, as amended by PL 1981, c. 470, Pt. A, §77, is repealed.

Sec. 16. 22 MRSA §2003, as amended by PL 1981, c. 470, Pt. A, §78, is repealed.

Sec. 17. 22 MRSA §2494, first sentence, as enacted by PL 1975, c. 496, §3, is amended to read:

Each application for, or for renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile home park within the meaning of this chapter shall be accompanied by a fee, appropriate to the size of the establishment, place, camp, area or park of the licensee, determined by the department and not to exceed ~~\$30~~ \$40.

Sec. 18. 22 MRSA §2494, first ¶, as enacted by PL 1975, c. 496, §3, is amended by adding after the first sentence a new sentence to read:

All fees collected by the department shall be deposited in the General Fund.

Sec. 19. 22 MRSA §2499, sub-§6, last sentence, as enacted by PL 1975, c. 496, §3, is amended to read:

However, the licensee shall be required to pay the department a sum not to exceed ~~\$5~~ \$10 to support the costs of mailing and handling.

Sec. 20. 22 MRSA §2602-A is enacted to read:

§2602-A. Fees for testing private water supplies

The department shall charge the average cost of the analysis for an examination, testing or analysis of private water supplies requested under this chapter and performed in the departmental diagnostic laboratory. These fees shall be recalculated and deposited according to section 562.

Sec. 21. 22 MRSA §3104, sub-§2, as enacted by PL 1977, c. 462, is repealed.

Sec. 22. 22 MRSA §3172, sub-§1-B is enacted to read:

1-B. Approved Medicaid service. "Approved Medicaid

service" means a medical service which will be provided to Medicaid recipients under the provisions of the United States Social Security Act, Title XIX and successors to it and related rules of the department.

Sec. 23. 22 MRSA §3172, sub-§3 is enacted to read:

3. Medicaid recipient. "Medicaid recipient" means an individual authorized by the department to receive services under the provisions of the United States Social Security Act, Title XIX and successors to it.

Sec. 24. 22 MRSA §3173-C is enacted to read:

§3173-C. Copayments

The department shall not require any Medicaid recipient to make any payment toward the cost of an approved Medicaid service unless that payment is specifically authorized by this section. Payments which shall be included include payments for:

1. Prescription drug services. A payment of 50¢ is to be collected from the Medicaid recipient for each drug prescription which is an approved Medicaid service, except prescriptions utilized for family planning services, unless the Medicaid recipient is in the custody of the State or unless that recipient's income is assessed and applied to reduce the cost of his medical care, or unless the prescription is to correct or ameliorate defects and chronic conditions discovered through the early and periodic screening and diagnosis of individuals who are under the age of 21.

Sec. 25. 22 MRSA §3174, 5th ¶, as enacted by PL 1979, c. 566, §1, is amended to read:

If a recipient of assistance under this chapter who resides in an intermediate care facility or a skilled nursing facility has a spouse dependent on that recipient for support, the department shall permit the recipient to transfer \$210 a month, ~~or \$2,520 a year,~~ from his income to that spouse.

Sec. 26. 22 MRSA §3500-A, as enacted by PL 1973, c. 307, §1, is amended to read:

§3500-A. Jurisdiction of Director of Division of Eye Care, defined

Jurisdiction of director means having direct administrative responsibility for all programs and personnel under

Division of Eye Care, section 3500 to 3512, except section 3501-A.

Sec. 27. 22 MRSA §3501, as amended by PL 1973, c. 307, §2, is further amended to read:

§3501. Program established

The division shall provide a program of services for the blind, including the prevention of blindness, the locating of blind persons, ~~medical service for eye conditions,~~ vocational guidance and training of the blind, the placement of blind persons in employment, assistance to the blind in marketing the products of home industries, the instruction of the adult blind in their homes, and other social services to the blind.

Sec. 28. 22 MRSA §3501-A is enacted to read:

§3501-A. Medical eye care program

The department shall provide medical eye services, including corrective glasses, to individuals who have an annual income not exceeding 80% of the state's median income adjusted for family size and who have:

1. Eye disorder. A significant eye disorder which, if untreated, may progress to blindness; or

2. Visual acuity of 20/200 or worse. A visual acuity after correction of 20/200 or worse in the better eye.

The department shall, after hearing, in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, promulgate rules governing eligibility, application procedures, services covered and reimbursement procedures.

Sec. 29. 22 MRSA c.1151, as amended, is repealed.

Sec. 30. 22 MRSA §5108, as last amended by PL 1975, c. 771, §231-A, is repealed and the following enacted in its place:

§5108. Committee

The Maine Committee on Aging is created and shall consist of 15 members, who shall be appointed by the Governor.

Sec. 31. 22 MRSA §5112, sub-§8, as enacted by PL 1973, c. 793, §11, is amended to read:

8. Administration. Administer in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this Part, any funds appropriated for expenditure by the committee or any grants or gifts which may become available, accepted and received by the committee; and make an annual report to be included in the annual report of the bureau which shall be submitted directly to the director, commissioner, Governor and Legislature not later than September 1st of each year concerning its work, recommendations and interests of the previous fiscal year and future plans; and shall make such interim reports as it deems advisable.

Sec. 32. 22 MRSA §6113, sub-§1, as amended by PL 1973, c. 788, §100, is repealed and the following enacted in its place:

1. Administrative preparations. Effective March 16, 1973, the department may immediately commence administrative preparations for initiation of the program no later than July 1, 1973.

Sec. 33. 22 MRSA §6113, sub-§3, as enacted by P&SL 1973, c. 38, §1, is repealed.

Sec. 34. 22 MRSA §7106, first sentence, as enacted by PL 1973, c. 566, §1, is amended to read:

The office shall establish in accord with the purposes and intent of this chapter, and with the advice of the council and the cooperation of the coordinating committee, the overall planning, policy, objectives and priorities for all drug abuse prevention functions, except prevention of drug traffic, which are conducted or supported in the State of Maine.

Sec. 35. 22 MRSA §7106, sub-§3, first sentence, as enacted by PL 1973, c. 566, §1, is amended to read:

Assist, with the advice of the council and cooperation of the coordinating committee, the Legislature and executive branches and Judicial Council of State Government, especially the Governor, commissioner, and Bureau of the Budget, to coordinate all state government efforts dealing with drug abuse prevention and control, including alcoholism, by:

Sec. 36. 22 MRSA §7106, sub-§3, ¶A, as enacted by PL 1973, c. 566, §1, is amended to read:

A. Submitting to each branch of State Government no later than September 1st of each year an annual report

covering its activities for the immediate past fiscal year and future plans, including recommendations for changes in state and federal laws, and including ~~reports~~ the report of the council and ~~coordinating committee~~;

Sec. 37. 22 MRSA §7106, sub-§4, first sentence, as enacted by PL 1973, c. 566, §1, is amended to read:

Prepare and administer a comprehensive state plan mutually developed by the office, and the council and ~~coordinating committee~~, relating to all drug abuse prevention and treatment of alcoholics and intoxicated persons and control of drug abuse.

Sec. 38. 22 MRSA §7106, sub-§6, first sentence, as enacted by PL 1973, c. 566, §1, is amended to read:

Function as the organizational unit of ~~Maine~~ State Government with sole responsibility for conducting and coordinating, with the advice of the council and ~~the cooperation of the coordinating committee~~, state programs and activities authorized by this chapter, and by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, and by the Drug Abuse Office and Treatment Act of 1972, as amended; and other programs or Acts of the State of Maine or United States related to drug abuse prevention which are not the specific responsibility of another state agency under federal or state law.

Sec. 39. 22 MRSA §7110, sub-§3, last sentence, as enacted by PL 1973, c. 566, §1, is amended to read:

Statements at variance or in addition to those of the office ~~or the coordination committee~~ shall be attached to the plan or reports upon submission by the office to agencies of the United States Government and to state agencies;

Sec. 40. 22 MRSA §7111, as amended by PL 1975, c. 293, §4, is repealed.

Sec. 41. 22 MRSA §7125 is enacted to read:

§7125. Criminal law limitations

1. Laws. No county, municipality or other political subdivision may adopt or enforce a local law, ordinance, resolution or rule having the force of law that includes drinking, being a common drunkard or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

2. Interpretation. No county, municipality or other political subdivision may interpret or apply any law of general application to circumvent subsection 1.

3. Affect. Nothing in this Act affects any law, ordinance, resolution or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, snowmobile, aircraft, boat, machinery or other equipment, or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages at stated times and places or by a particular class of persons.

Sec. 42. 30 MRSA §3551, as amended by PL 1975, c. 293, §4, is repealed.

Sec. 43. 32 MRSA §1243, as amended by PL 1979, c. 542, Pt. D, §2, is repealed and the following enacted in its place:

§1243. Inspections

Upon any person's request and payment of a \$50 license fee, the department shall inspect that person's place of practice and equipment for compliance with the rules adopted by the department under this chapter. All fees collected by the department shall be deposited in the General Fund.

Sec. 44. 32 MRSA §1400, sub-§2-A is enacted to read:

2-A. Commissioner. "Commissioner" means the Commissioner of Business Regulation.

Sec. 45. 32 MRSA §1451, first ¶, as last amended by PL 1975, c. 771, §343, is further amended to read:

There is created a State Board of Funeral Service, and in this chapter called the "board," which shall consist of 8 members, one of whom shall be the Director of Health commissioner, who shall be the secretary of the board, 6 of whom shall be persons licensed for the practice of funeral service for 10 consecutive years or who have had 10 consecutive years' experience as an embalmer or funeral director in this State immediately preceding their appointment, and one of whom shall be a representative of the public. Members, other than the Director of Health commissioner, shall be appointed by the Governor for a term of 4 years. In the case of vacancy by any reason, the vacancy shall be filled by appointment for the unexpired term, as is provided in original appointments. The present members of the Board of Examiners of Funeral Directors and Embalmers shall serve as

members of the State Board of Funeral Service until their terms expire.

Sec. 46. 32 MRSA §1452, first sentence is amended to read:

The board shall keep a record containing the names and residences of all persons licensed and a record of all moneys received and disbursed by said the board, and said the records, or duplicates thereof, shall always be open to inspection in the office of the Director of Health commissioner during regular office hours.

Sec. 47. 32 MRSA §1452-B, as enacted by PL 1977, c. 604, §16, is amended to read:

§1452-B. Budget

The board shall submit to the Commissioner of Human Services commissioner its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 48. 32 MRSA §1503, as last amended by PL 1975, c. 293, §4, is further amended to read:

§1503. Blanks and forms of procedure; lists of licensees and examinations

The Department of Human Services commissioner may adopt such blanks and forms of procedure as it he may deem necessary to carry out this chapter and shall keep on file a list of all persons licensed in the practice of funeral service and a record of examinations, together with the examination papers, all of which shall be open to public inspection.

Sec. 49. 32 MRSA §1658, sub-§2-A is enacted to read:

2-A. Commissioner. "Commissioner" means the Commissioner of Business Regulation.

Sec. 50. 32 MRSA §1658, sub-§4, as repealed and replaced by PL 1975, c. 463, §3, is repealed and the following enacted in its place:

4. Department. "Department" means the Department of Business Regulation.

Sec. 51. 32 MRSA §1658-A, sub-§1, as amended by PL

1977, c. 696, §240, is further amended to read:

1. License for person. No person ~~shall~~ may engage in the sale of or practice of fitting and dealing in hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting, dealing and sale of hearing aids after October 1, 1975, unless he holds a valid license issued by the department board as provided in this chapter. The license required by this chapter shall be conspicuously posted in the licensee's office or place of business. The department board shall, without requiring additional payment, issue duplicate licenses to license holders operating more than one office. A license issued under this chapter shall confer on the holder the right to select, fit and sell hearing aids.

Sec. 52. 32 MRSA §1658-A, sub-§2, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

2. License for business organization. Any corporation, partnership, trust, association or other like organization engaged in the business of selling or offering for sale hearing aids at retail in the State shall apply to the department board for a license to engage in said that business. No business entity ~~shall~~ may so engage in the business of selling or offering for sale hearing aids without a license to do so. The department board shall issue a license signed by the Director of Health commissioner upon payment by the business entity of a fee of \$100 up to \$150 and upon filing of a sworn statement from a person with authority from the business entity. ~~Such~~ That sworn statement shall list the names and addresses of all hearing aid dealers and fitters directly or indirectly employed by said the entity and shall certify that the entity employs only hearing aid dealers and fitters who are duly licensed by the State. The license shall be effective for 24 12 months following the date of issuance. Each such business engaged in the fitting and sale of hearing aids shall biennially annually submit to the department board an application for a renewal of its license accompanied by a fee of \$50 up to \$150. A 30-day grace period shall be allowed after the date of expiration, during which time licenses may be renewed on payment of \$100 up to \$200 to the department board. After expiration of the grace period, the department board may renew such those certificates upon the payment of \$200 up to \$250 to the department board. The license required by this chapter shall be conspicuously posted in the licensee's office or place of business. Notwithstanding the provisions of this subsection, the department board may, whenever it deems necessary, extend existing licenses so that an equal number expire each month to allow for the equal distribution of relicensure throughout the year.

Sec. 53. 32 MRSA §1658-C, first ¶, last sentence, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

The department board shall prepare a model notice containing all the requirements of this section, and shall furnish copies upon request.

Sec. 54. 32 MRSA §1658-C, sub-§9, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

9. Rules. The department board may promulgate rules ~~and regulations~~ to define further the requirements of this section in order to provide the purchaser with additional information to be contained in the notice provisions.

Sec. 55. 32 MRSA §1658-D, sub-§2, first sentence, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

The department board shall by regulation list and define certain medical conditions affecting hearing.

Sec. 56. 32 MRSA §1658-F, sub-§1, first sentence, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

The department board shall keep an individual record for each licensed hearing aid dealer.

Sec. 57. 32 MRSA §1658-F, sub-§1, ¶C, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

C. The department board, upon written request, will furnish copies of forms for calibration posting and forms for the annual collection of information regarding numbers of individuals tested and numbers of hearing aids sold, which information shall remain confidential.

Sec. 58. 32 MRSA §1658-G, first sentence, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

Each audiometer used in the measurement of hearing when testing and fitting a hearing aid must meet calibration standards which shall be defined in the department's board's rules ~~and regulations~~.

Sec. 59. 32 MRSA §1658-G, 5th sentence, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

The department board will supply forms for the reporting of calibration and keep a copy of the statement of calibration in each file of each licensee.

Sec. 60. 32 MRSA §1658-H, first sentence, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

The department board shall register each applicant without discrimination who satisfactorily passes an examination as provided in section 1658-I and upon the applicant's payment of \$100 shall issue to the applicant a license signed by the Director of Health commissioner.

Sec. 61. 32 MRSA §1658-H, 2nd ¶, first sentence, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this chapter for the practice to fit and sell hearing aids, and that ~~such~~ that state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the department board may issue certificates of equivalent license to applicants who have current, unsuspended and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction.

Sec. 62. 32 MRSA §1658-I, sub-§1, 2nd and 3rd ¶¶, as repealed and replaced by PL 1975, c. 463, §3, are amended to read:

The ~~department or~~ board may require letters of reference, physician's statements of applicant's good health, verification of age or other supportive documents as may be required.

The department board may promulgate rules and regulations to further define the qualifications in this section in order to insure that only properly qualified persons take the licensing examination.

Sec. 63. 32 MRSA §1658-I, sub-§§2 and 3, as repealed and replaced by PL 1975, c. 463, §3, are amended to read:

2. Examination. The applicant for license by examination shall appear at a time, place and before such persons as the ~~department and~~ board may designate, to be examined by means of written, practical and oral tests in order to demonstrate that he is qualified to practice the fitting and

sale of hearing aids. In cooperation with the ~~The~~ board, ~~the department~~ may appoint a consultant to assist in preparing the examination itself as well as conducting and supervising the testing. The examination administered as directed by the board constituting standards for licensing shall not be conducted in such a manner that college training be required in order to pass the examination. Nothing in this examination ~~shall~~ may imply that the applicant ~~shall possess~~ possesses the degree of medical competence normally expected by physicians.

3. Time. The ~~department~~ board shall give examinations at least twice a year, with additional dates for examination set at the discretion of the board. The ~~department~~ board will give 30 days' public notice of the date, time and place of examination.

Sec. 64. 32 MRSA §1658-J, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

§1658-J. Temporary trainee permit

An applicant who fulfills the requirements as set forth in section 1658-I, subsection 1, paragraphs A to E, may obtain a trainee permit upon application to the ~~department~~ board, accompanied by a fee of ~~\$25~~ \$50 and the signature of the licensed hearing aid dealer and fitter who is responsible for the direct supervision of the trainee.

No person holding a trainee permit ~~shall~~ may engage in the practice of dealing in or fitting of hearing aids, except while under direct supervision by a licensed hearing aid dealer and fitter.

A person who holds a temporary trainee permit shall be notified and shall take the next scheduled licensing examination. After successfully passing the examination, he shall be issued a license upon the payment of a fee of \$75 ~~the annual license fee required under section 1658-M.~~

If such holder of a trainee permit fails the examination, he may apply for and be issued a new trainee permit upon payment of an additional fee of ~~\$25~~ \$50. Not more than 3 trainee permits may be issued to any applicant.

Sec. 65. 32 MRSA §1658-K, sub-§3, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

3. Rules. The ~~department~~ board may promulgate rules and regulations which further define additional areas to be tested in the qualifying examination in order to promote more knowledgeable practitioners in this field.

Sec. 66. 32 MRSA §1658-L, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

§1658-L. Notice to board of place of business; notice to holders of licenses; how given by board

A person who holds a license shall notify the ~~department~~ board in writing of the regular address of the place or places where he engages or intends to engage in the fitting or the sale of hearing aids.

The ~~department~~ board shall keep a record of the place of business of persons who hold licenses.

Any notice required to be given by the ~~department~~ board to a person who holds a license shall be mailed to him by certified mail at the address of the last place of business of which he has notified the ~~department~~ board.

Sec. 67. 32 MRSA §1658-M, as amended by PL 1981, c. 191, §1, is further amended to read:

§1658-M. Annual renewal of license; fees; effect of failure to renew

Each person, who engages in the fitting and sale of hearing aids, shall ~~biennially~~ annually according to regulations established by the ~~department~~ board submit to the ~~department~~ board an application for a renewal of his license, accompanied by a fee of ~~\$50~~ up to \$100. The licensee shall keep ~~such~~ the certificate conspicuously posted in his office or place of business at all times. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the ~~department~~ board for posting in each location. A 30-day grace period shall be allowed after the date of expiration, during which time licenses may be renewed on payment of a fee of ~~\$100~~ \$150 to the ~~department~~ board. After expiration of the grace period, the ~~department~~ board may renew ~~such~~ those certificates upon the payment of \$200 to the ~~department~~ board. No person who applies for renewal, whose license has expired, shall ~~may~~ be required to submit to any examination as a condition to renewal, provided ~~such~~ that the renewal application is made within 2 years from the date of ~~such~~ that expiration. If more than 2 years have passed since the expiration of license, the applicant shall apply for a temporary trainee permit and shall take the examination.

No ~~biennial~~ annual renewal certificate may be issued by the board during 1982 and any following year until such time as the applicant submits proof satisfactory to the board

that during the 2 years year preceding his application for renewal, he has participated in not fewer than 16 8 clock hours of courses of continuing education in fitting and dealing in hearing aids offered by an institution approved by the board. In the initial 2 years of the application of this paragraph, the board may reduce the number of hours of participation required based upon the number of days this paragraph is in effect during those initial 2 years.

Sec. 68. 32 MRSA §1658-N, first ¶, as repealed and replaced by PL 1977, c. 694, §574, is amended to read:

The ~~department~~ board may amend, modify or refuse to issue or refuse to renew any license; ~~however, any.~~ Any aggrieved party shall be entitled to a hearing in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375. The ~~department~~ board may suspend or revoke any license by filing a complaint with the Administrative Court, pursuant to the Maine Administrative Procedure Act, for any one of the following causes:

Sec. 69. 32 MRSA §1658-N, sub-§§1 and 2, as enacted by PL 1975, c. 463, §3, are amended to read:

1. Fraud or deceit. Procuring of license by fraud or deceit practiced upon the ~~department~~ board or a purchaser;

2. Unethical conduct. The ~~department~~ board shall promulgate rules and regulations in conjunction with the ~~board~~ and define unethical conduct for the purposes of this chapter in order to protect the public from unfair or deceptive practices and to effectively promote a high standard of ethics in the hearing aid industry;

Sec. 70. 32 MRSA §1659, as amended by PL 1977, c. 696, §241, is further amended to read:

§1659. Hearings

Any conflict between this section and the State of Maine Administrative Procedure Act, Title 5, chapter 375, shall be resolved by the provisions of the State of Maine Administrative Procedure Act.

1. Notice; hearing. Every licensee or applicant for license shall be afforded notice and an opportunity to be heard before the ~~department~~ board shall have authority to take any action, the effect of which would be:

A. To deny permission to take an examination for which application has been properly made; or

B. To refuse to issue a license after examination for any cause other than failure to pass the examination; or

C. To refuse to renew a license for any cause other than failure to pay a statutory fee.

2. Board action; written notice. When the department board contemplates taking any action of a type specified in subsection 1, ~~paragraphs~~ paragraph A or B, it shall give written notice to the applicant, including a statement:

A. That the applicant has failed to satisfy the department board of his qualifications to be examined or to be licensed, as the case may be; and

B. Indicating factually in what respects the applicant has failed to satisfy the department board; and

C. That the applicant may secure a hearing before the department board by depositing in the mail, within 10 days after service of ~~said~~ the notice, a registered letter addressed to the department board containing a request for a hearing.

In any proceeding involving the denial of a properly made application to take an examination, or refusal to issue a license after an applicant has taken and passed an examination, the burden of satisfying the department board of the applicant's qualifications shall be upon the applicant.

3. Hearing before the board. When the department board contemplates taking any action of a type specified in subsection 1, paragraph C, it shall give written notice to the licensee containing a statement:

A. That the department board has received sufficient evidence which, if not rebutted or explained, may justify the department board in taking the contemplated action under a section of the law;

B. Indication factually of the nature of the evidence; and

C. That the applicant may secure a hearing before the department board by depositing in the mail, within 10 days after the serving of ~~said~~ the notice, a registered letter addressed to the department board requesting a hearing on the matter, ~~provided, however,~~ that, where it is mutually agreeable to the department board and the license holder, the license holder may elect to

voluntarily waive the minimum time limit of such the hearing.

4. Procedure upon board refusal to issue or renew license. In any hearing before the department board involving the refusal to issue or the refusal of the department board to renew a license other than for failure to pay the statutory fee, the department board shall present competent evidence to justify the action taken or proposed by the department board unless an admission of guilt is entered.

5. Procedure for hearing. If the licensee or applicant does not mail a request for a hearing within the time and in the manner detailed in this section, the department board may take action contemplated in the notice.

If the licensee or applicant does not mail a request for a hearing as required in this section, the department board shall, within 20 days of receipt of such a request, notify the licensee or applicant of the time and place of the hearing, which hearing shall be held not more than 30 days nor less than 10 days from the date of the service of such that notice.

6. Procedure for notice. Any notice required by this section shall be served by registered mail or certified mail, with return receipt requested, directed to the licensee or applicant at his last known address as shown by the records of the department board. Notice shall be deemed to have been served on the date borne by the return receipt showing delivery of the notice to the addressee or refusal of the addressee to accept the notice.

7. Number required for board to act. At all hearings, at least a majority of the board shall be present to hear and determine the matter, and the department shall also be represented by at least 2 persons designated by the commissioner.

8. Rights of those being heard. A person entitled to be heard shall have the right:

A. To be represented by counsel;

B. To cross-examine witnesses;

C. To present all relevant evidence by means of witnesses and books and papers and documents; and

D. To have a transcript of the hearing made at his own expense upon written request to the department board.

9. Rights of the board. In connection with any hearing, the ~~department~~ board shall have the right:

- A. To administer oaths or affirmation of witnesses;
- B. To have counsel to assist in the development of the case;
- C. To take testimony;
- D. To examine and cross-examine witnesses;
- E. To have transcripts made at the ~~department~~ board;
- F. To direct a continuance of any case for just cause; and
- G. To temporarily suspend the license of the licensee if the safety or health of a person is seriously endangered.

10. Other powers. The ~~department~~ board shall have the power to require the production of books, papers or other documents and may issue subpoenas to compel the defendants or witnesses to testify and produce ~~such~~ those books, papers or other documents. The defendant shall also have the same power to issue subpoenas.

11. Rules of evidence not applicable. In all hearings before the ~~department~~ board, the rules of evidence shall not apply.

12. Per diem and mileage; witnesses. Witnesses shall be entitled to the same per diem and mileage as witnesses appearing before the District Court.

13. Decision of board. After a hearing has been completed, the members of the ~~department~~ and board who conducted the hearing shall proceed to consider the case and as soon as practicable shall render their decision. Any and all violations of the ~~department's~~ board's regulations or provisions of this chapter shall be grounds for refusal to issue or renew ~~said~~ that license. The decision must be rendered within 90 days after the hearing.

14. Copy of decision. Within 5 days after the decision is rendered, a copy of the ~~same~~ decision shall be served by registered mail upon the person whose license is involved. It shall be deemed as served on the date borne on the return receipt.

15. Failure to appear. If a person who has requested a hearing does not appear, and no continuance has been granted, the department board may hear the evidence of such witnesses as may have appeared, and the department board may proceed to consider the matter and dispose of it on the basis of the evidence before it.

16. Procedure to reopen proceedings. Where because of accident, sickness or other reasonable cause a person fails to request a continuance or fails to appear for a hearing which he has requested, the person may within a reasonable length of time apply to the department board to reopen the proceedings, and give ~~such~~ that person notice thereof. At the time and place fixed, a hearing shall be held at which the person may testify in his own behalf or present such other evidence as may be beneficial to his case. Witnesses, who have previously testified, shall not be required to appear at the 2nd hearing unless subpoenaed by the department board or otherwise consent to appear.

17. Decision to reopen proceedings discretionary with board. At any time after the hearing and prior to the service of the department's board's decision, the person affected may request the department board to reopen the case to receive additional evidence or for other just cause. The granting or refusing of ~~such~~ that request shall be within the department's board's discretion.

18. Board may reopen proceedings. The department board may reopen the case on its own motion at any time before a petition for a writ of certiorari is filed. Thereafter, it may do so only with the permission of the reviewing court.

Sec. 71. 32 MRSA §1660, as last amended by PL 1981, c. 191, §2, is repealed.

Sec. 72. 32 MRSA §1660-A, sub-§1, as enacted by PL 1975, c. 463, §3, is repealed and the following enacted in its place:

1. Board. There shall be established a Board of Hearing Aid Dealers and Fitters.

Sec. 73. 32 MRSA §1660-B, as enacted by PL 1975, c. 463, §3, is repealed and the following enacted in its place:

§1660-B. Powers and duties of the board

The powers and duties of the board are as follows:

1. Authorize disbursements. To authorize all disbursements necessary to carry out this chapter;

2. Supervise issuance of licenses. To supervise issuance of licenses by experience and to administer qualifying examinations to test the knowledge and proficiency of applicants licensed by examination;

3. Registration. To register persons who apply to the board and who are qualified to engage in the fitting and sale of hearing aids;

4. Audiometric equipment. To purchase and maintain or rent audiometric equipment and other facilities necessary to carry out the examination of applicants in section 1658-1;

5. Issue and renew licenses. To issue and renew licenses;

6. Suspension or revocation of licenses. To take action before the Administrative Court in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, for the suspension or revocation of licenses when there is indication that suspension or revocation is proper;

7. Designation of examination. To designate the time and place for examining applicants;

8. Conduct or supervise examinations. To appoint representatives to conduct or supervise the examination;

9. Adopt rules. Following a public hearing, to promulgate, adopt, amend and publish rules not inconsistent with the laws of this State, which are necessary to carry out this chapter. The rules shall serve to protect the consumer from unethical practices, shall serve to explain or define terms and words contained within this chapter and shall add to the general understanding of both consumer and practitioner of this chapter. The board shall promulgate rules where specifically authorized in this chapter;

10. Appoint employees. To appoint or employ subordinate employees, subject to the Personnel Law;

11. Redistribute expiration dates. To, during a 2-year period beginning in January, 1982, redistribute the expiration dates of the existing licenses so that an equal number expire in each month of even-numbered years, so that all license renewals will occur in the same year; and

12. Educational programs. To provide or make avail-

able opportunity for lectures, courses or workshops which will be useful and educational to licensees or trainees and may use its funds to sponsor those educational programs.

Sec. 74. 32 MRSA §1660-C, 2nd sentence, as enacted by PL 1975, c. 463, §3, is repealed.

Sec. 75. 32 MRSA §1660-D, as enacted by PL 1975, c. 463, §3 and as amended by PL 1975, c. 293, §4, is repealed and the following enacted in its place:

§1660-D. Disposition of receipts; Hearing Aid Account

All moneys received by the board shall be paid to the Treasurer of State and credited to the Department of Business Regulation Hearing Aid Account to be used for carrying out the purposes of this chapter. Any balance of the funds shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 76. 32 MRSA §1660-E, 2nd sentence, as enacted by PL 1975, c. 463, §3, is amended to read:

The ~~department, in conjunction with the board,~~ may seek to enjoin violations of any of the provisions of this chapter or any of the provisions of the rules and regulations promulgated ~~hereunder~~ in this chapter by injunction or by any other appropriate proceedings.

Sec. 77. 32 MRSA §3401, first sentence, as amended by PL 1977, c. 469, §10, is further amended to read:

A Plumbers' Examining Board, as heretofore established, shall consist of an executive officer who shall be the ~~Director of the Division of Health Engineering of the Bureau of Health~~ Commissioner of Business Regulation, or his designee, and 3 other members, hereinafter called the appointive members, who shall be appointed by the Governor.

Sec. 78. 32 MRSA §3402, as repealed and replaced by PL 1977, c. 469, §12, is repealed and the following enacted in its place:

§3402. Employees

The Commissioner of Business Regulation, with the advice and consent of the board, may appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. Any person so employed shall be located in the Department of Business Regulation and under the

administrative and supervisory direction of the Commissioner of Business Regulation.

Sec. 79. 32 MRSA §3403, first sentence, as amended by PL 1977, c. 469, §13, is further amended to read:

The board shall hold regular meetings semiannually and shall hold additional meetings at such other times as they shall determine it determines by their its rules, or upon request of the 3 appointive members of their the board, or upon request of the Director of the Division of Health Engineering Commissioner of Business Regulation.

Sec. 80. 32 MRSA §3504, 2nd sentence, as repealed and replaced by PL 1977, c. 469, §18, is amended to read:

The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Human Services Business Regulation may designate.

Sec. 81. 34 MRSA §14 is enacted to read:

§14. Developmental day care services

The Department of Mental Health and Mental Retardation shall provide and establish a sliding fee scale for the provision of center-based developmental day care services for preschool children with developmental disabilities.

Services provided pursuant to this section shall be available to all eligible preschool children, regardless of their family income.

Services to eligible children of individuals and families whose adjusted gross income is at or below 80% of the median personal income for residents of this State shall be made available at no cost to the individual or family.

A sliding fee scale no higher than the applicable scale under Title 22, section 9, subsection 3, shall be applied to eligible children of individuals and families whose adjusted gross income is between 80% and 115% of the median personal income for residents of this State.

For eligible children of individuals and families whose adjusted gross income is over 115% of the median personal income for residents of this State, a sliding fee scale that is proportionately related to the applicable scale under Title 22, section 9, subsection 3, shall be developed and applied.

The department shall coordinate these services with other state agencies so as to ensure that no unnecessary duplication of services will occur.

Sec. 82. Medicaid copayments. The Commissioner of Human Services shall present to the 111th Legislature a plan for implementing user copayments for selected Medicaid services. The plan shall include an analysis of the impact of implementing the 50¢-drug copayment and estimated savings from the imposition of a \$2 copayment for each of the following services: Ambulance services, audiology services, chiropractic services, dental services, hearing aids, hospital out-patient services, mental health clinic services, optometric services, physicians' services, podiatric services, psychologists' services, speech and hearing services and speech pathology services. The plan shall also include a discussion of administrative problems and of reductions in utilization of services as a result of copayments, the commissioner's recommendation with respect to copayments for each of these services and the reasons behind each recommendation.

Sec. 83. Transition clause.

1. Plumbers' Examining Board. The transfer of the Plumbers' Examining Board from the Department of Human Services to the Department of Business Regulation shall not affect the terms of current board members, with the exception of the executive officer as provided for in this Act. All current regulations of the board shall continue in effect until rescinded, amended or changed by the board. All equipment and supplies acquired with the board funds shall be transferred to the Department of Business Regulation. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of funds, transfers, revenues or other available funds of the board shall be reallocated to the proper place in the Department of Business Regulation by the State Controller.

2. State Board of Funeral Service. The transfer of the State Board of Funeral Service from the Department of Human Services to the Department of Business Regulation shall not affect the terms of current board members, with the exception of the secretary of the board as provided for in this Act. All current regulations of the board shall continue in effect until rescinded, amended or changed by the board. All equipment and supplies acquired with board funds shall be transferred to the Department of Business Regulation. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of funds, transfers, revenues or other available funds of the

board shall be reallocated to the proper place in the Department of Business Regulation by the State Controller.

3. Board of Hearing Aid Dealers and Fitters. The transfer of the Board of Hearing Aid Dealers and Fitters from the Department of Human Services to the Department of Business Regulation shall not affect the terms of the current board members. All current regulations of the Department of Human Services pertaining to the fitting and selling of hearing aids shall continue in effect until replaced by the Board of Hearing Aid Dealers and Fitters. All equipment and supplies acquired with board funds shall be transferred to the Department of Business Regulation. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of funds, transfers, revenues or other available funds of the board shall be reallocated to the proper place in the Department of Business Regulation by the State Controller.

PART B

Adjustments to General Fund. In order to provide for necessary adjustments of the General Fund to implement the recommendations of the Joint Standing Committee on Audit and Program Review, appropriations are adjusted by the amounts designated in the following tabulations.

DEPARTMENT OR AGENCY	APPROPRIATIONS FROM GENERAL FUND
	1982-83
HUMAN SERVICES, DEPARTMENT OF	
Administration - Human Services	
All Other	\$ (20,000)
Eliminates the General Fund share of funding for 2 positions associated with the Office of Special Projects.	
Administration - Human Services	
All Other	(11,200)
Eliminates the General Fund share of funding for one professional staff	

	1982-83
<p>position within the Office of Public Affairs effective 10/1/82 (\$8,200) and reduces the department's General Fund appropriation by \$3,000 to implement a recommended reduction in department publications.</p>	
<p>Medical Care Administration All Other</p>	(2,000)
<p>Reduces the bureau's General Fund appropriation to implement a recommended reduction in department publications.</p>	
<p>Medical Care - Payment to providers All Other</p>	(75,400)
<p>Deappropriates funds from the medical eye care program to reflect the elimination of examination and refraction services for those without eye disease.</p>	
<p>Administration - Income maintenance All Other</p>	(3,000)
<p>Reduces the bureau's General Fund appropriation to implement a recommended reduction in department publications.</p>	
<p>Administration - Social Services All Other</p>	(2,000)
<p>Reduces the bureau's General Fund appropriation to implement a recommended reduction in department publications.</p>	
<p>Day Care, Homemaker Services, Transportation Services, State Seed - Social Services Positions</p>	(-2)
<p>Personal Services</p>	(39,000)
<p>All Other</p>	(4,000)
Total	(43,000)

1982-83

Eliminates 2 General Fund positions associated with the administration of social services' contracts.

Day Care, Homemaker Services,
Transportation Services,
State Seed - Social Services
All Other

(130,000)

Eliminates a portion of the General Fund appropriation for social services. These funds are replaced with allocations from the Social Services Block Grant funds in Part E.

Day Care, Mental Retardation
Developmental - Social Services
All Other

(86,000)

Eliminates the General Fund appropriation for mental retardation developmental day care services from the Department of Human Services. \$37,000 of this appropriation is transferred to the Department of Mental Health and Mental Retardation in Part C.

Rehabilitation - Vocational Rehabilitation,
Bureau of

Positions
Personal Services

(-3)
(31,300)

Provides for the elimination of the General Fund portion of 14 clerical positions within the bureau. These funds will be redirected to provide direct services for vocational rehabilitation clients. The remaining \$140,700 to be shifted to direct services shall be

1982-83

from federal vocational
rehabilitation funds.

Elderly, Bureau of Maine's All Other	(20,000)
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Deappropriates \$20,000
which shall instead be
taken from excess funds in
the bureau's special reve-
nue account.

Elderly, Bureau of Maine's Positions	(-3)
Personal Services	(62,200)
All Other	(35,800)
Total	(98,000)

Provides for the transfer
of the Maine Committee on
Aging from the Bureau of
Maine's Elderly, Depart-
ment of Human Services to
an independent agency.

MAINE HUMAN SERVICES COUNCIL

Positions	(-1)
Personal Services	\$(19,622)

Reduces the General Fund
share of funding associ-
ated with the eliminat-
ion of one professional staff
position (\$10,000) and
allows for the
reappropriation of \$9,522
back to the Human Services
Council in Part C.

Total Part B - General Fund	\$(541,522)
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PART C

Adjustments to General Fund. In order to provide for necessary adjustments of the General Fund to implement recommendations of the Joint Standing Committee on Audit and Program Review, appropriations are adjusted by the amounts designated in the following tabulations.

DEPARTMENT OR AGENCY

APPROPRIATIONS
FROM GENERAL FUND

1982-83

HUMAN SERVICES,
DEPARTMENT OF

Administration - Human Services
All Other

\$ 40,000

Provides funds to allow the department to fund 50% of the administration of the food stamp program beginning January 1, 1983. This will maintain program administration at the current level, while eliminating all county expenditures for the food stamp program.

Legal Services - Human Services
All Other

520

Provides funds to allow the department to fund 50% of the administration of the food stamp program beginning January 1, 1983. This will maintain program administration at the current level, while eliminating all county expenditures for the food stamp program.

Administration - Regional - Human Services
All Other

107,000

Provides funds to allow the department to fund 50% of the administration of the food stamp program beginning January 1, 1983. This will maintain program administration at the current level, while eliminating all county expenditures for the food stamp program.

	1982-83
Bureau of Health - Health Engineering	
Positions	(7)
Personal Services	115,840
All Other	<u>64,800</u>
Total	<u>180,640</u>

Provides for the transfer of 5 Sanitarian II and 2 clerical positions and funds from a dedicated account to the General Fund.

Administration - Income Maintenance	
All Other	10,350

Provides funds to allow the department to fund 50% of the administration of the food stamp program beginning January 1, 1983. This will maintain program administration at the current level while eliminating all county expenditures for the food stamp program.

Food Stamp Program	
Positions	(32)
Personal Services	211,270
All Other	<u>105,960</u>
Total	<u>317,230</u>

Provides positions and funds to allow the department to fund 50% of the administration of the Food Stamp Program beginning January 1, 1983. Federal position count is decreased and General Fund count is increased so that in total there will be 83 authorized state positions, matched by 83 federal positions. This appropriation will maintain program administration at the current level, while eliminating all county expenditures for the food stamp program.

	1982-83
Rehabilitation - Vocational Rehabilitation, Bureau of	
All Other	31,300

Reflects the General Fund share of the elimination of 14 clerical positions within the bureau and the redirection of these funds to direct services for vocational rehabilitation clients. The remaining \$140,700 to be shifted to direct services shall be from federal vocational rehabilitation funds.

MAINE HUMAN SERVICES COUNCIL

Unallocated	\$9,522
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Reappropriates to the Maine Human Services Council personal services' funds deappropriated in Part B.

MAINE COMMITTEE ON AGING

Positions	(3)
Personal Services	\$68,200
All Other	<u>29,800</u>
Total	\$98,000

Establishes the Maine Committee on Aging as an independent agency outside the Department of Human Services.

MENTAL HEALTH AND MENTAL RETARDATION,
DEPARTMENT OF

Community Mental Retardation Services	
All Other	\$86,000

Reappropriates \$86,000 for Mental Retardation Developmental Day-Care services.

Total Part C - General Fund	\$880,562
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PART D

Adjustments to federal block grant allocations. In order to provide for necessary adjustment of the social services block grant to implement the recommendations of the Joint Standing Committee on Audit and Program Review, allocations are adjusted by the amounts designated in the following tabulations.

DEPARTMENT OR AGENCY	ALLOCATIONS STATE FISCAL YEAR
	1982-83

HUMAN SERVICES, DEPARTMENT OF
SOCIAL SERVICES BLOCK GRANT

Education and Training Unit	
Positions	(-2)
Personal Services	\$(35,000)
All Other	<u>(30,000)</u>
Total	(65,000)

Eliminates social services block grant funds for 2 positions within the Staff Education and Training Unit and eliminates funding for low priority training.

Social Services, Bureau of	
Positions	(-2)
Personal Services	(36,000)
All Other	<u>(16,000)</u>
Total	(52,000)

Eliminates social services block funds for 2 positions associated with the administration of contract social services within the Bureau of Social Services. Also eliminates All Other funding for 6 additional positions already terminated.

1982-83

Homemaker Services

All Other (2,000)

Eliminates social services block grant funding for the All Other associated with a homemaker position which is already terminated.

Maine Human Services Council

Unallocated (11,000)

Eliminates social services block grant funding associated with the elimination of one professional staff position. The council is authorized to have 3 positions from all remaining federal funds.

Total Part D - Social services block grant \$(130,000)

PART E

Adjustments to federal block grant allocations. In order to provide for necessary adjustments of the social services block grant to implement the recommendations of the Joint Standing Committee on Audit and Program Review, allocations are adjusted by the amounts designated in the following tabulations.

DEPARTMENT OR AGENCY

ALLOCATION
STATE FISCAL YEAR

1982-83

HUMAN SERVICES, DEPARTMENT OF
SOCIAL SERVICES BLOCK GRANT

Social Services - Bureau of Social Services

All Other \$130,000

Allocates funds for purchase of social services to replace those that have been deappropriated from the State Seed account in

Part B. This allocation of \$130,000 is the equivalent of the total deallocation in Part D.

Total Part E - Social services block grant \$130,000

Emergency clause. This Act shall become effective on July 1, 1982, except that Part A, section 29, and those sections in Part C which relate to the Food Stamp Program shall become effective on January 1, 1983.

Effective July 1, 1982, unless otherwise indicated.

CHAPTER 704

H.P. 2385 - L.D. 2147

AN ACT Providing for Conformity with the Internal Revenue Code for Taxable Years Ending in 1982.

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

Sec. 1. 36 MRSA §5102, sub-§8, as last amended by PL 1979, c. 541, Pt. A, §230, is repealed and the following enacted in its place:

8. Maine net income. "Maine net income" means, for any taxable year for any corporate taxpayer, the taxable income of that taxpayer for that taxable year under the laws of the United States as modified by sections 5200-A and 5202-B and allocated or apportioned to this State under chapter 821.

Sec. 2. 36 MRSA §5102, sub-§8-B is enacted to read:

8-B. Maine net income. "Maine net income" means, for any taxable year for any corporate taxpayer, the taxable income of that taxpayer for that taxable year under the laws of the United States as modified by section 5200-A and allocated or apportioned to this State under chapter 821.