

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 32

S.P. 265 - L.D. 774

AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1983 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government.

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 institutions will become due and payable before July 1, 1983; 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

Appropriations from General Fund. In order to provide for necessary expenditures of government and other purposes for the fiscal year ending June 30, 1983, the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated.

APPROPRIATIONS FROM
GENERAL FUND
1982-83

AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF

Marketing Services

All Other \$ 34,850
Provides funds for a workers'
compensation case.

Agriculture and Rural Resources

Personal Services 1,091
Provides funds for an approved
reclassification.

Bureau of Public Services

Personal Services 5,578
Provides funds for approved
reclassifications.

Harness Racing Commission

Personal Services 1,468
Provides funds for an approved
reclassification.

AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF

Total \$ 42,987

ATTORNEY GENERAL, DEPARTMENT OF

Administration - Attorney General

Personal Services \$ 21,743
Provides funds required for ser-
vices of Assistant Attorneys
General assigned to the Depart-
ment of Environmental Protec-
tion. Will be offset by corre-
sponding decreases in the
Department of Environmental Pro-
tection. Also provides funds
for approved reclassifications.

ATTORNEY GENERAL, DEPARTMENT OF

Total \$ 21,743

APPROPRIATIONS FROM
GENERAL FUND
1982-83

CONSERVATION, DEPARTMENT OF

Parks - General Operations

Personal Services	\$	8,820
Provides funds for approved reclassifications.		

Maine Land Use Regulation Commission

Personal Services		2,332
Provides funds for an approved reclassification.		

Division of Forest Fire Control

Personal Services		3,628
Provides funds for an approved reclassification.		

CONSERVATION, DEPARTMENT OF

Total	\$	14,780
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CORRECTIONS, DEPARTMENT OF

Correctional Improvement Program

All Other	\$	340,000
Provides funds to house inmates in county jails.		

Department of Corrections

Personal Services		49,418
Provides funds for positions in the central office filled at higher steps than originally budgeted and for an approved reclassification.		

Maine Youth Center

Personal Services		4,945
All Other		30,000
Provides funds to pay utility bills, medical bills and workers' compensation claims and to fund approved reclassifications.		

APPROPRIATIONS FROM
GENERAL FUND
1982-83

Maine Correctional Center

Personal Services	6,503
All Other	80,000
Provides funds to pay for inmate medical expenses and to fund approved reclassifications.	

Charleston Correctional Center

Positions	(21 1/2)
Personal Services	87,665
All Other	22,695
Capital Expenditures	19,700
Provides funds to meet additional needs at this facility.	

Food - Charleston Correctional Center

All Other	6,480
Provides funds to meet additional food costs expected to result from the opening of a new dormitory for which funds are included in preceding request.	

Charleston Correctional Center

Personal Services	1,202
Provides funds for an approved reclassification.	

Maine State Prison

Personal Services	401,132
All Other	188,270
Provides funds for unbudgeted overtime, approved reclassifications and to pay for inmate medical expenses and workers' compensation claims.	

CORRECTIONS, DEPARTMENT OF

Total	\$1,238,010
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DEFENSE AND VETERANS' SERVICES,
DEPARTMENT OF

Defense and Veterans' Services -
Administration

	<u>APPROPRIATIONS FROM</u> <u>GENERAL FUND</u> <u>1982-83</u>
Personal Services	\$ 2,020
Provides funds for an approved reclassification.	
Military Training and Operations	
Personal Services	260
All Other	60,000
Provides funds for an approved reclassification and to pay for workers' compensation claims.	
Bureau of Civil Emergency Preparedness - Administration	
Personal Services	7,290
All Other	4,500
Provides funds for approved range changes and reclassifications and to pay for workers' compensation claims.	
Veterans' Memorial Cemetery	
All Other	7,000
Provides funds to pay for workers' compensation claims.	
DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF	<hr/>
Total	\$ 81,070
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>	
Planning and Management Information	
Personal Services	\$ 1,228
Provides funds for approved reclassifications.	
Local School Services - Donated Commodities Program	
Personal Services	787
Provides funds for an approved reclassification.	

APPROPRIATIONS FROM
GENERAL FUND
1982-83

Education in Unorganized Territory

All Other 608,314

Provides funds for tuition and transportation costs. No funds may be transferred from this account to the working fund account in the current year. Also the name of the account has been changed.

Vocational Education - Operations

Personal Services 3,015

Provides funds for an approved reclassification.

Central Maine Vocational-Technical Institute

Personal Services 9,747

Provides funds for an approved reclassification.

Kennebec Valley Vocational-Technical Institute

Personal Services 1,064

Provides funds for an approved reclassification.

Human Development and Guidance

Personal Services 4,918

Provides funds for an approved reclassification.

Curriculum

Personal Services 1,780

Provides funds for an approved range change.

Governor Baxter School for the Deaf

Personal Services 21,650

Provides funds for approved reclassifications and for additional payments for academic staff members assigned to duties

APPROPRIATIONS FROM
GENERAL FUND
1982-83

over and above their actual job function.

Library Reader Information Service

Personal Services 976
Provides funds for an approved reclassification.

Library and Development Services

Personal Services 4,083
Provides funds for approved reclassifications.

Museum - Administration

Personal Services 3,019
Provides funds for approved reclassifications.

EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF

Total \$ 660,581

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration

Personal Services \$ 2,787
Provides funds for approved reclassifications.

Water Quality Control

Personal Services 351
Provides funds for approved reclassifications.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Total \$ 3,138

APPROPRIATIONS FROM
GENERAL FUND
1982-83

EXECUTIVE DEPARTMENT

Governor's Office

All Other \$ 12,000
Provides funds for increased utility costs.

State Planning Office - Community Development

All Other 24,000
Provides funds for community development grant process.

Public Advocate

Personal Services 4,440
Provides funds for an approved reclassification.

Development Office

Personal Services 495
Provides funds for an approved reclassification.

Employee Relations - Office of Workers' Compensation - Administration

Positions (3)
Personal Services 13,811
All Other 45,219
Capital Expenditures 2,970
Provides funds for improved State Workers' Compensation Management, including central case management by the Governor's Office of Employee Relations and the continuation of contracted services.

EXECUTIVE DEPARTMENT

Total \$ 102,935

FINANCE AND ADMINISTRATION, DEPARTMENT OF

Administrative Services Unit

	<u>APPROPRIATIONS FROM</u> <u>GENERAL FUND</u> <u>1982-83</u>
Personal Services Provides funds for approved reclassifications.	\$ 4,024
Planning and Construction - Bureau of Public Improvements	
Personal Services Provides funds for an approved reclassification.	2,536
Building and Grounds - Bureau of Public Improvements	
Personal Services Provides funds for approved reclassifications.	1,005
Bureau of Taxation	
Personal Services Provides funds for approved reclassifications.	5,473
Maine Insurance Advisory Board	
Personal Services Provides funds for an approved reclassification.	772
FINANCE AND ADMINISTRATION, DEPARTMENT OF	<hr/>
Total	\$ 13,810
<u>HUMAN SERVICES, DEPARTMENT OF</u>	
Administration	
Personal Services Provides funds for approved reclassifications.	\$ 6,468
Regional Administration	
Personal Services Provides funds for approved reclassifications.	970
Regional - Social Services	

	<u>APPROPRIATIONS FROM</u> <u>GENERAL FUND</u> <u>1982-83</u>
Personal Services Provides funds for approved reclassifications.	5,130
Medical Care Administration	
Personal Services Provides funds for approved reclassifications.	4,972
Resource Development Administration	
Personal Services Provides funds for approved reclassifications.	670
Child Welfare Services	
Personal Services Provides funds for approved reclassifications.	3,556
Rehabilitation-Vocational Rehabilitation, Bureau of	
Personal Services Provides funds for approved reclassifications.	2,188
Catastrophic Illness	
All Other Provides funds to meet a shortfall in the Catastrophic Illness Program.	1,853,750
State Funds for Purchased Social Services	
All Other Provides funds to cover a cash flow shortfall caused by a change in federal fund alloca- tion for block grants.	513,000
Congregate Housing - Elderly	
All Other Provides funds to develop con- gregate housing in various loca- tions as an alternative to more	40,250

APPROPRIATIONS FROM
GENERAL FUND
1982-83

expensive boarding home place-
ments.

General Assistance

All Other 2,050,000
Provides funds for a shortfall
in general assistance payments
to municipalities.

Long Term Care - Human Services

All Other 200,000
Provides additional funds to
serve approximately 164 persons
in their own home.

Community Family Planning

All Other 20,000
Provides funds for the YWCA In-
tervention Program in Auburn.

HUMAN SERVICES, DEPARTMENT OF

Total \$4,700,954

JUDICIAL DEPARTMENT

Courts - Supreme Judicial, Superior,
District and Administrative

All Other \$1,036,513
Provides additional funds for
the operation of the courts.

JUDICIAL DEPARTMENT

Total \$1,036,513

LEGISLATURE

Legislature
Personal Services \$ 225,000
All Other 100,000
Provides additional funds for
the operation of the Legis-
lature.

APPROPRIATIONS FROM
GENERAL FUND
1982-83

Legislative Research

Personal Services 61,000
Provides funds to continue current services.

Law and Legislative Reference
Library

Personal Services 2,600
Provides funds to continue current services.

Maine - Canadian Legislative
Advisory Office

Personal Services 4,200
Provides funds to continue current services.

Maine Forest Fire Control
Study Commission

All Other 650
Provides funds needed for the operation of this commission.

LEGISLATURE

Total \$ 393,450

MENTAL HEALTH AND MENTAL RETARDATION,
DEPARTMENT OF

Department Operations

Personal Services \$ 5,946
Provides funds for approved reclassifications.

Augusta Mental Health Institute

Personal Services 3,547
Provides funds for approved reclassifications.

APPROPRIATIONS FROM
GENERAL FUND
1982-83

Bangor Mental Health Institute

Positions	(19)
Personal Services	57,105
All Other	5,000
Capital Expenditures	2,000

Provides funds for approved reclassifications and for 11 additional Registered Nurses, 3 Recreation Therapists or Aides, 3 Occupational Therapists or Assistants and 2 Rehabilitation Counselors to maintain JCAH accreditation and meet 24-hour coverage needs.

Community Mental Retardation Services

Personal Services	1,154
Provides funds for approved reclassifications.	

Pineland Center

Personal Services	1,121
All Other	200,000
Provides funds for workers' compensation claims and for approved reclassifications.	

MENTAL HEALTH AND MENTAL RETARDATION,
DEPARTMENT OF

Total	\$ 275,873
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MAINE HUMAN RIGHTS COMMISSION

Maine Human Rights Commission

Personal Services	\$ 2,144
All Other	20,000
Provides funds for an approved special merit increase and funds to maintain current operations.	

MAINE HUMAN RIGHTS COMMISSION

Total	\$ 22,144
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APPROPRIATIONS FROM
GENERAL FUND
1982-83

PUBLIC SAFETY, DEPARTMENT OF

State Fire Marshal's Office

Unallocated	\$ 80,000
Provides a loan from the General Fund to avoid having to eliminate or curtail this program because of declining revenues. This loan is to be repaid as follows, \$40,000 in 1983-84 and \$40,000 in 1984-85.	

PUBLIC SAFETY, DEPARTMENT OF

Total	\$ 80,000
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SECRETARY OF STATE, DEPARTMENT OF

Secretary of State - Administration

Personal Services	\$ 170
Provides funds for approved reclassifications.	

SECRETARY OF STATE, DEPARTMENT OF

Total	\$ 170
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TRANSPORTATION, DEPARTMENT OF

Aeronautics - Administration

Personal Services	\$ 2,000
Provides funds for an approved reclassification.	

TRANSPORTATION, DEPARTMENT OF

Total	\$ 2,000
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WORKERS' COMPENSATION COMMISSION

Capital Expenditures	\$ 94,000
Provides funds for computer equipment.	

APPROPRIATIONS FROM
GENERAL FUND
1982-83

WORKERS' COMPENSATION COMMISSION	
Total	\$ 94,000
TOTAL PART A	\$8,784,158

PART B

Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1983 the following sum.

1982-83

EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF

General Purpose Aid for Local Schools

All Other	\$(2,700,000)
This action returns to General Fund appropriations made for General Purpose Aid which the Department of Educational and Cultural Services estimates will not be expended in the current fiscal year.	

HUMAN SERVICES, DEPARTMENT OF

State Supplement to Federal Supplemental Security Income

All Other	\$(1,000,000)
Returns to General Fund appropriations not needed for current operations.	

Community Family Planning

All Other	(57,000)
Returns to General Fund appropriations not needed for current operations.	

HUMAN SERVICES, DEPARTMENT OF

Total	\$(1,057,000)

1982-83

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

Land Quality Control

All Other \$ (10,000)

Water Quality Control

All Other (10,000)

Reduces currently available appropriations in order to offset requested appropriation to the Department of the Attorney General which will enable the continuation of legal services for the Department of Environmental Protection.

ENVIRONMENTAL PROTECTION, DEPARTMENT
OF

Total \$ (20,000)

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury

Unallocated \$(2,200,000)

This action returns to the General Fund amounts not needed for departmental operations in the current fiscal year.

TOTAL PART B \$(5,977,000)

PART C

Transfer of funds available in General Fund Bonds Debt Service Account authorized. In order to meet additional costs of debt service, the Treasurer of State may transfer up to \$3,300,000, in addition to the total previously authorized for fiscal year 1983, from funds available in the General Fund Bonds Debt Service Account. No increase of appropriation is required.

PART D

Funds to be carried forward in Contract Administration Account, Governor's Office of Employee Rela-

tions. At the close of the fiscal year ending June 30, 1983, the State Controller shall allow up to \$20,000 from any balance remaining in the Contract Administration Account of the Governor's Office of Employee Relations to be carried forward to be used for the original purpose.

PART E

Additional allocation to Bureau of Alcoholic Beverages. In order to provide the necessary expenses for operation and administration of the Bureau of Alcoholic Beverages and the State Liquor Commission, the following additional amount is allocated from the revenues derived from operations of the fund.

1982-83

FINANCE AND ADMINISTRATION,
DEPARTMENT OF

Alcoholic Beverages - General Operation

All Other	\$12,000
Provides allocation for roof repairs at the liquor warehouse.	

PART F

5 MRSA §1587, as enacted by PL 1981, c. 702, Pt. Q, is amended to read:

§1587. Lease-purchase agreements

Notwithstanding any other provision of law, no agent or officer of the State or any department or agency thereof may enter into a lease-purchase or other similar agreement whereby the State would become the ultimate owner of buildings or equipment, if the outright purchase price of such capital items is more than \$2,000, or \$30,000 for telecommunications related equipment, without specific prior approval of the Legislature through the usual budget procedure. That request for approval shall be submitted as a separate line item. All agreements relating to telecommunications equipment that are \$30,000 or less shall be subject to review by a subcommittee of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

PART G

Authorization of the purchase or lease with

option to purchase or lease purchase certain telephone equipment. Approval, required by the Revised Statutes, Title 5, section 1587, is given to the departments and agencies listed below to enter into purchase or lease with option to purchase or lease purchase financing agreements for telephone systems and services up to the sums listed in this Part for each agency. Each project shall be competitively bid.

These departments and agencies shall finance these projects with "All Other" or "Capital Expenditures" funds within their regular budgets.

The contemplated projects and the estimated total costs are as follows.

Mental Health and Mental Retardation,
Department of

Region II - Bangor, Augusta Mental Health Institute, Bangor Mental Health Institute	\$630,058
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Corrections, Department of

Maine State Prison, Maine Youth Center, Maine Correctional Center	377,869
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Educational and Cultural Services,
Department of

Governor Baxter School for the Deaf, Eastern Maine Vocational-Technical Institute	121,823
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Human Services, Department of

Fort Kent, Biddeford, Houlton and Skowhegan District Offices	122,963
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Court System

Portland and Bangor	148,696
Capitol Complex, including technical assistance not to exceed \$50,000, and Attorney General	<u>5,084,683</u>
Total Part G	\$6,486,092

PART H

3 MRSA §168, as amended by PL 1977, c. 564, §11-A, is further amended to read:

§168. Staff assistants to legislative leadership

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives shall each have the authority to appoint, at his discretion, a personal staff assistant, or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times as might be necessary, with the approval of the Legislative Council, ~~as he deems necessary.~~ The Legislative Council shall determine the salaries of said staff assistants.

PART I

Sec. 1. 3 MRSA §22, last ¶, as amended by PL 1981, c. 316, Pt. N, §3, is further amended to read:

The President of the Senate may authorize ~~either~~ the Secretary of the Senate ~~or~~ and the Assistant Secretary of the Senate to serve on a full-time basis when the Legislature is not in regular or special session.

Sec. 2. 3 MRSA §42, last ¶, as amended by PL 1981, c. 316, Pt. N, §6, is further amended to read:

The Speaker of the House of Representatives may authorize ~~either~~ the Clerk of the House of Representatives ~~or~~ and the Assistant Clerk of the House of Representatives to serve on a full-time basis when the Legislature is not in regular or special session.

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

Effective March 4, 1983.

CHAPTER 33

H.P. 38 - L.D. 43

AN ACT to Establish the Uniform
Determination of Death Act.

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