

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 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; and the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle.

Sec. 2. Effective date. This Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the governor and council of the Penobscot Nation that the nation has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e) (1), copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House; provided that in no event shall this Act become effective until 90 days after adjournment of the Legislature.

Effective September 23, 1983, unless otherwise indicated.

CHAPTER 495

H.P. 1255 - L.D. 1668

AN ACT to Require Interdepartmental Coordination of Social Services Planning.

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

5 MRSA c. 148-A is enacted to read:

CHAPTER 148-A

SOCIAL SERVICES PLANNING AND EXPENDITURES

§1641. Intent

It is the intent of the Legislature to encourage cooperation among state departments and to facilitate and encourage public participation in social service policy making by requiring the submission of a Maine Social Services Plan to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and institutional services.

§1642. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Departments. "Departments" means the Department of Human Services, the Department of Mental Health and Mental Retardation and the Division of Community Services.

2. Plan. "Plan" means the document embodying the Maine Social Services Plan.

3. Related health and medical services. "Related health and medical services" means services that are administered by the Department of Human Services, Bureau of Health and Bureau of Medical Services, including Medicaid and health block grants, and that are either a health service integrally related to a social service or a major source of funds for a social service.

4. Social service. "Social service" means any children's, youth, adult or elderly service, and alcoholism, community action, developmental disability, drug or substance abuse, home-heating assistance, juvenile, mental health, mental retardation, older Americans, poverty, rehabilitation, transportation, weatherization or other social service that may be defined in the future, and that is operated by a department utilizing state-administered funds, including related health and medical services and excepting income supplementation programs.

5. State-administered funds. "State-administered funds" means all General Funds, dedicated funds, federal funds, fees, grants, 3rd-party reimbursements, vendor payments or other funds or revenue available for expenditure by a department in support of the

provision of a social service.

§1643. Maine Social Services Plan

1. Development of plan. The departments, as defined in section 1642, shall develop the Maine Social Services Plan in accordance with any executive order issued by the Governor on June 9, 1983. Plan documents shall be published as specified by that order's timetable and in subsection 2.

2. Discussion and submission of the proposed plan. Discussion and submission of the proposed plan shall be as follows.

A. For the purpose of informal discussions and not later than September 15th, the departments shall prepare a written outline of social service information, including anticipated federal funding, anticipated current services (Part I) budget figures, policy matters, service priorities and their estimated costs and other program issues pertaining to operations. Copies of the outline shall be provided to the committees named in paragraph B and shall be widely distributed to the public and community social service agencies at least 10 calendar days prior to its presentation as described in paragraph B.

B. Prior to September 25th, the joint standing committee of the Legislature having jurisdiction over health and institutional services, in cooperation with the joint standing committee having jurisdiction over appropriations and financial affairs, may conduct a workshop or workshops relating to the outline. If a workshop is conducted, each of the 3 state agencies, respectively for the services they administer, shall informally present the outline. The committees may transmit recommendations and a summary of comments regarding the plan to appropriate state agencies and to the public.

C. The proposed plan containing all recommendations for the upcoming biennium shall be presented to the Legislature concurrently with the timetable provided in Title 5, section 1666, and its successors. An updated plan shall be presented to the Legislature at the Second Regular Session.

3. Comments on the proposed plan by the Legislature. Comments on the proposed plan shall be as follows.

A. The joint standing committee of the Legislature having jurisdiction over health and institutional services shall, during each Legislature, hold a public hearing or hearings on the proposed plan and report to the Legislature its findings, recommendations, legislation to authorize implementation of the plan as proposed or amended and any other necessary legislation.

B. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs shall prepare its recommendations on the proposed plan as part of its consideration of the biennial budget of state-administered funds and shall report any necessary legislation to the Legislature.

Effective September 23, 1983.

CHAPTER 496

H.P. 1322 - L.D. 1757

AN ACT to Improve the Evaluation of
Hearing Loss Under the Workers'
Compensation Act.

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

Sec. 1. 39 MRSA §193, sub-§3, as amended by PL 1979, c. 313, is further amended to read:

3. Determination of hearing loss. The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1,000 and 2,000 cycles per second. Hearing levels shall be measured by means of pure-tone air-conduction audiometric instruments calibrated in accordance with American National Standards Institute Standard S3-22-1976, Standards S3.6-1969-R 1973 and S3.13-1972, (ANSI) or American Standards Association Standard Z24.5, 1951 (ASA) and in an area with ambient noise level within the limits specified in American Standards Association American National Standards Institute Criteria for Background Noise in Audiometric Room Standard S3.1, 1960-R 1977. If the losses of hearing average 25 decibels or less (ANSI) or 15 decibels or less (ASA) in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of