

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

---

J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

---

---

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

---

---

service retirement allowance payments during the next calendar year. Those deductions shall be prorated on a monthly basis over the year or part of the year for which benefits are received in an equitable manner prescribed by the board of trustees. The service retirement allowance recipient shall be responsible for reimbursing the Maine State Retirement System for any excess payments not so deducted. If the retirement allowance payments are eliminated, he shall again become a member of the retirement system and he shall contribute thereafter at the current rate and when that member subsequently again retires, he shall receive such benefits as may be computed on his entire creditable service and in accordance with the then existing law.

Effective September 19, 1985.

---

---

## CHAPTER 63

S.P. 386 - L.D. 1056

AN ACT Making Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1985, and June 30, 1986.

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 will become due and payable prior to June 30, 1985; 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

Additional appropriation of General Fund. There is appropriated from the General Fund for the fiscal year beginning July 1, 1984, to June 30, 1985, to the departments listed, the sums identified in the following schedule.

	<u>1984-85</u>
<u>AGRICULTURE, FOOD AND RURAL RESOURCES,</u>	
<u>DEPARTMENT OF</u>	
Seed Potato Board	
Personal Services	\$ 3,823
Provides funds for approved reclassification of Clerk Typist III to Clerk IV and Clerk Typist I to Clerk Steno III.	
Agricultural and Rural Resource Development	
Personal Services	3,460
Provides funds for approved range change for Director, Bureau of Agricultural and Rural Resources.	
Administration - Agriculture	
Personal Services	2,500
All Other	3,000
Total	<u>5,500</u>
Provides funds to meet expenses related to meetings and hearings of the Maine Agricultural Bargaining Board for fiscal year 1985.	
Soil and Water Conservation Commission	
All Other	1,000
Provides funds for repairs to Androscoggin Dam.	
Pesticides Control - Board of	
All Other	<u>30,000</u>
Provides funds to continue the board's obsolete and illegal pesticides disposal program.	
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES	
TOTAL	\$ 43,783

1984-85

ATTORNEY GENERAL, DEPARTMENT OF

Administration - Attorney General  
Capital Expenditures \$ 18,000  
Provides funds for replacement  
of 2 automobiles.

DEPARTMENT OF ATTORNEY GENERAL  
TOTAL \$ 18,000

AUDIT, DEPARTMENT OF

Audit - Departmental Bureau  
Positions (2)  
Personal Services \$ 12,630  
All Other 15,000  
Capital Expenditures 2,000  
Provides funds to establish 2  
Electronic Data Processing Audi-  
tors and to expand audit pro-  
grams to include electronic data  
processing capability.

DEPARTMENT OF AUDIT  
TOTAL \$ 29,630

CONSERVATION, DEPARTMENT OF

Maine Conservation Corps  
All Other \$ 11,500  
Provides funds for workers' com-  
pensation benefits and costs as-  
sociated with a compensable  
claim.

Conservation - Central Administrative  
Services  
Personal Services 7,500  
All Other 7,192  
Total 14,692  
Provides funds to create a lim-  
ited period Accountant II posi-  
tion and necessary All Other in  
settlement of a workers' compen-  
sation claim.

DEPARTMENT OF CONSERVATION  
TOTAL \$ 26,192

1984-85

CORRECTIONS, DEPARTMENT OF

Administration - Corrections	
All Other	\$ 164,119
Provides funds for the payment of attorney fees and court judgments.	
Downeast Correctional Facility	
Personal Services	(31,551)
All Other	(21,217)
Total	<u>(52,768)</u>
Deappropriates funds to the Downeast Correctional Facility due to delays in receiving clear title to the property.	

DEPARTMENT OF CORRECTIONS	
TOTAL	\$ 111,351

DEFENSE AND VETERANS' SERVICES,  
DEPARTMENT OF

Civil Emergency Preparedness	
Positions	(1)
Personal Services	\$ 7,500
Provides funds to establish the position of Planning and Research Associate I on a 50/50 matching basis with available federal funds.	

Military Training and Operations	
Personal Services	3,922
Provides funds for reclassification of a Maintenance Mechanic to Maintenance Mechanic Foreman as a result of a grievance settlement.	

Military Training and Operations	
Positions	(1)
Personal Services	3,300
Provides funds for accounting support for administration of several federal-state agreements. Position recently approved by Federal Government for 87% federal reimbursement.	

Veterans' Memorial Cemetery	
Capital Expenditures	<u>19,000</u>

1984-85

Provides funds to replace a one-ton 4-wheel drive dump truck acquired from surplus property in 1976.

DEPARTMENT OF DEFENSE AND VETERANS'  
SERVICES

TOTAL \$ 33,722

EDUCATIONAL AND CULTURAL SERVICES,  
DEPARTMENT OF

Northern Maine Vocational-Technical  
Institute

All Other \$ 30,000

Provides additional funds needed for increased utility expenses and repairs to the Northern Maine Vocational-Technical Institute facilities.

Southern Maine Vocational-Technical  
Institute

Personal Services 17,498

Provides funds for employer retirement costs in accordance with approved settlement.

Special Education - Exceptional Children

All Other 9,676

Provides funds for workers' compensation benefits.

Library Development

Personal Services 5,618

Provides funds for the reclassification of a Librarian II to a Community Services Librarian as the result of an arbitrator's decision.

DEPARTMENT OF EDUCATIONAL AND CULTURAL  
SERVICES

TOTAL \$ 62,792

EXECUTIVE DEPARTMENT

Development Office

Capital Expenditures \$ 20,000

Provides funds to upgrade computer capability, i.e. advance capability for 3 secretaries to work on at one time.



1984-85

EXECUTIVE DEPARTMENT  
TOTAL

\$ 20,000

FINANCE AND ADMINISTRATION, DEPARTMENT OF

## Accounts and Control

## All Other

Provides funds to meet increased  
computer costs.

\$ 80,000

## Bureau of Public Improvements

## All Other

Provides funds for increased fu-  
el costs relating to additional  
facilities which were renovated  
and are now used as office  
space, primarily at the Augusta  
Mental Health Institute.130,000DEPARTMENT OF FINANCE AND ADMINISTRATION  
TOTAL

\$ 210,000

HUMAN SERVICES, DEPARTMENT OF

## Bureau of Administration

## All Other

## Capital Expenditures

Provides funds, by transfer, for  
purchase of word processing  
equipment.

\$ (17,200)

17,200

## DEPARTMENT OF HUMAN SERVICES

## TOTAL

\$ 0

MAINE INDIAN TRIBAL-STATE COMMISSION

## Maine Indian Tribal-State Commission

## All Other

Provides funds for fiscal year  
1985 operations.\$ 11,250

## MAINE INDIAN TRIBAL-STATE COMMISSION

## TOTAL

\$ 11,250

LEGISLATURE

## Legislature

## All Other

## Capital Expenditures

Provides funds for repair to the  
legislative area of the State-

\$ 200,000

175,000

1984-85

house and other necessary expenses.

## LEGISLATURE

TOTAL \$ 375,000

MENTAL HEALTH AND MENTAL RETARDATION,  
DEPARTMENT OF

## Mental Retardation Services - Community

All Other \$ 500,000

Provides funds to ensure continued compliance with the Pineland Consent Decree and maintain existing community placements for 250 individuals and their families.

## Military and Naval Children's Home

Positions (1)

Personal Services 3,976

Provides funds to hire additional staff to serve the needs of a greater number of children in the home.

## Pineland Center

All Other 322,455

Provides funds to meet anticipated workers' compensation expenses in 3rd and 4th quarters of fiscal year 1985.

## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

TOTAL \$ 826,431

PUBLIC SAFETY, DEPARTMENT OF

## State Police

Personal Services \$ 59,486

Provides funds to offset increases in the state cost of employees' health insurance premiums.

## DEPARTMENT OF PUBLIC SAFETY

TOTAL \$ 59,486

SECRETARY OF STATE, DEPARTMENT OF

1984-85

Secretary of State - Administration Personal Services	\$ 2,950
Provides funds to cover the Secretary of State's salary increase.	
DEPARTMENT OF SECRETARY OF STATE TOTAL	\$ 2,950
<u>TRANSPORTATION, DEPARTMENT OF</u>	
Aeronautics - Administration Personal Services	\$ 967
Provides funds to restore a Clerk Steno III position in the Division of Aeronautics.	
DEPARTMENT OF TRANSPORTATION TOTAL	\$ 967
<u>TREASURER OF STATE, OFFICE OF</u>	
Treasurer Departmental Operations Personal Services	\$ 3,790
Provides funds to cover the State Treasurer's salary increase.	
OFFICE OF TREASURER OF STATE TOTAL	\$ 3,790
<u>WORKERS' COMPENSATION COMMISSION</u>	
Workers' Compensation Commission Personal Services	\$ 61,256
All Other	577
Capital Expenditures	10,355
Provides funds for 4 90-day data entry operator project positions as part of the commission's computerization conversion project; provides funds for reclassification of Employee Assistant positions; provides funding for the Assistant Director of Administrative Services; and provides funds for one processor/terminal for each of the 4 regional offices.	
WORKERS' COMPENSATION COMMISSION TOTAL	\$ 72,188

	1984-85
TOTAL PART A	\$1,907,532

PART B

Appropriation. There is appropriated from the General Fund for fiscal year June 30, 1985, to provide for a study on milk pricing, the following.

1984-85

AGRICULTURE, FOOD AND RURAL  
RESOURCES, DEPARTMENT OF

Unallocated	\$30,000
-------------	----------

Funds appropriated in this Part shall not lapse, but shall carry forward to June 30, 1986, to be expended for the same purpose only. In the event that the emergency legislation pertaining to this Part should fail to be enacted, the funds appropriated in this Part shall lapse to the General Fund.

PART C

Appropriation. There is appropriated from the General Fund for the fiscal years ending June 30, 1985, and June 30, 1986, to provide for a Joint Select Committee on Economic Development the following.

	<u>1984-85</u>	<u>1985-86</u>
--	----------------	----------------

LEGISLATURE

Legislature		
Personal Services	\$2,000	\$7,000
All Other	<u>750</u>	<u>2,650</u>

In the event that the emergency legislation pertaining to this Part should fail to be enacted, the funds appropriated in this Part shall lapse to the General Fund.

	1984-85	1985-86
LEGISLATURE		
TOTAL	\$2,750	\$9,650

PART D

PL 1983, c. 824, Pt. A, under the caption AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF, is amended by striking out all of that part relating to "Seed Potato Board," and inserting in its place the following:

<u>Seed Potato Board</u>		
<u>Unallocated</u>	<u>170,000</u>	<u>170,000</u>
<u>Provides funding for the administration and improvement of the Seed Potato Program. Funds appropriated for this program shall not be used for any other purpose, shall be non-lapsing and may be transferred to the Seed Potato Board enterprise account.</u>		

PART E

PL 1983, c. 477, Pt. B, is amended by striking out all of that part under the caption CONSERVATION CORPS, MAINE, and inserting in its place the following:

CONSERVATION CORPS, MAINE

<u>Maine Conservation Corps</u>		
<u>Positions</u>	<u>(1)</u>	<u>(1)</u>
<u>Personal Services</u>	<u>\$53,000</u>	<u>\$58,100</u>
<u>All Other</u>	<u>5,000</u>	<u>5,000</u>
<u>Capital Expenditures</u>	<u>2,000</u>	<u>2,000</u>
<u>Provides funds to implement provisions of proposed legislation to create</u>		

the Maine Conservation Corps. Any balance remaining on June 30, 1985, shall not lapse, but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal year.

<u>MAINE CONSERVATION CORPS</u>		
<u>TOTAL</u>	<u>\$60,000</u>	<u>\$65,100</u>

PART F

19 MRSA §514, as repealed and replaced by PL 1981, c. 67, Pt. H, is amended to read:

§514. Dedicated funds

All collections, fees and incentive payments received by the department from child support collections shall be dedicated to reduce the State's general fund share of Aid for Families with Dependent Children and to cover the costs of making such collections. The department shall not expend more than ~~\$250,000~~ \$400,000 of incentive payment revenue in any fiscal year for the purpose of covering the costs of making child support collections.

PART G

39 MRSA §92, sub-§2, as enacted by PL 1983, c. 479, §16, is repealed and the following enacted in its place:

2. Employees. The chairman shall appoint, supervise and direct, an Assistant Director of Administrative Services, whose salary shall be equal to employees in supervisory services and, subject to the Personnel Law, a Director of Administrative Services, full-time or part-time reporters and such legal and clerical assistance as may be necessary.

## PART H

Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1986, to provide adequate funding for the State's vocational-technical institutes the following.

	<u>1985-86</u>
<u>EDUCATIONAL AND CULTURAL SERVICES,</u>	
<u>DEPARTMENT OF</u>	
Central Maine Vocational- Technical Institute	
Positions	(1)
Personal Services	\$ 32,908
Eastern Maine Vocational- Technical Institute	
Positions	(7)
Personal Services	193,727
Kennebec Valley Vocation- al-Technical Institute	
Positions	(9)
Personal Services	213,489
Northern Maine Vocational- Technical Institute	
Positions	(16)
Personal Services	423,227
Southern Maine Vocational- Technical Institute	
Positions	(32)
Personal Services	840,110
Washington County Voca- tional-Technical Institute	
Positions	(7)
Personal Services	<u>147,039</u>
DEPARTMENT OF EDUCATIONAL AND CUL- TURAL SERVICES	
TOTAL	\$1,850,500

If the proposed changes in the regulations established by the Federal Government regarding the expenditure of federal funds for vocational education are amended, the funds appropriated in this Part shall be adjusted accordingly. In the event that

the Department of Educational and Cultural Services receives permission to expend the federal funds in the same manner as has previously been permitted, all funds appropriated in this Part shall lapse to the General Fund.

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

Effective April 4, 1985.

---

---

## CHAPTER 64

H.P. 132 - L.D. 157

AN ACT to Amend the Town Manager Plan Under the Municipal Law.

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

30 MRSA §2312, as enacted by PL 1969, c. 438, §1, is amended to read:

§2312. Qualifications of town manager

The town manager shall be chosen by the board of selectmen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, the duties of office as set forth. At the time of his appointment, he need not be a resident of the municipality or State, but during his tenure of office he may reside outside the municipality or State only with the approval of the board of selectmen. A town manager may not serve as moderator, selectman, assessor or member of the school committee.

Effective September 19, 1985.

---

---