

# MAINE STATE LEGISLATURE

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**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.

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

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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## CHAPTER 323

H.P. 632 - L.D. 900

AN ACT Making Unified Appropriations and Allocations for the Expenditures of State Government, Department of Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §7017, sub-§3, as enacted by PL 1983, c. 819, Pt. A, §17, is amended to read:

3. Revenues. Actual revenues received in excess of that estimated and allocated by the Legislature shall not be expended without allocation by the Legislature, except that excess federal revenues received shall be subject to the expenditure provisions of Title 5, section 1669.

Sec. 2. Appropriations and allocations. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1986, and June 30, 1987, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

Sec. 3. Allotments required. Upon receipt of allotments duly approved by the Governor based upon

work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other purposes necessary to the conduct of State Government on the basis of these allotments and not otherwise. Allotments for Personal Services, Capital Expenditures and amounts for All Other departmental expenses shall not exceed the amounts shown in the budget document or as they may be revised by the joint standing committee of the Legislature having jurisdiction over these appropriations and allocations, unless recommended by the State Budget Officer and approved by the Governor in accordance with established law.

Sec. 4. Borrowing from the General Fund. To resolve cash-flow problems within the Department of Inland Fisheries and Wildlife, subject to approval of the Governor, the department may borrow up to \$1,000,000 from the General Fund during each of the fiscal years 1985-86 and 1986-87. Any money borrowed shall be repaid to the General Fund before the end of the fiscal year in which the money is borrowed. The rate of interest shall be determined by the Treasurer of State, based on the average rate of interest earned on funds invested during the period of the loan.

Sec. 5. Personal Services funding. The amounts provided for Personal Services in the General Fund, Highway Fund and Department of Inland Fisheries and Wildlife funds are subject to the provision that the total number of permanent positions and the costs thereof in any account shall not, during either year of the biennium, either exceed the authorized position numbers shown in parentheses which are used by the Legislature in computing the total dollars to be made available for Personal Services or deviate from the specific cost components upon which appropriations and allocations are based, except as provided for in section 6. The State Budget Officer may require any department or agency to submit such information as may be deemed necessary to assure compliance with this provision. In other funds, the numbers in parentheses are estimates of full-time equivalents.

Savings accrued within appropriations or allocations made for Personal Services may be used for payment of nonrecurring Personal Services costs, such as those relating to: Unbudgeted overtime; acting capacity appointment; retroactive compensation for reclassifications or reallocations; retroactive or one-time settlements related to arbitrator or court decisions; and required additional retirement contributions, when recommended by the department or agency head and approved by the State Budget Officer.

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

Sec. 6. Workers' compensation positions. Limited period positions may be established for former regular employees of the State who are presently receiving workers' compensation payments from the State when that action will enable those employees to return to productive employment with the State. These positions may be established, providing funds are available, only until such time as those employees can be returned to regular positions.

Notwithstanding any other restriction on funds appropriated or allocated, the State Budget Officer may, if he determines that funds are available, either approve the use of these funds or recommend appropriate action to the Governor when his approval is required.

Available funds may include amounts appropriated or allocated for Personal Services, including funds in any salary account or special account for state employee salary increases, All Other, Capital Expenditures and unallocated.

Sec. 7. Personal Services policy and review. The Bureau of the Budget, during this biennium, shall continually review with all departments the status of their manpower levels and staffing patterns for the purpose of determining whether funds and positions are being utilized and managed in the most economical and efficient manner to accomplish the intent of the Legislature. Permanent positions for which funds are appropriated or allocated shall be classified positions, unless specifically designated otherwise by the Legislature. It shall be the responsibility of the Commissioner of Personnel and the State Budget Officer to ensure that classified and unclassified positions are assigned to a proper pay grade within authorized funds.

Sec. 8. Personal Services flexibility. Any classification or reclassification of a position and any allocation or reallocation of a position within the compensation plan made by the Commissioner of Personnel pursuant to the Personnel Law and rules shall become effective on the first day of the fiscal year following approval by the State Budget Officer, and the appropriation or allocation of funds therefor, except that the State Budget Officer may, if he determines that sufficient funds exist, authorize an

effective date prior to the first day of the ensuing fiscal year. Copies of all actions and certifications shall be furnished to the Legislative Finance Officer.

Sec. 9. Merit rating required. It is declared to be the policy of the State that, in those instances where annual merit increases are earned and warranted as evidenced by the performance appraisals, they shall be awarded. In those instances where increases are not earned and warranted, they shall be denied.

In furtherance of this policy, the Commissioner of Personnel, utilizing a form or forms prescribed by the commissioner, is directed to require annual merit ratings on all employees, regardless of whether or not the employee is eligible or recommended for a merit increase. The form or forms prescribed by the commissioner, in addition to a performance appraisal section, shall include a section wherein each probationary employee's supervisor shall indicate the extent to which the employee has been oriented to the duties and responsibilities of his position. In every instance where an employee is not awarded a merit increase, a record of the reasons therefor and the actions recommended by the employee's supervisor to correct deficiencies, if any, shall be recorded in the performance appraisal.

The Commissioner of Personnel is also directed to develop and install a training program for supervisory personnel, including appropriate guides and manuals, which shall ensure that all evaluators charged with the responsibility of doing employee merit ratings shall do so fairly and equitably, one employee to the next and one organizational unit to another.

The Commissioner of Personnel shall supply to the State Personnel Board all data necessary to monitor and evaluate the performance appraisal system, including data regarding the percentage and distribution of merit increases. The board, pursuant to its powers under the Maine Revised Statutes, Title 5, section 592, will review the operation of the performance evaluation system and make such recommendations and render such advice to the Commissioner of Personnel as may be necessary to carry out the purposes of this Act.

The Commissioner of Personnel shall forward to the joint standing committee of the Legislature having jurisdiction over State Government the findings and recommendations of the State Personnel Board, annually, prior to the start of the legislative session.

Sec. 10. Number of necessary employees. The Governor and the State Budget Officer when next preparing budget proposals for the Legislature may at their discretion adjust the figures in parentheses, representing numbers of positions, to reflect the number of positions which, in their opinion, are necessary to the proper operation of each department, institution or agency.

Sec. 11. New or expanded programs. No department may establish new programs or expand existing programs beyond the scope of those programs already established, recognized and approved by the Legislature, until the program and the method of financing are submitted to the Bureau of the Budget for evaluation and recommendation to the Legislature and until the funds are made available therefor by the Legislature.

Sec. 12. Federally-funded programs. It is the intent of the Legislature that, in the event federal funds are not available as anticipated for programs in this Act, there is no obligation to provide state funds in excess of those listed in this Act. Positions entirely or partially funded by federal or other than state sources of funds shall be considered as limited period positions.

Sec. 13. Travel limitations. It is the intent of the Legislature that out-of-state travel be limited. Any state employee who travels out of state on state business, such as law enforcement, collecting, bidding, industrial development or loans, may continue to do so. The Legislature directs that department heads hold down cost of all travel where it is not absolutely needed. A state employee shall not be reimbursed for noon meals, unless the expense is incurred while traveling on state business and lodging is required. Any state employee who attends a seminar or other program which includes the cost of a noon meal as part of the tuition or registration fee will not be required to reimburse the State for that meal.

Sec. 14. Equipment to be reviewed. The Commissioner of Finance and Administration, through the State Purchasing Agent or such other agent as he may choose, shall conduct a thorough review of all types of equipment owned, leased or otherwise available to the several departments and agencies of the State, regardless of the source of supporting funds, combining their use, providing centralized facilities or eliminating existing equipment and facilities, as he believes to be in the most economical, most efficient and best interests of the State. The Commissioner of Finance and Administration may develop and institute such review and control mechanisms as are necessary



to ensure that capital equipment purchases authorized by the Legislature are consistent with the intent for which funds were recommended and made available.

Sec. 15. Motor vehicle replacement policy. The State Purchasing Agent is directed to require that requisitions for replacement motor vehicles include the age and total mileage of the motor vehicle being replaced. For the purposes of this section, motor vehicles are defined as passenger cars, and panel and pickup trucks, excluding those vehicles authorized and assigned for pursuit purposes. Under no circumstances are any state vehicles to be used primarily for commuting purposes. It is the intent of the Legislature that motor vehicles shall have been in service for at least 5 years or 75,000 miles before they are replaced. This policy shall also be adopted by the State Budget Officer when next preparing a budget document. Exceptions to the established replacement policy shall require the prior approval of the Commissioner of Finance and Administration. The Commissioner of Finance and Administration may also set appropriate standards with regard to motor vehicle type, size and equipment and direct that all motor vehicles be purchased in accordance with an established commodity calendar.

Sec. 16. Significant action recommended by the State Budget Officer. The Bureau of the Budget shall inform the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, through the Legislative Finance Office, of significant action recommended by the bureau in the performance of the budget responsibilities assigned.

Sec. 17. State Cost Allocation Program. The State Cost Allocation Program shall annually identify the kind and cost of central services furnished to each state agency from General Fund appropriations. The non-General Fund portion of each agency shall be assessed for these services as determined by the State Cost Allocation Program procedures to the extent these payments are not expressly prohibited by state or federal law or by the terms of a gift or donation made to the State from private sources. These payments shall be credited to the General Fund as undedicated revenue. The State Budget Officer may adjust this assessment to any individual account.

Non-General Fund resources which contribute towards funding costs related to general department-wide functions, such as accounting, personnel administration, maintenance of property records and general purchasing, that have been made available to an account by legislative action may be consolidated into one or more administrative ac-

counts, unless such a consolidation is expressly prohibited by state or federal law. All resources and costs affected by such consolidation shall be properly identified and included in the budget process in accordance with the Maine Revised Statutes, Title 5, chapter 149. When the Legislature is not in session, upon recommendation of the State Budget Officer, the Governor may approve necessary adjustments to these consolidations for a period not to extend beyond the end of the fiscal year. The Legislative Finance Officer shall be notified of any such action. The unencumbered balance of each administrative account established pursuant to this section shall be carried forward at the end of each fiscal year and the budgeted transfers to the administrative account for the ensuing year shall be proportionally reduced by the amount of that carried balance.

Sec. 18. Unified state budget. The Governor, when submitting the budget to the Legislature, shall submit the budget document and the General Fund, Highway Fund and funds of the Department of Inland Fisheries and Wildlife bills in a manner that will identify the gross amount of resources for each program. The gross unified budget bills and budget document shall encompass resources from all funds, including, but not limited to: General Fund, Highway Fund, Federal Fund, Federal Block Grant Fund and other special revenue funds. Separate gross unified budget bills shall be submitted for the General Fund, the Highway Fund and the Department of Inland Fisheries and Wildlife funds.

Sec. 19. Line category amounts of General Fund, Highway Fund and the Department of Inland Fisheries and Wildlife funds. The amounts included in the unified state budget by line category are the amounts included immediately under the "appropriations and allocations" section of the individual pages in the budget document for the General Fund, the Highway Fund and the Department of Inland Fisheries and Wildlife funds. These amounts, as adjusted by the Legislature, will be used when preparing work programs by fund for each fiscal year of the biennium.

Sec. 20. Multiple accounts certification. If any amounts identified to a fund in the source of funds section are to be distributed to more than one account within that fund, the department or agency head responsible for those funds shall certify to the State Budget Officer the amounts included in each account by line category and, additionally, shall certify that the sum of the accounts by fund, by line category, equals the approved totals of the program within the Act.

Sec. 21. Year-end closing. The State Controller may close the books as soon as practicable after the close of the fiscal years ending June 30, 1986, and June 30, 1987. Any bills presented after those dates may be paid from appropriations or allocations for the ensuing year on recommendation of the State Controller if within the amounts of approved allotments.

Sec. 22. Appropriation and allocation balances at year end. At the end of each fiscal year, all unencumbered appropriation and allocation balances shall lapse into the fund or the account balance and shall not be available unless authorized by law. At the end of each fiscal year, all encumbered balances shall not be carried more than once.

Sec. 23. Reorganization of departments. No department or agency may be allowed to reorganize between accounts in the Part I current services budget. Any such reorganization shall be submitted in the Part II new or expanded services budget or separate legislation.

Sec. 24. Appropriation or allocation of funds. Any funds appearing in this Act which are specifically appropriated or allocated in another Act are included in this Act for informational purposes only. All governmental funds not specifically appropriated or allocated in another Act are appropriated or allocated in accordance with section 1.

Sec. 25. Other appropriation and allocation measures. It is intended that the language in this Act, except for section 24, shall apply to all other appropriation and allocation measures enacted by the Legislature.

	<u>1985-86</u>	<u>1986-87</u>
<u>UNIFIED BUDGET ACT - DEPARTMENT OF</u>		
<u>INLAND FISHERIES AND WILDLIFE -</u>		
<u>CURRENT SERVICES</u>		
<u>INLAND FISHERIES AND WILDLIFE,</u>		
<u>DEPARTMENT OF</u>		
Office of the Commissioner -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(15.0)	(15.0)
Personal Services	\$ 452,276	\$ 459,723
All Other	365,587	382,755
Capital Expenditures	29,635	4,446
Total	<u>\$ 847,498</u>	<u>\$ 846,924</u>
Other Special Revenue		
Office of the Commissioner-		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(15.0)	(15.0)
Personal Services	\$ 364,529	\$ 371,761
All Other	358,301	376,351
Capital Expenditures	29,635	4,446
Total	<u>\$ 752,465</u>	<u>\$ 752,558</u>

	<u>1985-86</u>	<u>1986-87</u>
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 95,033	\$ 94,366
Other Special Revenue		
Position Count	(15.0)	(15.0)
Allocations-Appropriations	752,465	752,558
Total	<u>\$ 847,498</u>	<u>\$ 846,924</u>
Bureau of Administrative Services -		
Inland Fisheries and Wildlife		
Administrative Services -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(21.0)	(21.0)
Personal Services	\$ 473,040	\$ 483,817
All Other	516,266	472,083
Capital Expenditures	21,028	13,255
Total	<u>\$1,010,334</u>	<u>\$ 969,155</u>
Other Special Revenue		
Administrative Services -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(21.0)	(21.0)
Personal Services	\$ 473,040	\$ 483,817
All Other	516,266	472,083
Capital Expenditures	21,028	13,255
Total	<u>\$1,010,334</u>	<u>\$ 969,155</u>
Source		
Other Special Revenue		
Licensing Services - Inland		
Fisheries and Wildlife		
Positions-Legislative Count	(16.0)	(16.0)
Personal Services	\$ 319,977	\$ 328,355
All Other	289,149	301,249
Capital Expenditures	1,760	1,902
Total	<u>\$ 610,886</u>	<u>\$ 631,506</u>
Other Special Revenue		
Licensing Services - Inland		
Fisheries and Wildlife		
Positions-Legislative Count	(16.0)	(16.0)
Personal Services	\$ 264,284	\$ 272,662
All Other	273,505	285,605
Capital Expenditures	1,760	1,902
Total	<u>\$ 539,549</u>	<u>\$ 560,169</u>
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 71,337	\$ 71,337
Other Special Revenue		
Position Count	(16.0)	(16.0)
Allocations-Appropriations	539,549	560,169
Total	<u>\$ 610,886</u>	<u>\$ 631,506</u>
Whitewater Rafting Fund		
All Other	\$ 5,000	\$ 5,000
Other Special Revenue		
County 10% - Whitewater		
Rafting Fund		
All Other	\$ 5,000	\$ 5,000

	<u>1985-86</u>	<u>1986-87</u>
Source		
Other Special Revenue		
Atlantic Sea Run Salmon Commission		
Atlantic Sea Run Salmon Commission		
Positions-Legislative Count	(6.0)	(6.0)
Personal Services	\$ 187,393	\$ 191,354
All Other	92,319	94,053
Capital Expenditures	41,000	41,523
Total	<u>\$ 320,712</u>	<u>\$ 326,930</u>
Other Special Revenue		
Atlantic Sea Run Salmon		
All Other	\$ 22,500	\$ 22,500
Source		
General Fund		
Position Count	(6.0)	(6.0)
Allocations-Appropriations	\$ 231,429	\$ 237,647
Federal Expenditure Fund		
Allocations-Appropriations	66,783	66,783
Other Special Revenue		
Allocations-Appropriations	22,500	22,500
Total	<u>\$ 320,712</u>	<u>\$ 326,930</u>
Bureau of Resource Management - Inland Fisheries and Wildlife		
Endangered Non-game Operations		
Positions-Legislative Count	(3.0)	(3.0)
Personal Services	\$ 79,964	\$ 82,699
All Other	149,402	149,404
Total	<u>\$ 229,366</u>	<u>\$ 232,103</u>
Other Special Revenue		
Endangered Non-game - Inland Fisheries and Wildlife		
Positions-Legislative Count	(3.0)	(3.0)
Personal Services	\$ 70,964	\$ 73,699
All Other	58,402	58,404
Total	<u>\$ 129,366</u>	<u>\$ 132,103</u>
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 100,000	\$ 100,000
Other Special Revenue		
Position Count	(3.0)	(3.0)
Allocations-Appropriations	129,366	132,103
Total	<u>\$ 229,366</u>	<u>\$ 232,103</u>
Fisheries and Hatcheries Operations		
Positions-Legislative Count	(53.0)	(53.0)
Personal Services	\$1,480,258	\$1,512,681
All Other	587,501	577,874
Capital Expenditures	95,279	89,688
Total	<u>\$2,163,038</u>	<u>\$2,180,243</u>
Other Special Revenue		
Fisheries and Hatcheries		
Positions-Legislative Count	(53.0)	(53.0)
Personal Services	\$1,230,258	\$1,262,681
All Other	587,501	577,874
Capital Expenditures	95,279	89,688
Total	<u>\$1,913,038</u>	<u>\$1,930,243</u>

	<u>1985-86</u>	<u>1986-87</u>
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 250,000	\$ 250,000
Other Special Revenue		
Position Count	(53.0)	(53.0)
Allocations-Appropriations	<u>1,913,038</u>	<u>1,930,243</u>
Total	<u>\$2,163,038</u>	<u>\$2,180,243</u>
Resource Management Services -		
Inland Fisheries and Wildlife		
Positions - Legislative	(53.0)	(53.0)
Count		
Personal Services	\$1,582,595	\$1,593,027
All Other	853,381	737,174
Capital Expenditures	<u>107,550</u>	<u>112,266</u>
Total	<u>\$2,543,526</u>	<u>\$2,442,467</u>
Other Special Revenue		
Resource Management - Inland		
Fisheries and Wildlife		
Positions - Legislative	(53.0)	(53.0)
Count		
Personal Services	\$ 748,174	\$ 761,786
All Other	204,139	191,241
Capital Expenditures	<u>63,112</u>	<u>99,366</u>
Total	<u>\$1,015,425</u>	<u>\$1,052,393</u>
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$1,528,101	\$1,390,074
Other Special Revenue		
Position Count	(53.0)	(53.0)
Allocations-Appropriations	<u>1,015,425</u>	<u>1,052,393</u>
Total	<u>\$2,543,526</u>	<u>\$2,442,467</u>
Bureau of Warden Services -		
Inland Fisheries and Wildlife		
Enforcement Operations -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(135.0)	(135.0)
Personal Services	\$4,900,800	\$4,965,115
All Other	1,013,651	1,027,529
Capital Expenditures	<u>454,008</u>	<u>286,316</u>
Total	<u>\$6,368,459</u>	<u>\$6,278,960</u>
Other Special Revenue		
Enforcement Operations -		
Inland Fisheries and		
Wildlife		
Positions-Legislative Count	(135.0)	(135.0)
Personal Services	\$4,766,481	\$4,830,796
All Other	939,957	953,835
Capital Expenditures	<u>451,857</u>	<u>284,165</u>
Total	<u>\$6,158,295</u>	<u>\$6,068,796</u>
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 210,164	\$ 210,164
Other Special Revenue		
Position Count	(135.0)	(135.0)
Allocations-Appropriations	<u>6,158,295</u>	<u>6,068,796</u>
Total	<u>\$6,368,459</u>	<u>\$6,278,960</u>

	<u>1985-86</u>	<u>1986-87</u>
Whitewater Rafting - Inland Fisheries and Wildlife		
Personal Services	\$ 29,250	\$ 29,250
All Other	<u>3,250</u>	<u>3,250</u>
Total	\$ 32,500	\$ 32,500
Other Special Revenue		
Whitewater Rafting - Inland Fisheries and Wildlife		
Personal Services	\$ 29,250	\$ 29,250
All Other	<u>3,250</u>	<u>3,250</u>
Total	\$ 32,500	\$ 32,500
Source		
Other Special Revenue		
Allocations-Appropriations	\$ 32,500	\$ 32,500
Summary: Department of Inland Fisheries and Wildlife		
Positions-Legislative Count	(302.0)	(302.0)
Personal Services	\$9,505,553	\$9,646,021
All Other	3,875,506	3,750,371
Capital Expenditures	<u>750,260</u>	<u>549,396</u>
Total	\$14,131,319	\$13,945,788
Other Special Revenue		
Positions-Legislative Count	(296.0)	(296.0)
Personal Services	\$7,946,980	\$8,086,452
All Other	2,968,821	2,946,143
Capital Expenditures	<u>662,671</u>	<u>492,822</u>
Total	\$11,578,472	\$11,525,417
Source		
General Fund		
Allocations-Appropriations	\$ 231,429	\$ 237,647
Position Count	(6.0)	(6.0)
Federal Expenditure Fund		
Allocations-Appropriations	2,321,418	2,182,724
Other Special Revenue		
Allocations-Appropriations	11,578,472	11,525,417
Position Count	<u>(296.0)</u>	<u>(296.0)</u>
Total	\$14,131,319	\$13,945,788
SUMMARY: DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
Total	\$14,131,319	\$13,945,788

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1985.

Effective July 1, 1985.

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## CHAPTER 324

H.P. 663 - L.D. 946

AN ACT Relating to Requirements for Removal  
of Mobile Homes from Mobile Home  
Parks.