

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 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

Sec. 2. 17-A MRSA §1253, sub-§3-B, as amended by PL 1983, c. 456, §5, is further amended to read:

3-B. Beginning October 1, 1983, each person sentenced, to imprisonment for 6 months or less shall be entitled to receive a deduction of 3 days per month calculated from the first day of his delivery into the custody of the department, to include the full length of the unsuspended portion of his sentence, for observing all the rules of the department and institution, except this provision shall not apply to the suspended portion of a persons sentence pursuant to split sentences under section 1203. All persons committed to the custody of the Department of Corrections prior to the effective date of this subsection shall have these provisions applied prospectively to the portion of their sentences remaining to be served.

Sec. 3. 17-A MRSA §1254, sub-§3, as amended by PL 1981, c. 493, §3, is further amended to read:

3. All persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect prior to the effective date of this code shall be released and discharged according to the law as it was in force prior to the effective date of this code and such law shall continue in force for this purpose as if this code were not enacted, provided that any such person who is entitled to a deduction of 7 days a month from his sentence under the provisions of Title 34, section 705, may elect to have 10 days a month deducted instead of 7. Any such election shall apply to the entire sentence, including that portion of the sentence served prior to the effective date of this code.

Effective September 19, 1985.

CHAPTER 457

H.P. 472 - L.D. 675

AN ACT to Make Supplemental Allocations from the Federal Expenditure Fund, Special Revenue Funds and to Change 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 Legis-

lature 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 on or immediately after July 1, 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:

Sec. 1. Supplemental allocation of Federal Expenditure Fund. Income to the Federal Expenditure Fund for the next 2 fiscal years, from July 1, 1985, to June 30, 1986, and from July 1, 1986, to June 30, 1987, shall be segregated, apportioned and disbursed as designated in the following schedule.

1985-86 1986-87

CONSERVATION, DEPARTMENT OF

Geological Survey	
Personal Services	\$ 12,642
All Other	<u>100,089</u>
	112,731

To provide federal funding to the Bureau of Geology to implement Maine's Coastal Management Program. Authorization is provided for the funds to be transferred from the State Planning Office account to the Bureau of Geology where the funds will be expended.

Geological Survey		
Personal Services	493	906

	<u>1985-86</u>	<u>1986-87</u>
Provides continued funding for a reclassification approved in fiscal year 1985 of a Clerk Typist I to a Clerk Typist II position.		
Geological Survey		
Positions	(1)	(1)
Personal Services	2,290	3,469
Provides funds for a reallocation of a Senior Geologist to Physical Geologist.		
Geological Survey		
Personal Services	10,707	
Provides funds to create a project Data Entry Operator for a period of 9 months.		
DEPARTMENT OF CONSERVATION		
TOTAL	<u>\$126,221</u>	<u>\$4,375</u>
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		
Human Development & Guidance		
Positions	(2)	(2)
Personal Services	\$40,371	\$43,681
All Other	<u>(21,783)</u>	<u>(21,783)</u>
	18,588	21,898
Provides funds for the transfer of 2 positions from a special revenue account to the federally funded Alcohol and Drug Education Prevention Program.		
Vocational-Technical Institute - Kennebec Valley		
Positions	(1)	(1)
Personal Services	24,426	26,134
All Other	11,884	10,176
Capital Expenditures	<u>13,690</u>	<u>13,690</u>
	50,000	50,000

	<u>1985-86</u>	<u>1986-87</u>
Provides funds to continue the Emergency Medical Technology Program at Kennebec Valley Vocational-Technical Institute.		
Education of Children of Low Income Families (Title I)		
Positions	(6)	(6)
Personal Services	149,319	150,763
All Other	(149,319)	(150,763)
	<u>0</u>	<u>0</u>
Provides Personal Services funds to permit the Department of Educational and Cultural Services to assume operating responsibility for the federal Maine Migrant Education Program.		
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES		
TOTAL	<u>\$68,588</u>	<u>\$71,898</u>
<u>EXECUTIVE DEPARTMENT</u>		
Planning Office		
Personal Services	\$16,418	
All Other	<u>588</u>	
	<u>17,006</u>	
To provide federal funding for the Crystalline Rock Project per agreement between the Department of Conservation and the Executive Department. Authorization is provided for the funds to be transferred from the Bureau of Geology account to the State Planning Office ac-		

count, where the funds will be expended to continue this project.

	<u>1985-86</u>	<u>1986-87</u>
Planning Office		
Personal Services	30,223	30,223
All Other	<u>6,500</u>	<u>6,500</u>
	36,723	36,723

To provide federal funding to implement an anticipated Executive Order directing Maine Land and Water Resources Council to establish a Standing Committee on Ground Water. Authorization is provided for the funds to be transferred from the Department of Environmental Protection account to the State Planning Office account, where the funds will be expended.

EXECUTIVE DEPARTMENT		
TOTAL	<u>\$53,729</u>	<u>\$36,723</u>

HUMAN SERVICES, DEPARTMENT OF

Administration - Income Maintenance		
Positions	(25)	(25)
Personal Services	\$529,366	\$570,718
All Other	146,573	146,573
Capital Expenditures	<u>17,565</u>	<u>17,565</u>
	693,504	717,291

Provides funds to increase the federal share of child support enforcement staff.

Vocational Rehabilitation		
Positions	(3)	(3)
Personal Services	63,827	69,676

	<u>1985-86</u>	<u>1986-87</u>
All Other	180,769	180,324
Capital Expenditures	<u>1,404</u>	<u>180,324</u>
	246,000	250,000
<p>Provides funds to create 3 new case management positions to work with severely disabled clients needing independent living rehabilitation services.</p>		
Child Welfare Services		
Positions	(2)	(2)
Personal Services	59,196	62,743
All Other	6,400	5,800
Capital Expenditures	<u>648</u>	<u>5,800</u>
	66,244	68,543
<p>Provides funding for additional social services staff. General Fund match of 25% is required.</p>		
Vocational Rehabilitation - Bureau of		
Positions	(5)	(5)
Personal Services	79,190	86,305
All Other	16,700	16,380
Capital Expenditures	<u>4,070</u>	<u>16,380</u>
	99,960	102,685
<p>Provides funding to establish new case aid positions to assist Vocational Rehabilitation Counselors in paper processing, scheduling of client services and routine evaluation activities.</p>		
Administration - Social Services		
Positions	(1/2)	(1/2)
Personal Services	10,100	11,000
All Other	2,300	2,300
Capital Expenditures	<u>324</u>	<u>2,300</u>
	12,724	13,300
<p>Provides funding to establish a 20-hour Refugee Caseworker</p>		

	<u>1985-86</u>	<u>1986-87</u>
position.		
Administration - Human Services		
Personal Services	12,749	3,030
Provides funds for approved reclassifications.		
Administration - Regional		
Personal Services	2,708	1,086
Provides funds for approved reclassifications.		
Income Maintenance - Regional		
Personal Services	24,111	12,690
Provides funds for approved reclassifications.		
Medical Care Administration		
Personal Services	2,780	1,670
Provides funds for approved reclassifications.		
Child Care Food Program		
Personal Services	8,018	2,413
Provides funds for approved reclassifications.		
Administration - Social Sciences		
Personal Services	10,908	4,682
Provides funds for approved reclassifications.		
Child Welfare Services		
Personal Services	30,750	12,696
Provides funds for approved reclassifications.		
DEPARTMENT OF HUMAN SERVICES		
TOTAL	<u>\$1,210,456</u>	<u>\$1,190,086</u>

	<u>1985-86</u>	<u>1986-87</u>
<u>MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF</u>		
Mental Health Services - Community		
Positions	(2)	(2)
Personal Services	\$46,922	\$49,268
All Other	148,627	149,781
Capital Expenditures	<u>3,500</u>	<u> </u>
	\$199,049	\$199,049
Provides increased allocations to ac- commodate funds to be received under a recently approved Human Resource De- velopment Grant.		
TOTAL SECTION 1 ALLOCATIONS	\$1,658,043	\$1,502,131

Sec. 2. Supplemental allocations of special revenue funds. Income to the Other Special Revenue Fund for fiscal years from July 1, 1985, to June 30, 1986, and July 1, 1986, to June 30, 1987, shall be segregated, apportioned and disbursed as designated in the following schedule.

	<u>1985-86</u>	<u>1986-87</u>
<u>CONSERVATION, DEPARTMENT OF</u>		
Forest Management, Uti- lization and Marketing		
Positions	(1)	(1)
Personal Services	\$32,124	\$32,124
Provides funds to establish a Forester I position to be as- signed to perform forest management in Baxter State Park.		
Spruce Budworm Control		
Personal Services	333	973
Provides funds to reallocate a Clerk Typist II to Data Control Specialist.		
Boating Facilities Fund		
Personal Services	770	770
Provides funds for		

	<u>1985-86</u>	<u>1986-87</u>
<p>changes in the numbers of weeks and hours for 4 positions due to program changes.</p>		
Boating Facilities Fund		
Positions	(1/2)	(1/2)
Personal Services	15,483	15,483
<p> Provides matching funds to establish a 1/2 headcount Rivers Coordinator position.</p>		
DEPARTMENT OF CONSERVATION		
TOTAL	<u>\$48,710</u>	<u>\$49,350</u>
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		
Vocational-Technical Institute - Eastern Maine		
Positions	(1)	(1)
Personal Services	\$29,074	\$30,708
All Other	238	249
	<u>29,312</u>	<u>30,957</u>
<p> Provides funds to establish Adult Education Assistant Director position and fund existing Clerk Typist II position.</p>		
Human Development and Guidance		
Positions	(-2)	(-2)
<p> To transfer 2 authorized positions to federal account.</p>		
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES		
TOTAL	<u>\$29,312</u>	<u>\$30,957</u>
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>		
Maine Environmental Protection Fund		
Personal Services	\$10,300	\$8,500

	<u>1985-86</u>	<u>1986-87</u>
Provides funds for an ESS III instead of an ESS II as submitted.		
Maine Environmental Protection Fund		
Positions	(1)	(1)
Personal Services	27,464	27,875
All Other	<u>3,473</u>	<u>3,598</u>
	30,937	31,473
Provides funds for an additional position to support license activities under the Maine Environmental Protection Fund.		
<u>DEPARTMENT OF ENVIRONMENTAL PROTECTION</u>		
TOTAL	<u>\$41,237</u>	<u>\$39,973</u>
<u>EXECUTIVE DEPARTMENT</u>		
Community Development Revolving Loan Fund		
All Other	\$250,000	\$250,000
To provide grants to municipalities under the CDBG Development Fund Program.		
<u>MAINE HEALTH CARE FINANCE COMMISSION</u>		
Health Care Finance Commission		
Positions	(1)	(1)
Personal Services	\$21,734	\$24,143
Provides funds for one Accountant II position due to a recommendation in the State Audit Report to the commission.		
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Administration - Income		

	<u>1985-86</u>	<u>1986-87</u>
Maintenance		
Positions	(11)	(11)
Personal Services	\$223,607	\$241,846
All Other	65,217	65,217
Capital Expenditures	<u>10,531</u>	<u> </u>
	\$299,355	\$307,063
Provides matching funds for the increase of 11 Child Support Enforcement staff.		

INDEPENDENT AGENCIES -
REGULATORY

Radiologic Technology Board of Examiners		
Personal Services	\$10,000	\$11,000
All Other	<u>16,700</u>	<u>15,900</u>
	\$26,700	\$26,900

Provides funding due to a program omission in the original budget.

TOTAL ALLOCATION SECTION 2	\$717,048	\$728,386
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Sec. 3. Adjustment of allocation. The allocation of Federal Expenditure and Special Revenue Funds are adjusted as follows.

	<u>1985-86</u>	<u>1986-87</u>
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MARINE RESOURCES,
DEPARTMENT OF

Bureau of Administration (Marine Res)		
Administration - Marine Resources		
Positions-Other Count	(-4.0)	(-4.0)
Personal Services	\$(91,777)	\$(96,366)
All Other	(28,240)	(28,371)
Capital Expenditures	<u>(10,000)</u>	<u>(10,000)</u>
Total	(130,017)	(134,737)

Source		
Federal Expenditure Fund		
Position Count	(-2.0)	(-2.0)

	<u>1985-86</u>	<u>1986-87</u>
Allocations - Appropriations	(68,615)	(72,042)
Other Special Revenue Position Count	(-2.0)	(-2.0)
Allocations - Appropriations	<u>(61,402)</u>	<u>(62,695)</u>
Total	(130,017)	(134,737)
Bureau of Marine Development		
Marine Development - Bureau of		
Positions - Other Count	(-17.0)	(-17.0)
Personal Services	(381,753)	(393,546)
All Other	(171,278)	(175,022)
Capital Expenditures	<u>(40,000)</u>	<u>(40,000)</u>
Total	<u>(593,031)</u>	<u>(608,568)</u>
Source		
Federal Expenditure Fund		
Position Count	(-16.0)	(-16.0)
Allocations - Appropriations	(462,193)	(477,596)
Other Special Revenue Position Count	(-1.0)	(-1.0)
Allocations - Appropriations	<u>(130,838)</u>	<u>130,972)</u>
Total	(593,031)	(608,568)
Bureau of Marine Patrol		
Marine Patrol - Bureau of		
Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(43,347)	(45,331)
All Other	<u>84,177</u>	<u>84,147</u>
Total	40,830	38,816
Source		
Other Special Revenue Position Count		
Allocations - Appropriations	<u>40,830</u>	<u>38,816</u>
Total	40,830	38,816
Bureau of Marine Sciences		
Marine Sciences-Bureau of		
Positions - Other Count	(23.0)	(23.0)
Personal Services	516,877	535,243

	<u>1985-86</u>	<u>1986-87</u>
All Other	115,341	119,246
Capital Expenditures	<u>50,000</u>	<u>50,000</u>
Total	682,218	704,489
Source		
Federal Expenditure Fund		
Position Count	(18.0)	(18.0)
Allocations - Appropriations	530,808	549,638
Other Special Revenue		
Position Count	(5.0)	(5.0)
Allocations - Appropriations	<u>151,410</u>	<u>154,851</u>
Total	682,218	704,489

SUMMARY: DEPARTMENT OF MARINE RESOURCES

Total	\$ -0-	\$ -0-
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Sec. 4. 5 MRSA §1742, sub-§20, ¶F, as enacted by PL 1983, c. 824, Pt. Y, is amended to read:

F. To levy charges, according to a rate schedule approved by the Commissioner of Finance and Administration, against all units utilizing telecommunications services; and

Sec. 5. 5 MRSA §3307-A is enacted to read:

§3307-A. Community Development Revolving Loan Fund

1. Establishment. The Community Development Revolving Loan Fund is established to be used by the State Planning Office in conjunction with the State Community Development Program as a nonlapsing, revolving fund for carrying out the purposes of this section.

2. Revenues. To this fund shall be credited all repayments of grants made to municipalities that elect not to retain those funds under the Development Fund part of the State Community Development Program, including interest, penalties and other fees and charges related to Development Fund grants.

3. Investment of fund balance. Money in the fund not needed to meet the current obligations of the Development Fund Program shall be deposited with the Treasurer of State to the credit of the Community Development Revolving Loan Fund and may be invested

in such manner as is provided for by law. Interest received on that investment shall be credited to the Community Development Revolving Loan Fund.

4. Allocations. Legislative allocation of the Community Development Revolving Loan Fund is required. The State Planning Office shall submit to the Legislature, through the budget process as required by chapter 149, its recommendations for disbursement from the fund.

5. Disbursements. Upon approval of the allocation by the Legislature and approval of the allotment by the Governor, the State Controller shall authorize expenditures from the Community Development Revolving Loan Fund as approved by the State Planning Office for the following purposes:

- A. Administrative expenses related to the Development Fund;
- B. Grants to cities and towns under the Development Fund; and
- C. Grants related to the Development Fund and to other public and private organizations.

Sec. 6. 12 MRSA c. 218 is enacted to read:

CHAPTER 218

GEOGRAPHIC BASED INFORMATION SERVICES

§1751. Definitions

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

1. Commissioner. "Commissioner" means the Commissioner of Conservation.

2. Director.. "Director" means the Director of the Section of Geographic Based Information Services.

3. Geographic based information services. "Geographic based information services" means the process of gathering and providing services for geographic based data, such as:

- A. Digitization of geographic resources;
- B. Analysis and manipulation of geographic data;

- C. Storage and retrieval of geographic data;
- D. Storage and retrieval of forest survey data;
- E. Plotting of graphical and printing of tabular geographic data;
- F. Production of tables and estimates; and
- G. Data processing activities limited to provision of geographic based information. General purpose data processing services are excluded from the definition.

4. Section. "Section" means the Section of Geographic Based Information Services.

§1752. Established

The Section of Geographic Based Information Services is established within the Department of Conservation.

§1753. Powers and duties

The Department of Conservation through the Section of Geographic Based Information Services shall have authority:

1. Geographic based information services. To establish, maintain and operate a central geographic data base information center and to develop and administer standards, subject to the approval of the commissioner;

2. Centralization. To effect the centralization of an existing geographic data based system within the department;

3. Charges. To levy appropriate charges to those utilizing the services provided by the section, the charges to be fixed in a schedule or schedules prepared and revised as necessary by the director and approved by the commissioner. The schedule of charges shall be supported and explained by accompanying information. Only revenues sufficient to provide operating costs of the section will be generated from these charges;

4. Budget. To submit a budget of estimated revenues and expenditures to be incurred by the section in accordance with Title 5, chapter 149;

5. Professional and technical services. To em-

ploy professional personnel and services as may be necessary within funds available for carrying out the purposes of this chapter, subject to the approval of the commissioner;

6. Coordination with Central Computer Services. To consult and coordinate systems, programs, personnel, services and requirements with the Bureau of Central Computer Services at intervals not to exceed one year to avoid overlap and duplication; and

7. Other powers and duties. To make rules, subject to the approval of the commissioner, for carrying out the purposes of this chapter.

§1754. Intergovernmental cooperation and assistance

The director, with the approval of the commissioner, may enter into such agreements with the other agencies and organizations as will promote the objectives of this chapter and accept funds from the agencies and the Federal Government to be expended for purposes consistent with this chapter.

§1755. Internal Services Fund account

There is established an Internal Services Fund for the Section of Geographic Based Information Services. This fund shall include appropriations made to the section, grants from public or private individuals or organizations not a part of State Government, Federal Government and funds received for geographic services rendered.

Sec. 7. Transition period. During the biennium beginning July 1, 1985, and ending June 30, 1987, the commissioner is authorized to transfer the appropriate personnel, equipment, materials and funding necessary to provide the services as authorized by the Maine Revised Statutes, Title 12, section 1755.

Sec. 8. 19 MRSA §514, as amended by PL 1985, c. 63, Pt. F, is further 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 ~~\$400,000~~ \$800,000 of incentive payment revenue in any

fiscal year for the purpose of covering the costs of making child support collections.

Sec. 9. Adjustments to allocations. Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature and those reclassifications or range changes, or both, which have been approved by the Department of Personnel and submitted for legislative review prior to the effective date of this Act.

Sec. 10. Encumbered balance at year end. At the end of each fiscal year, all encumbered balances shall not be carried more than once.

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

Effective July 1, 1985.

CHAPTER 458

S.P. 221 - L.D. 584

AN ACT to Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983.

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

Sec. 1. 36 MRSA §1602, sub-§4, ¶B, as enacted by PL 1983, c. 471, §16, is amended to read:

B. The State Tax Assessor shall establish a district-wide mill rate calculated to raise the cost of all other portions of the municipal cost component certified by the Legislature. For fiscal years 1985-86, 1986-87, 1987-88, 1988-89 and 1989-90, in figuring the district-wide mill rate, the State Tax Assessor shall subtract \$100,000 from the amount certified by the Legislature.

Sec. 2. 36 MRSA §1610 is enacted to read:

§1610. Adjustment

In each of the fiscal years 1985-86, 1986-87,