

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
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1987

PUBLIC LAWS

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- A. By the tenant giving at least 45-days' notice to the park owner; or
- B. By the park owner entitled under subsection 1 to the mobile home space giving at least 45-days' notice in writing for that purpose to the tenant. In the event that the landlord or his agent has made at least 3 witnessed good faith efforts made on 3 separate days to serve the tenant, service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's space in the park. In cases where the reason for eviction is nonpayment of rent, the tenancy may be terminated by 30-days' notice given in the same manner.

Effective September 29, 1987.

CHAPTER 67

H.P. 798 — L.D. 1070

AN ACT Concerning Mandatory Workfare Participants.

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

22 MRSA §4318, as repealed and replaced by PL 1985, c. 489, §§8 and 14, is amended by adding at the end 2 new paragraphs to read:

No municipality may recover from any recipient who has been injured while performing work under section 4316-A, subsection 2, any portion of any medical or rehabilitative expenses associated with that injury or any portion of any other general assistance benefits associated with that injury.

Nothing in this section may be construed as limiting or affecting in any way the right of any individual to file an action under the Maine Tort Claims Act, Title 14, chapter 741.

Effective September 29, 1987.

CHAPTER 68

S.P. 372 — L.D. 1107

AN ACT Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending 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 will become due and payable prior to July 1, 1987; 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. 3 MRSA §507-B, sub-§10 is enacted to read:

10. Agencies scheduled for termination on June 30, 1986. Pursuant to section 507, subsection 8, paragraph A, the following independent agencies, scheduled for termination on June 30, 1986, are continued.

- A. Maine Arts Commission; and
- B. Maine State Museum.

Sec. 2. PL 1985, c. 813, §2, sub-§3, as amended by PL 1987, c. 5, is further amended to read:

3. Report. The task force shall submit its report, together with any necessary legislation to the Legislature prior to May 1, 1987 Second Regular Session of the 113th Legislature.

Sec. 3. Additional appropriation of General Fund. There is appropriated from the General Fund for the fiscal year ending June 30, 1987, to the departments listed, the following sums:

	1986-87
<u>ATTORNEY GENERAL, DEPARTMENT OF</u>	
District Attorneys Salaries	
Personal Services	\$60,000
Provides funds for increased retirement costs.	
<u>CONSERVATION, DEPARTMENT OF</u>	
Forestry — State Forest Nursery	
Personal Services	\$ 35,178
All Other	31,115
Provides funds for support of the Greenbush Forest Nursery in the 3rd and 4th quarters.	
Parks — General Operations	
All Other	184,984
Provides funds for workers' compensation payments in excess of budgeted dollars.	
Maine Forests for the Future Program	
Capital Expenditures	3,100
Provides funds to purchase a computer work station.	

Maine Geological Survey All Other	93,500
Provides funds for detailed geological fieldwork on the Sebago Lake Batholith and the Bottle Lake Complex and other areas if needed. Also provides funds for staff travel to Manitoba. These funds shall carry forward until June 30, 1988.	
Parks — General Operations All Other	40,000
Provides funds to assist the Bureau of Parks and Recreation and the Town of Greenville in the rehabilitation of the Greenville Junction wharf. This appropriation shall carry forward to June 30, 1988.	
DEPARTMENT OF CONSERVATION TOTAL	<u>\$387,877</u>
CORRECTIONS, DEPARTMENT OF	
Correctional Center Personal Services	\$281,300
Provides funds for additional Personal Services related to inmate overcrowding.	
Central Maine Prerelease Center Personal Services	18,945
Provides funds for additional Personal Services related to inmate overcrowding.	
State Prison Personal Services	800,000
Provides funds for additional Personal Services related to inmate overcrowding.	
Correctional Center All Other	270,000
Provides funds for escalating medical services costs, increased utilities costs and commodity purchases.	
State Prison All Other	248,100
Provides funds for additional expenditures relating to workers' compensation, transportation of inmates, clothing and other supplies.	
Downeast Correctional Facility All Other	70,000
Provides funds for additional medical and related services.	
Correctional Center All Other	131,178
Provides funds for plaintiffs attorneys fees and employer contributions to the retirement system related to the Federal Court judgment in the Nancy Marcoux case.	
Downeast Correctional Facility Personal Services	50,000
Provides funds for additional expenditures related to inmate overcrowding.	
Maine Youth Center — Food All Other	(30,000)
Deappropriates funds no longer needed.	
DEPARTMENT OF CORRECTIONS TOTAL	<u>\$1,839,523</u>

DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF	
Military Training and Operations Positions	(1.0)
Personal Services	\$ 4,945
Provides funds for Engineer Technician III to provide engineering support for the state and federal construction and repair programs, 100% federally reimbursed.	
Military Training and Operations Positions	(1.0)
Personal Services	5,327
Provides funds for business manager position to assist in the management of state and federal funds and federal service agreements, 100% federally reimbursed.	
DEPARTMENT OF DEFENSE AND VETERANS' SERVICES TOTAL	<u>\$10,272</u>
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF	
Exhibit Design and Preparation — Museum Capital Expenditures	\$12,500
Provides funds for replacement of pickup truck.	
Curriculum — Education All Other	(2,700)
Capital Expenditures	2,700
Provides funds, by line category transfer, for purchase of computer with color monitor and DOS software.	
General Purpose Aid for Local Schools All Other	(500,000)
Deappropriates funds not required for current fiscal year.	
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES TOTAL	<u>(\$487,500)</u>
ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
Administration — Environmental Protection All Other	\$ (5,500)
Capital Expenditures	5,500
Provides funds, by line category transfer, to replace an old computer line printer using savings resulting from reduced maintenance costs.	
Environmental Impact Studies Personal Services	10,500
All Other	(10,500)
Provides funds, by line category transfer, to compensate for shortage of personal services funds arising as a result of higher than anticipated staff salaries.	
Administration — Environmental Protection Personal Services	(100,000)
All Other	100,000
Provides funds for a work methods study of the department's operations and deappropriates funds no longer needed in fiscal year 1987. It is intended that these funds shall not lapse on June 30, 1987, but shall remain available until June 30, 1988.	
DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL	<u>\$ 0</u>

EXECUTIVE DEPARTMENT

Development Office
All Other \$75,000

Provides funds for strategic planning for economic development. It is intended that these funds shall not lapse on June 30, 1987, but remain available until June 30, 1988.

FINANCE, DEPARTMENT OF

Accounts and Control — Bureau of Positions (-7.0)
Personal Services \$(37,673)
All Other (1,250)

Provides funds for transfer to administrative services 7 positions and the alcoholic beverages accounting functions. Also authorizes a one-range adjustment within existing funding, to an existing position to appropriately reflect the duties for which it will be responsible as a result of this transfer.

Administrative Services — Finance Positions (7.0)
Personal Services 37,673
All Other 1,250

Provides funds for transfer from accounts and control 7 positions and alcoholic beverages accounting functions.

DEPARTMENT OF FINANCE

TOTAL \$ 0

MAINE HUMAN RIGHTS COMMISSION

Human Rights Commission — Regulation Personal Services \$7,315

Provides funds for health insurance costs.

HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers All Other \$4,027,000

Provides funds to cover projected shortfall for inpatient and outpatient hospital services, federal matching funds anticipated.

Welfare Employment, Education and Training Personal Services 134,586

Provides funds for replacing Federal Work Incentive Program Personal Services funds which have been reduced by 50% in Fiscal Year 1987.

Child Welfare Services All Other 359,655

Provides funds to support increased costs of placement of children in foster care.

Intermediate Care — Payments to Providers All Other (2,435,000)

Deappropriates state matching funds which are not needed in Fiscal Year 1987 due to: Delays in the opening of new ICF beds; unexpended funds from fiscal year 1986; and the recapture of \$906,000 in depreciation from the sale of nursing homes.

Welfare Employment, Education and Training Positions (10.0)
Personal Services 228,759
All Other (228,759)

Provides funds to transfer 10 positions from federal to general funds.

Emergency Medical Services All Other 10,000

Provides funds to fulfill new, revised and expanded licensing and system development responsibilities.

Catastrophic Illness All Other (150,000)

Deappropriates funds no longer needed in Fiscal Year 1987.

Medical Care Administration All Other (50,000)

Deappropriates funds no longer needed in Fiscal Year 1987.

DEPARTMENT OF HUMAN SERVICES

TOTAL \$1,896,241

JUDICIAL DEPARTMENT

Courts — Supreme, Superior, District and Administrative Personal Services \$(125,000)
All Other 400,000

Provides funds to continue current operations for Fiscal Year 1987.

Courts — Supreme, Superior, District and Administrative All Other 25,000

Provides additional funds for the Office of the Bicentennial of the Constitution, as established by Resolve 1985, chapter 85. It is intended that these funds shall not lapse on June 30, 1987, but shall remain available until June 30, 1988.

JUDICIAL DEPARTMENT

TOTAL \$300,000

LABOR, DEPARTMENT OF

Administration — Labor All Other \$200,000

Provides funds for reemployment and retraining opportunities for laid-off workers of Health-Tex plants in Maine. The Commissioner of Labor may utilize such funds as may be appropriated or are otherwise available from other sources to define, develop and administer a program to provide these opportunities. Activities allowable may include: Career assessment and counseling; job-search assistance; remedial education; vocational skills training; on-the-job training; and supportive services. Funds appropriated for this purpose shall carry forward to June 30, 1988.

LEGISLATURE

Legislature Positions (13)
Personal Services \$473,000
All Other 450,000

Provides funds for new positions and adoption of the National Conference of State Legislatures classification and salary plan and telephone, printing and computer related costs and increases position count.

Legislative Task Force on Railroads All Other 50,000

Provides funds to allow the task force to contract with outside consultants, specialists or other individuals as required. This appropriation shall carry forward to June 30, 1988.

Committee to Study Retirement System All Other 75,000

Provides funds for a study of the Maine State Retirement System. This appropriation shall carry forward until June 30, 1988.

LEGISLATURE

TOTAL \$1,048,000

MARINE RESOURCES, DEPARTMENT OF

Marine Sciences — Bureau of Positions
Personal Services \$ 8,950 (1.0)

Provides funds to establish a scientist position in lieu of consulting through a contract with the University of Maine System for expertise in the field of population dynamics.

MAINE MARITIME ACADEMY

Maritime Academy — Operations
All Other \$105,400

Provides funds for state contribution toward 4% salary increase, comparable to fiscal year 1987 settlement for state employees.

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Mental Health Services — Children
All Other \$135,000

Provides funds for emergency residential, foster home and group home placements for seriously emotionally disturbed and handicapped children in need of treatment.

Mental Health Services — Children
All Other 185,000

Provides funds for maintenance of family preservation services programs which prevent removal of children from their natural homes and communities.

Augusta Mental Health Institute
All Other 264,200

Provides funds for settlements, court fees and other expenses brought about by suits as well as workers' compensation claims.

Bangor Mental Health Institute
All Other 210,000

Provides funds for costs of industrial injuries and illnesses under the Workers' Compensation Act.

Pineland Center
All Other 286,320

Provides funds for workers' compensation expenses exceeding budgeted limits.

Elizabeth Levinson Center
All Other 46,775

Provides funds for workers' compensation expenses exceeding budgeted levels.

Administration — Mental Health and Mental Retardation
Personal Services (100,000)

Deappropriates funds no longer needed in Fiscal Year 1987.

Mental Retardation Services — Community
Personal Services (100,000)

Deappropriates funds no longer needed in Fiscal Year 1987.

Mental Health Services — Community
Personal Services 14,000

Provides funds for holiday coverage.

Mental Health Services — Children
Personal Services 3,000

Provides funds for increased overtime expenses.

Military and Naval Children's Home
Personal Services 55,000

Provides funds for increased overtime expenses.

Pineland Center
Personal Services 118,000

Provides funds for increased overtime expenses.

Aroostook Residential Center
Personal Services 10,000

Provides funds for increased overtime expenses.

Food for Institutions — Mental Health and Mental Retardation
All Other 135,000

Provides funds, by transfer, to cover an anticipated shortfall in this account.

Augusta Mental Health Institute
All Other 5,000
Capital Expenditures 45,000

Provides funds, by transfer, for additional capital needed due to increased population.

Fuel for Institutions — Mental Health and Mental Retardation
All Other (185,000)

Provides funds, by transfer, to meet projected needs in the food and Augusta Mental Health Institute accounts.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL \$1,127,295

PUBLIC SAFETY, DEPARTMENT OF

Drug Trafficking Enforcement
Capital Expenditures \$61,458

Provides funds for replacement of lapsed capital funds to be used as match for Criminal Justice Block Grant, drug trafficking enforcement.

Capital Construction — Repairs — Improvements — Public Safety
Capital Expenditures 7,173

Provides funds for additional crime lab construction costs, 25% General Fund share.

DEPARTMENT OF PUBLIC SAFETY
TOTAL \$68,631

SECRETARY OF STATE, DEPARTMENT OF THE

Administration — Secretary of State
All Other \$ 139,820

Provides funds for June 1986 and November 1986 referendum elections.

Administration — Secretary of State All Other	5,460
Provides funds for attorneys fees relating to suit to clarify independent status of a candidate.	
Administration — Secretary of State All Other	111,754
Provides funds for programming and operating costs of corporations and Uniform Commercial Code systems.	
Administration — Secretary of State Capital Expenditures	7,000
Provides funds for purchase of computer hardware, expanded disk capacity, for corporations and Uniform Commercial Code in lieu of leasing.	
Administration — Secretary of State Positions	(-2)
Personal Services	(6,000)
Deappropriates 2 positions, effective May 1, 1987, no longer needed due to transfer of 3 engrossing positions to legislative account.	
DEPARTMENT OF THE SECRETARY OF STATE	\$258,034
TRANSPORTATION, DEPARTMENT OF	
Capital Construction — Repairs — Improvements — Transportation Capital Expenditures	\$350,000
Provides funds to match federal and other available funds for a breakwater at Jonesport.	
TREASURER OF STATE (OFFICE OF)	
Administration — Treasury Personal Services	\$4,500
Provides funds to pay for arbitration decision.	
WORKERS' COMPENSATION COMMISSION	
Workers' Compensation Commission All Other	\$292,000
Provides for the transfer of funds from the Office of Employment Rehabilitation to the Workers' Compensation Commission. These funds shall not lapse on June 30, 1987, but shall remain available until June 30, 1989.	
Office of Employment Rehabilitation All Other	(105,000)
Capital Expenditures	(187,000)
Provides funds for transfer and adjustment of appropriations relating to improvements of the agency computer operations to Workers' Compensation Commission.	
Workers' Compensation Commission All Other	22,193
Capital Expenditures	(22,193)
Transfers funds to permit leasing instead of purchasing of computer equipment. These funds shall not lapse on June 30, 1987, but shall remain available until June 30, 1989.	
Workers' Compensation Commission All Other	11,000
Provides funds for a proposed lump sum settlement of a workers' compensation claim.	

WORKERS' COMPENSATION COMMISSION	\$11,000
TOTAL	
GENERAL FUND APPROPRIATIONS, SECTION 1	\$7,270,538
TOTAL	

Sec. 4. Allocation. Federal Block Grant Fund allocations of the Department of Educational and Cultural Services, for the fiscal year ending June 30, 1987, are adjusted as follows:

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF	1986-87
Education Block Grant — Education Consolidation and Improvement Act — Chapter 2 All Other	\$ (79,496)
Adjusts previously approved block grant allocation to reflect reduction in total funds expected to be available to local educational units under the Educational Consolidation and Improvement Act.	
Education Block Grant — Education Consolidation and Improvement Act — Chapter 2 All Other	70,807
Capital Expenditures	8,000
Adjusts previously approved block grant allocation to reflect increase in total funds expected to be available to the department for administration of Educational Consolidation and Improvement Act programs.	
NET ALLOCATION, SECTION 2	\$ (689)
TOTAL	

Sec. 5. Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1987, to the departments listed, the following sums:

FINANCE, DEPARTMENT OF	1986-87
Rainy Day Fund Program Unallocated	\$7,500,000
Appropriates 50% of increased General Fund revenue estimates to the Maine Rainy Day Fund as required by Public Law 1985, chapter 448.	

Sec. 6. Allocation. There is allocated from the Federal Expenditure Fund to the Department of Human Services, for the fiscal year ending June 30, 1987, the following sums:

HUMAN SERVICES, DEPARTMENT OF	1986-87
Medical Care — Payments to Providers All Other	\$8,904,920
Provides federal Medicaid funds to match increased General Fund appropriation for inpatient and outpatient hospital service.	

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

FINANCE, DEPARTMENT OF	1986-87
Rainy Day Fund Program Unallocated	\$ (1,200,000)

ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improvements — Planning and Construction — Administration
All Other

\$1,200,000

Transfers \$1,200,000 from the Rainy Day Fund Program to the Bureau of Public Improvements — Planning and Construction Administration to provide sufficient funds for the design and reconstruction of the entrance to the Maine State Cultural Building and for related improvements. It is intended that these funds shall not lapse but shall remain available for the same purpose.

Sec. 8. Black fly control; funds to carry over. Funds appropriated pursuant to Resolve 1985, chapter 41, for the study of black fly control shall carry over and be available for expenditure in the fiscal year ending on June 30, 1988.

Sec. 9. Committee to Study the Retirement System. There is established a committee to study the retirement system which shall consist of 6 members to be appointed as follows: Three members to be appointed jointly by the President of the Senate and the Speaker of the House; and 3 members appointed by the Governor, one of whom shall be designated by the Governor to serve as the committee chairman.

All appointments shall be made no later than 30 days following the effective date of this Act. The Executive Director of the Legislative Council shall be notified by all appointing authorities once their selections have been finalized.

The first meeting of the committee shall be convened by the chairman of the Legislative Council.

1. **Compensation.** The legislative members of the committee shall receive the legislative per diem rate, as defined in the Maine Revised Statutes, Title 3, section 2. Legislators shall not be paid a per diem when they attend meetings of the committee while the Legislature is in session or in conjunction with serving on another board for which they receive compensation. All members of the committee shall be reimbursed for expenses upon application to the Executive Director of the Legislative Council.

2. **Duties and responsibilities.** The committee shall review all aspects of the Maine State Retirement System, to insure its present and future fiscal soundness, including, but not limited to:

- A. The present and alternate systems or methods of funding and contributions;
- B. The present and future investment methods and incomes, including investment management, reporting and policies;
- C. The present and future expenses and costs of the system, including operating expenses, commissions, salaries and indirect costs;

D. The present and future benefit plans and payment methods;

E. The anticipated unfunded liability of the system, or other financial obligations that have not been presently met; and

F. All other aspects of the laws, operations and procedures of the system that relate to its financial stability and fiscal soundness.

3. **Staff.** The committee may contract for those professionals it requires to assist it. In addition, the Legislative Council shall provide staff for the committee.

4. **First meeting.** The chairman of the committee to study the retirement system shall call the first meeting of the committee as soon as possible following the effective date of this Act.

5. **Report.** The committee shall report its findings and recommendations, including any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over retirement at the Second Regular Session of the 113th Legislature.

Sec. 10. Lease-purchase of computer equipment. The Legislature is hereby authorized to enter into purchase or lease with option to purchase or lease purchasing financing agreements for data and word processing equipment with an outright purchase price of not more than \$250,000. The Legislature shall finance the cost of this project with "All Other" funds within their regular budget.

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

Effective April 17, 1987.

CHAPTER 69

H.P. 960 — L.D. 1289

AN ACT to Provide for Bilingual Forest Rangers in Northwestern Maine to Enhance and Ensure Adequate Response in Catastrophic or Emergency Situations.

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

Whereas, the need for bilingual forest rangers has become increasingly obvious and immediate; and

Whereas, that need requires immediate response by the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-