

# 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.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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2-B. Limitations on recruitment and retention adjustments. The payment of recruitment and retention adjustments authorized under this subsection shall be subject to the following provisions.

A. The labor market adjustment shall be reviewed no less frequently than once every 2 years and shall be adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market.

B. If the subsequent review provided in paragraph A results in the adjustment being decreased or discontinued, no employee receiving the recruitment and retention adjustment may be subject to a reduction in pay.

**Sec. 3. Sunset provision.** This Act is repealed on July 1, 1989.

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

Effective June 25, 1987.

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## CHAPTER 432

H.P. 323 — L.D. 422

### AN ACT to Streamline the Delivery of Residential Treatment Services to Children in Need.

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

Whereas, the current contract period for residential treatment centers expires June 30, 1987; and

Whereas, this legislation provides new contract procedures necessary to implement those contracts; 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. 22 MRSA §8152, as enacted by PL 1985, c. 274, §2, is repealed and the following enacted in its place:**

#### §8152. Responsibilities

The responsibilities of the Children's Residential Treatment Committee shall be as follows.

1. Planning. The committee, in consultation with the

Residential Treatment Centers Advisory Group, shall develop overall state policies for placement of children in need of treatment in residential treatment centers.

2. Implementation. The committee shall develop a plan to implement those policies. The plan shall include a determination of the current and projected need for placement of children in residential treatment centers. The plan shall also determine the number of children to be served in residential treatment centers.

3. Contract procedures. The committee shall develop, in consultation with the Residential Treatment Centers Advisory Group, contract procedures for the provision of these services by community-based provider agencies consistent with the following requirements.

A. Residential treatment centers desiring to provide services to children in need of placement shall submit the necessary budget data to the Children's Residential Treatment Committee on or before May 15th of each year.

B. The Children's Residential Treatment Committee shall prepare for the State to offer the residential treatment centers a contract, by July 1st of each year, which must state:

(1) The reason for the number of children being contracted for;

(2) The rate established for payment for those services; and

(3) The basis for that rate.

C. An interim rate procedure shall be established consistent with subsection 4.

4. Interim rate. If a residential treatment center has substantially complied with subsection 3, paragraph A, and if the State has not offered, in good faith, a contract to a residential treatment center by July 1st of each year, services which are currently being provided by that residential treatment center shall be paid at a rate equal to the rate established immediately prior to July 1st of each year, increased or decreased by the most current wage and price index established by Data Resources, Inc. This interim rate shall remain in effect for a residential treatment center until the State offers that residential treatment center a contract. The rate shall then return to the level established immediately prior to July 1st of each year until a negotiated contract has been signed by both parties.

5. Rules. The committee shall develop and promulgate rules to carry out the purpose of this section by January 1, 1988.

**Sec. 2. 22 MRSA §8153, as enacted by PL 1985, c. 274, §2, is repealed.**

Sec. 3. 22 MRSA §8154, as enacted by PL 1985, c. 274, §2, is repealed and the following enacted in its place:

§8154. Residential Treatment Centers Advisory Group

The Residential Treatment Centers Advisory Group, as established by Title 5, section 12004, subsection 10, shall consist of a representative from each residential treatment center and 2 members who represent community mental health services. Additional members may be added at the request of the Children's Residential Treatment Committee. All members shall be selected annually by July 1st by the committee. The committee shall meet with the advisory group at least 4 times each year to review rate and placement policies and procedures.

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

Effective June 25, 1987.

## CHAPTER 433

H.P. 885 — L.D. 1186

### AN ACT to Require the Members of the Maine Turnpike Authority to be Confirmed.

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

Sec. 1. 23 MRSA §1965, sub-§2, ¶A, as amended by PL 1981, c. 698, §102, is further amended to read:

A. The authority shall consist of 4 members and, in addition, the Commissioner of Transportation shall be a member ex officio. The 4 members holding office on the effective date of this chapter shall continue in office until the expiration of the terms of office for which they were originally appointed, and until their successors are duly appointed and qualified. The authority shall consist of 4 members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over transportation and subject to confirmation by the Legislature. The Commissioner of Transportation shall be a member ex officio. Upon the expiration of the term of office of any member, the Governor shall appoint a new member who shall serve in office for a term of 7 years and until his successor is duly appointed and qualified, and any member of the authority shall be eligible for reappointment. In the event of a vacancy in the membership of the authority caused by the death, incapacity, resignation or removal of a member, the Governor shall appoint a member to fill that vacancy only for the unexpired term of office of the member whose death, incapacity, resignation or removal created the vacancy, but the newly appointed member may be reappointed at the end of the unexpired term in accordance with this subsection. In all events, no member may be appointed to the authority who is

not a resident of the State at the time of his appointment and qualification, or who has not been a qualified voter in the State for a period of at least one year next preceding his appointment.

**Sec. 2. Application.** Members of the Maine Turnpike Authority who are serving a term of office on the effective date of this Act are not required to have their terms renewed or confirmed by the Legislature.

Effective September 29, 1987.

## CHAPTER 434

H.P. 1183 — L.D. 1613

### AN ACT to Continue the Potato Marketing Advisory Program.

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

Whereas, the Potato Marketing Advisory Program requires immediate legislative action to extend the life of a critical program which provides price and market information on a timely basis to potato farmers; and

Whereas, the Potato Marketing Advisory Program has made a major contribution in strengthening the State's potato marketing system; and

Whereas, the Governor and the Commissioner of Agriculture, Food and Rural Resources and the agricultural community of the State support continuation of the Potato Marketing Advisory Program; 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. 7 MRSA §1008-A, sub-§8, as enacted by PL 1983, c. 582, §1, is repealed.

Sec. 2. 7 MRSA §1008-B, sub-§2, as enacted by PL 1983, c. 582, §1, is repealed and the following enacted in its place:

2. Nominations. Each member shall be appointed by the commissioner from a list of at least 3 nominees selected as follows.

A. For each vacancy on the board, the executive council for the assembly of dealers, established according to Title 36, section 4603, shall submit a list of at least 3 nominees at least 30 days before each new term of office begins or after any vacancy occurs.