

# 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

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3. Collective bargaining. The provisions of this section are subject to the requirements of Title 26, section 979-D, subsection 1, paragraph E. In negotiations over these subjects, the collective bargaining parties shall endeavor to establish standards or modify standards established under this section, for the preparation and updating of written job classification specifications that, at a minimum, shall result in specifications that accurately describe the duties and representative tasks of the job classification as well as other aspects of the job that are considered and evaluated under the compensation system and in specifications that distinguish each job classification within a job series. The collective bargaining parties shall bargain over these subjects in the separate negotiations over the subjects described in Title 26, section 979-D, subsection 1, paragraph E, subparagraph (1), divisions (g), (h) and (i), instead of in negotiations over all other negotiable subjects.

4. Implementation. The procedure established pursuant to this section shall be implemented by the bureau in conjunction with state agencies. State agencies shall provide sufficient employees and resources to efficiently and effectively implement this section.

A. The procedure shall provide for periodic updating of job descriptions at least every 5 years to accurately reflect current duties and responsibilities of each job classification.

5. Reclassification requests. The bureau shall act as expeditiously as possible on job reclassification requests which occur while this section is in effect. Nothing in this section may be construed to authorize the bureau to defer from acting expeditiously on job reclassification requests while the issue of job classifications is being addressed pursuant to this section.

6. Report. The director shall submit a progress report on or before February 15, 1988, to the joint standing committee of the Legislature having jurisdiction over state and local government.

7. Sunset. Subsection 3 is repealed March 15, 1988.

Effective September 29, 1987.

## CHAPTER 542

S.P. 657 — L.D. 1880

### AN ACT Relating to Study and Other Commission or Agency Schedules.

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

Whereas, it is vitally necessary that this legislation be enacted as an emergency measure in order that the several study commissions and committees may begin

to undertake their duties 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:

#### PART A

**Sec. 1. Commission established.** The Commission on the Feasibility of Constructing a Highway to the St. John Valley is established. The commission shall be composed of the Commissioner of Transportation; the Commissioner of Agriculture, Food and Rural Resources; the Director of the State Planning Office; the Director of the Regional Planning Commission and the Commissioner of Economic Development, if that position is created before the effective date of this Part. One member of the transportation committee is to be appointed by the President of the Senate and another member from the committee is to be appointed by the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 2 residents of Aroostook County, one person from the northern part of the county and the other person being from the central part of the county. The commission shall elect a chairman from among its members. The members of the commission shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council. The commission shall request staff assistance from the Legislative Council. The chairman of the Legislative Council shall convene the first meeting of the commission.

**Sec. 2. Feasibility of highway.** The commission shall study the feasibility of constructing a 4-lane highway, with controlled access, from the end of the existing Interstate 95 to the St. John Valley. The commission may conduct an impact study if necessary. The commission shall report its findings, together with any necessary legislation, to the Second Regular Session of the 113th Legislature by February 15, 1988.

**Sec. 3. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Part.

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Commission on the Feasibility of Constructing a Highway to the St. John Valley

All Other \$3,500

This allocation provides funds for anticipated travel, printing and miscellaneous expenses of the commission.

**Sec. 4. Resolve 1987, c. 47 is repealed.**

## PART B

**Sec. 1. Commission on Maine's Future.** There is created and established a Commission on Maine's Future, in this Part referred to as the "commission." It shall be the responsibility of the commission to recommend a desirable and feasible description of the State's future, including an integrated and progressive plan for reaching the goals contained in that description. The description and plan shall be based upon comprehensive analysis of factual information and projections pertinent to the description and plan. The commission may use the technical expertise of the State Planning Office and the Office of Policy and Legal Analysis to construct models and identify parameters to be used in determining the best long-range goals of the State. These findings shall be articulated into a working document.

**Sec. 2. Members of the commission.** The Commission on Maine's Future shall consist of 40 members. The Director of the State Planning Office and 19 members shall be appointed by the Governor. The 19 members shall be apportioned among the planning and development districts established pursuant to the Maine Revised Statutes, Title 30, section 4521, according to relative population shares. Each county shall have at least one representative. There shall be 20 members, 10 appointed by the President of the Senate and 10 appointed by the Speaker of the House. The members appointed by the President of the Senate and the Speaker of the House shall be chosen to reflect a geographic balance.

The Governor shall appoint the chairman of the commission from the membership and the chairman shall serve at the Governor's pleasure. The commission members shall serve terms to expire on July 1, 1989, to enable the commission to advise the Legislature with respect to the proposals and to follow the implementation of the proposals of the commission. Any vacancy in membership on the commission shall be filled by the appointing authority authorized to appoint the member whose position has become vacant.

**Sec. 3. Duties of the commission.** The duties of the commission are to prepare for consideration by the Governor, the Legislature and the people of Maine:

1. A proposed growth and development policy for the State and step-by-step recommendations concerning means to most effectively implement the policy;

2. Reports assembling, analyzing and projecting relevant information regarding the future of the State, including, but not limited to:

A. Statewide and regional demographic information on growth, interstate and intrastate migration patterns, age distribution and dependency ratios as factors in the cultural, social and economic life of the State;

B. Availability of various natural resources, includ-

ing energy, and an analysis of their importance to, and effect upon, the cultural, social and economic life of the State; and

C. A description of the future of the State as envisioned by its people;

3. An examination of long-range plans by state departments and agencies, including the University of Maine System, and an assessment of their possible impact on state growth and development;

4. Reports on the implications of major state decisions;

5. A progress report on commission activities to be submitted to the Governor and the Joint Standing Committee on State and Local Government not later than April 1, 1988; and

6. A formal final report on commission activities to be submitted to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government not later than January 1, 1989. The final report shall contain any necessary implementing legislation.

In the performance of its duties, the commission may hold public hearings and conferences with any person, persons, organizations and governmental agencies concerned with Maine's future. The commission shall be provided information, reports or other assistance from any agency, department, legislative committee or other instrumentality of the State, with the consent of the head of the respective organization. State agencies shall, on request, assist the commission in carrying out the purposes of this Part.

**Sec. 4. Staff to the commission.** The State Planning Office shall staff the commission to conduct research and prepare reports for the commission.

**Sec. 5. Compensation.** Legislative members of the commission shall receive legislative per diem. All other members shall receive expenses only.

**Sec. 6. Funding.** The commission is authorized to accept and employ any funding available to carry out the purpose of this Part.

**Sec. 7. Resolve 1987, c. 60 is repealed.**

## PART C

**Sec. 1.** 5 MRSA §12004, sub-§10, ¶A, sub-¶(28-B) is enacted to read:

(28-B)	<u>Health</u>	<u>Maine Health Policy Advisory Council</u>	<u>Expenses Only</u>	<u>5 MRSA §19101</u>
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**Sec. 2.** 5 MRSA Pt. 22 is enacted to read:

## PART 22

## INTERDEPARTMENTAL ADVISORY COUNCILS

## CHAPTER 435

## MAINE HEALTH POLICY ADVISORY COUNCIL

§19101. Establishment; role

The Maine Health Policy Advisory Council, as established in section 12004, subsection 10, paragraph A, shall advise and be available for consultation to the Governor, Commissioner of Human Services, Commissioner of Mental Health and Mental Retardation, other executive branch agencies, the Legislature and the Maine congressional delegation on health policy issues related to health status, health promotion and health care delivery that the council believes to be significant and that it has the resources to address.

§19102. Definitions

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

1. Health care delivery. "Health care delivery" means the quality and cost of care, availability of care, access to care, appropriateness of services, use of services and adequacy of facilities, equipment and personnel.

2. Health promotion. "Health promotion" means any combination of health education and related organizational, political and economic interventions designed to bring about behavioral and environmental changes conducive to health.

§19103. Membership; officers; compensation

1. Membership. The council shall consist of the following 17 members. Thirteen members shall be appointed by the Governor; 2 appointed by the Speaker of the House; and 2 appointed by the President of the Senate. Nine of the members appointed by the Governor must be private citizens who are nonproviders of health care services. The Governor's appointees shall serve 3-year terms, with no member serving more than 2 consecutive full terms. There shall be 3 groups of gubernatorial appointees, with one group's term expiring each year. The legislative officers' appointees shall serve 2-year terms, coterminous with the legislative term in which they are appointed. Legislators may serve no more than 3 consecutive full terms on the council.

2. Officers. The council shall elect a chairman and a vice-chairman annually. Only one of the 2 officers may be a provider of health care.

3. Compensation and reimbursement. Council members shall be compensated in accordance with chapter 379.

§19104. Studies and reports

The council may conduct or commission studies and reports on health policy matters.

§19105. Working relationships

In carrying out its responsibilities under this chapter, the council shall maintain active liaison with the Department of Human Services, Department of Mental Health and Mental Retardation, other executive branch agencies, the Legislature and consumer and provider groups. The responsibilities of the council shall in no way supplant the health care planning responsibilities of the Department of Human Services, the Department of Mental Health and Mental Retardation and other executive branch agencies.

§19106. Annual reports

Each year, no later than December 15th, the council shall report to the Governor, Commissioner of Human Services, Commissioner of Mental Health and Mental Retardation and the Legislature, presenting:

1. Forecast. A forecast of significant health care issues that are expected to face the State in the next 5 years;

2. Agenda. An agenda of major health policy issues for the coming year; and

3. Findings. The council's findings on issues it had raised in the previous year and on public and private health care delivery and financing goals and objectives.

§19107. Public participation and hearings

The council shall conduct at least 3 public meetings a year in different geographic areas of the State, seeking information and advice from individual citizens and interested organizations and shall hold at least one formal public hearing to obtain advice from interested parties on the council's draft of the annual report.

§19108. Staff

The council shall employ an executive director, a comprehensive health planner II and a clerk typist II.

§19109. Advisory committees

The council may from time to time appoint ad hoc advisory committees to support its work in studying particular health policy issues and public and private health care delivery and financing goals and objectives. Membership on those committees shall reflect a balance of appropriate geographic, economic, social, institutional and professional interests.

§19110. Funding

The cost of the council's mandated activities and advisory committee meetings shall be paid from appropriations from the General Fund. The council may accept gifts and grants to support activities consistent with the purposes of this chapter.

Sec. 3. PL 1987, c. 498 is repealed.

**PART D**

**Sec. 1. Joint select committee established.** There is established the Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act.

**Sec. 2. Duties.** The committee shall study the costs of providing benefits and compensation under the Workers' Compensation Act and the relationship of these costs to the incidence rate and severity of workplace injuries in the State, the benefit structure and administrative implementation of the Workers' Compensation Act, incentives to employers to implement safety measures under the insurance laws and any other factors which may influence the costs of providing benefits and compensation. The committee shall meet no more than 10 times and all members of the Joint Standing Committee on Labor and the Joint Standing Committee on Banking and Insurance shall meet once.

**Sec. 3. Committee.** The committee shall consist of 3 members from the Joint Standing Committee on Labor and 3 members from the Joint Standing Committee on Banking and Insurance. The President of the Senate shall appoint one Senator from the Joint Standing Committee on Labor and one Senator from the Joint Standing Committee on Banking and Insurance and the Speaker of the House shall appoint 2 Representatives from the Joint Standing Committee on Labor and 2 Representatives from the Joint Standing Committee on Banking and Insurance. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The appointing authorities shall make the appointments within 30 days following passage of this Part and shall notify the Legislative Council in writing of their selections. The Chairman of the Legislative Council shall call the first meeting of the committee and the committee shall select a chairman from among its members.

**Sec. 4. Findings.** The committee shall present its findings, together with any necessary recommended legislation, to the Second Regular Session of the 113th Legislature.

**Sec. 5. Compensation.** Legislative members of the committee shall receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at committee meetings. If the committee meets on a day when the Legislature is in session, legislative members shall receive only one legislative per diem on that day, but may be reimbursed for all necessary expenses upon application to the Executive Director of the Legislative Council.

**Sec. 6. Staff assistance.** The commission may request staff assistance from the Legislative Council. All agencies and departments of State Government, including the Workers' Compensation Commission, the Bureau of Labor Standards, the Commission on Safety in the Maine Workplace and the Bureau of Insurance, shall cooperate with the committee and shall expeditiously provide the committee with the information and materials that it needs to carry out the purposes of this Part.

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

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Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act.

Personal Services	\$4,400
All Other	6,500

Provides funds for the per diem, travel and miscellaneous expenses of the Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act.

Total	<u>\$10,900</u>
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Sec. 8. Resolve 1987, c. 61 is repealed.

**PART E**

**Sec. 1.** 5 MRSA §12004, sub-§10, ¶A, sub-¶(34-A) is enacted to read:

(34-A) Human Services	Cancer Preven tion and Con- trol Advisory Committee	Expenses Only	22 MRSA §1405
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**Sec. 2.** 22 MRSA §1405 is enacted to read:

§1405. Cancer Prevention and Control Advisory Committee

The Cancer Prevention and Control Advisory Committee, established by Title 5, section 12004, subsection 10, shall be appointed by the commissioner and shall consist of a committee of representatives to serve as an advisory body to the Department of Human Services on the operation of the Cancer Registry Program and on the development and maintenance of a coordinated statewide approach to cancer prevention and control.

The committee shall be solely advisory in nature, except that the committee shall review and approve requests for information from the Cancer Registry Program's data base from outside of the Department of Human Services.

The committee shall be composed of not less than 14 members. One half of the members shall be appointed by the Governor and 1/2 of the members shall be appointed jointly by the President of the Senate and the Speaker of the House. Members shall serve for 3-year terms, except that initially 5 shall be appointed for 3 years, 5 for 2 years and 4 for one year. Members shall include individuals with training and experience in the following fields: Medicine, M.D. or D.O.; oncology; medical and biological sciences; hospital administration; nursing; medical records administration; hospital tumor registry operations; health promotion and education; epidemiology; and biometry. The 5 members initially appointed for terms of 3 years and 2 of the members appointed for one year shall be appointed by the Governor. The 5 members initially appointed for a term of 2 years and 2 of the members appointed for one year shall be appointed jointly by the President of the Senate and the Speaker of the House. Members shall be compensated according to Title 5, chapter 379. The committee shall meet at least once annually in Augusta.

Sec. 3. PL 1987, c. 380 is repealed.

## PART F

Sec. 1. 26 MRSA §1401, first ¶, as amended by PL 1983, c. 650, §3, is further amended to read:

There is created and established the Department of Labor to achieve the most effective utilization of the employment and training resources in the State by developing and maintaining an accountable state employment and training policy, by insuring safe working conditions and protection against loss of income and by enhancing the opportunities of individuals to improve their economic status, to consist of a Commissioner of Labor appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as is created and established: The Unemployment Insurance Commission, the Bureau of Employment Security, the Bureau of Labor Standards, the Bureau of Employment and Training Programs, ~~the Maine Job Training Council~~ the Human Resource Development Council, the Private Industry Council staff, the Employment and Training staff and such other advisory, planning and coordinating council staff, and such other advisory, planning and coordinating committees as the commissioner deems necessary to carry out the purposes of the statute law.

Sec. 2. 26 MRSA §1401, sub-§2, ¶F, as repealed and replaced by PL 1983, c. 650, §4, is repealed.

Sec. 3. 26 MRSA §2004, sub-§§1, 3 and 4, as enacted by PL 1983, c. 258, §1, is amended to read:

1. Budget. May review the budgets of grant recipients and make written comments to the recipients, its private industry council, the ~~State Job Training Coor-~~

~~inating Council~~ Human Resource Development Council, the Governor or the legislative committee having jurisdiction over allocation of funds;

3. Plans, policies, standards. Shall review and comment on all plans, policies and standards proposed by any private industry council, the ~~State Job Training Coordinating Council~~ Human Resource Development Council, the Governor or any other agency under the Act before final approval by the responsible agency;

4. Reports. Shall receive all reports prepared by any private industry council, the ~~State Job Training Coordinating Council~~ Human Resource Development Council, the Governor or any other agency in connection with implementation of the Act;

Sec. 4. 26 MRSA §2005 is enacted to read:

§2005. Establishment of the Human Resource Development Council

1. Responsibilities. The Human Resource Development Council shall perform all duties and responsibilities of the State Job Training Coordinating Council as defined in the United States Job Training Partnership Act, Section 122.

2. Purpose. The purpose of the Human Resource Development Council is to enable the implementation of state human resource development goals which include, but are not limited to:

A. Developing a multiagency cooperative approach;

B. Creating greater coordination between economic development and human resource development agencies;

C. Enhancing employment and training services for groups traditionally not part of the economic mainstream;

D. Coordinating with secondary and post-secondary educational systems to improve transition from school to work; and

E. Increasing retraining and upgrading opportunities for the State's workers.

3. Membership. The council shall be composed of 30 members appointed by the following and serving at the pleasure of the appointing authority. Appointments, consistent with the requirements of the United States Job Training Partnership Act, Section 122(a)(2), shall represent the following sectors.

The Governor shall appoint:

A. Ten representatives from the private sector. Those members shall be chief executive officers or executives who hold high-level management posi-



tions, including one current member from each existing Private Industry Council who represents the private sector;

B. Six representatives of state bodies. The Commissioner of Labor, the Commissioner of Human Services, the Commissioner of Educational and Cultural Services and the Director of the State Development Office shall also serve as members. The 2 additional members shall each represent the University of Maine System and the Maine Vocational-Technical Institute System;

C. Six representatives from local government. Those representatives shall be nominated by the chief elected officials of their parent units of local government; and

D. Six representatives of various public groups. Those members shall represent the following groups: A community-based organization, a local education agency, a labor organization, the eligible population and 2 representatives of the general public; and

Two representatives of the Legislature shall serve on the council: The Speaker of the House, or his designee; and the President of the Senate, or his designee.

4. Officers. The Governor shall appoint a chairman and vice-chairman from the private sector executive membership of the council to serve for a one-year term. The Governor may reappoint officers.

5. Function and duties of the council. The council shall carry out the following duties:

A. Following the general requirements of the State Human Resource Development Policy, identify, in cooperation with appropriate state agencies and other interested parties such as the Private Industry Council, the employment and training and vocational education needs throughout the State;

B. Shall assess the extent to which employment and training, vocational education, welfare recipient job training, rehabilitation services, public assistance, economic development and other federal, state and local programs represent a consistent, integrated and coordinated approach to the delivery of those services;

C. Based on its assessment of the need for better coordination of the delivery of services listed in paragraph A, recommend to the Governor and Legislature the "Human Resource Development Coordination Criteria" affecting agencies involved with human resource development. This document shall contain the elements of the United States Job Training Partnership Act, Section 121, and shall also contain coordination requirements derived from the State Human Resources Development Policy.

The coordination requirements of the "Human Resource Development Coordination Criteria" shall be communicated to affected state, federal and local agencies through planning instructions issued by the Department of Labor;

D. Review the plans of all state agencies identified in the "Human Resource Development Coordination Criteria."

The council shall advise the Governor and Legislature on these plans and certify the consistency of such plans with the criteria contained in the "Human Resource Development Coordination Criteria."

The council shall also review and comment, annually, on the reports required pursuant to the Carl D. Perkins Vocational Education Act of 1984, Public Law 98-524, Sections 113(b)(9), 113(c)(1) and 114(a)(1), as amended, and review and comment on the state plan developed by the state employment service agency;

E. Recommend to the Governor an annual State Human Resource Development Plan, which shall describe the human resource development services and numbers of participants to be served by all agencies identified in the "Human Resource Development Coordination Criteria;"

F. Review the operation of programs identified in the State Human Resource Development Plan in order to determine the responsiveness, adequacy and coordination of such programs.

The council shall make recommendations to the Governor, the Legislature and other interested entities with respect to ways to improve the effectiveness of such programs;

G. Prepare an annual report to the Governor and Legislature, which shall be a public document and issue such other studies, reports or documents it deems advisable in carrying out the purposes of this section; and

H. Perform the following additional duties:

(1) Recommend to the Governor and Legislature substate service delivery areas;

(2) Recommend resource allocations under the United States Job Training Partnership Act, Titles I and II, that are not subject to the United States Job Training Partnership Act, Sections 202(a);

(3) Develop appropriate relationships with other programs;

(4) Coordinate activities with Private Industry Councils; and

(5) Recommend variations in performance stan-

dards. Such recommendations shall be contained in the "Human Resource Development Coordination Criteria."

6. Powers. The council shall have the necessary authority to carry out the purposes of this section.

7. Terms of members. One-third of the initial gubernatorial appointments shall serve for a one-year term and a 2nd 1/3 of the initial gubernatorial appointments shall serve for a 2-year term. The term of the final 1/3 of such gubernatorial appointments shall be 3 years.

Following the initial appointment, the Governor may appoint members to additional 3-year terms. Members shall serve until a successor is appointed. Selection shall be in a manner consistent with that of the original appointment.

Legislative members shall serve for 2-year terms concurrent with legislative session.

8. Committee structure. The council shall create standing committees to address specific problems and issues and whose membership shall consist of up to 12 members, of which 4 shall be noncouncil members, excluding the planning and coordination and executive committees. The noncouncil committee members shall be appointed by the chairman and shall include representatives and clients of the services provided by the various organizations subject to the council's review and shall be sufficient to ensure fair representation of those interests.

9. Meetings. The council shall meet at such times and such places as it deems necessary. The meetings shall be publicly announced and open to the general public.

A majority of members of the council shall constitute a quorum for the transaction of business.

10. Administration. The Department of Labor shall be the fiscal agent for the council. Pursuant to his authority under Title 5, subchapter I, as the Commissioner of Labor may appoint such employees as he deems necessary to carry out the State's responsibility under this section.

The Commissioner of Labor is authorized to promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, as may be necessary to carry out the State's responsibility under this section.

The council shall establish bylaws for its governance. Such bylaws shall be subject to the Governor's approval.

The council shall replace the Maine Job Training Council on or before July 1, 1987.

11. Compensation. Members of the council shall

receive no compensation for their services. Reimbursement of necessary expenditures incurred in the performance of their duties on the council which are allowed by state law shall be administered by the Department of Labor with funds provided by the United States Job Training Partnership Act or other federal or state appropriations made pursuant thereto.

Sec. 5. PL 1987, c. 471 is repealed.

PART G

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(83-A) is enacted to read:

<u>(83-A)</u>	<u>Transportation</u>	<u>Maine Transportation Capital Improvement Planning Commission</u>	<u>Not Authorized</u>	<u>23 MRSA §4501</u>
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Sec. 2. 23 MRSA c. 413 is enacted to read:

CHAPTER 413

MAINE TRANSPORTATION CAPITAL IMPROVEMENT PLANNING COMMISSION

§4501. Commission

The Maine Transportation Capital Improvement Planning Commission, as established in Title 5, section 12004, subsection 10, shall be within the Department of Transportation.

§4502. Composition; appointment; term

1. Membership. The commission shall consist of no more than 17 members. Membership shall include one representative from each of the State's 8 designated planning and economic development regions who shall be appointed by the Governor and who shall serve as representatives of local government or regional planning agencies. In addition to these members, the Governor shall appoint one representative on the commission for each of the following areas: Air passenger or cargo service, rail service, truck service, surface passenger transportation, marine passenger service, marine cargo service and economic or community development. To the extent possible, the Governor shall consider representatives who are active members of established corridor committees. At least 2 members of the commission shall be current members of the joint standing committee of the Legislature having jurisdiction over transportation, consisting of one member from the House of Representatives appointed by the Speaker of the House to serve at his pleasure and one member from the Senate appointed by the President of the Senate to serve at his pleasure.

2. Qualifications. To be qualified to serve, members must have education, training, experience, knowledge, expertise and interest in transportation matters. Members must be residents of different geographical areas of the State who reflect experiential diversity and concern for transportation in the State.

3. Term; vacancy. Members shall be appointed for terms of 3 years, except that, of the members first appointed, 5 shall be appointed for terms of 3 years, 5 shall be appointed for terms of 2 years and 5 shall be appointed for terms of one year, as designated by the Governor at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of that term. Members who are members of the current Legislature and who are appointed by the President of the Senate or the Speaker of the House shall serve at their pleasure. Any vacancy in the commission shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

4. Reappointment; termination. Members shall be eligible for reappointment for not more than 2 full consecutive terms and may serve after the expiration of their terms until their successors have been appointed, qualified and taken office. The appointing authority may terminate the appointment of any member of the commission for good cause and the reason for the termination of each appointment shall be communicated to each member so terminated. The appointment of any member of the commission shall be terminated if a member is absent from 3 consecutive meetings without good cause that is communicated to the chairman. An official, employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of State Government, other than the commissioner, shall not be a member of the commission, but shall assist the commission if so requested.

5. Chairman; officers. The commission shall elect biennially the chairman from among its members. The commission may elect such other officers from its members as it deems appropriate.

§4503. Administrative authority

1. Meetings. The commission shall meet at the call of the commissioner, who shall call meetings at least twice within a calendar year.

2. Subcommittee. The commission may establish subcommittees consisting of its own members to carry out the purposes of this chapter.

3. Quorum. A majority of the commission members shall constitute a quorum for the purpose of conducting the business of the commission and exercising all the powers of the commission. A vote of the majority of the members present shall be sufficient for all actions of the commission.

A majority of any subcommittee shall also constitute a quorum for the purposes of conducting the business for which the subcommittee was established. A vote of the majority of the subcommittee members present shall be sufficient for all actions of the subcommittee.

§4504. Duties

The commission shall:

1. Advise, consult and assist. Advise, consult and assist the commissioner on activities of State Government relating to transportation capital improvement planning. The commission shall be solely advisory in nature. The commission shall not become involved in the preparation or any aspect of the implementation of the department's biennial transportation improvement program;

2. Prepare a transportation capital improvement plan. Assist the department in the preparation of a transportation capital improvement plan that identifies long-range capital improvement needs for the State's highways and bridges, ferries and related facilities, cargo ports, airports, public buses and related facilities and rail facilities. The capital improvement plan shall only address needs that are of a statewide significance. The needs to be addressed shall exclude those items to be addressed in the department's current biennial transportation improvement program. The capital improvement plan shall set forth goals, objectives, schedules and a budget that provides a balanced statewide response to the needs identified. The plan shall be updated every 2 years; and

3. Serve as advocate. Serve as advocate for the public in promoting policies which address the long-term transportation capital improvement needs of the entire State.

Sec. 3. PL 1987, c. 484 is repealed.

**PART H**

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶¶(15-A) and (15-B) are enacted to read:

(15-A)	<u>Insurance</u>	<u>Maine High-Risk Insurance Organization</u>	<u>Not Authorized</u>	<u>24-A MRSA §6052</u>
(15-B)	<u>Insurance</u>	<u>Special Select Commission on Access to Health Care</u>	<u>Expenses Only</u>	<u>24-A MRSA §6071</u>

Sec. 2. 22 MRSA §396-D, sub-§9, ¶F is enacted to read:

F. In determining payment-year financial requirements, the commission shall include an adjustment for the hospital's assessment by the Maine High-Risk Insurance Organization pursuant to Title 24-A, section 6052, subsection 2.

Sec. 3. 22 MRSA §396-F, sub-§1, as enacted by PL 1983, c. 579, §10, is repealed and the following enacted in its place:

1. Charity care. The commission shall make provision for a reasonable amount of revenue deduction attributable to charity care. For purposes of this section, the amount of revenue deduction attributable to charity care shall be defined as the amount of revenue, net of recoveries, which is expected to be written off as a result of a determination that the patient is unable to pay for the hospital services received, provided that the hospital's determination is made pursuant to a policy which was adopted by the hospital and filed with the commission and which is consistent with reasonable guidelines established by the commission in accordance with this section. The commission shall adopt income guidelines which are consistent with the current guidelines of the Hill-Burton Program, at 42 Code of Federal Regulations, Section 124.506, as revised as of October 1, 1986. The guidelines and policies shall include the requirement that upon admission, or in cases of emergency admission, before discharge of a patient, hospitals shall investigate the coverage of the patient by any insurance or state or federal programs of medical assistance. If the hospital's services to the patients are not covered by insurance or a medical assistance program and the patient meets the financial guidelines established by the commission, the services shall be provided as charitable care. This section shall not prevent a hospital from establishing a policy of charitable care which includes services not included in this subsection, if permitted by the commission's guidelines. In no event may hospital services to a person who meets the financial eligibility guidelines, adopted pursuant to this section, be billed to the patient or to a municipality.

Sec. 4. 22 MRSA §4313, sub-§1, as enacted by PL 1983, c. 577, §1, is repealed and the following enacted in its place:

1. Emergency care. In the event of an admission of an eligible person to the hospital, the hospital shall notify the overseer of the liable municipality within 5 business days of the person's admission. In no event may hospital services to a person who meets the financial eligibility guidelines, adopted pursuant to section 396-F, subsection 1, be billed to the patient or to a municipality.

Sec. 5. 24-A MRSA cc. 71 and 72 are enacted to read:

#### CHAPTER 71

### MAINE HIGH-RISK INSURANCE ORGANIZATION

#### §6051. Definitions

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

1. Benefit plan. "Benefit plan" means the coverages

to be offered by the organization to eligible persons pursuant to section 6057.

2. Board. "Board" means the board of directors of the organization.

3. Bureau. "Bureau" means the Bureau of Insurance.

4. Health insurance. "Health insurance" means any hospital and medical expense incurred policy, nonprofit hospital and medical service plan contract and health maintenance organization subscriber contract. The term does not include short-term, accident, fixed indemnity, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of workers' compensation or similar law, automobile medical payment insurance or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

5. Health maintenance organization. "Health maintenance organization" means an organization authorized in chapter 56.

6. Insurance arrangement. "Insurance arrangement" means any plan, program, contract or any other arrangement under which one or more employers, unions or other organizations provide to their employees or members, either directly or indirectly through a trust or 3rd-party administrator, health care services or benefits other than through an insurer.

7. Insured. "Insured" means any individual of this State who is eligible to receive benefits from the organization.

8. Insurer. "Insurer" means any insurance company authorized to transact health insurance business in this State and any nonprofit hospital and medical service corporation.

9. Medicaid. "Medicaid" means coverage under the United States Social Security Act, Title XIX and successors to it.

10. Medicare. "Medicare" means coverage under the United States Social Security Act, Title XVIII.

11. Organization. "Organization" means the Maine High-Risk Insurance Organization.

12. Plan or plan of operation. "Plan" or "plan of operation" means the plan of operation of the organization, including articles, bylaws and operating rules, adopted by the board.

13. Superintendent. "Superintendent" means the Superintendent of Insurance.

§6052. Creation of the organization and board of directors

1. Organization established. The nonprofit entity to be known as the Maine High-Risk Insurance Organization, as established by Title 5, chapter 379, shall provide health insurance to persons who are otherwise unable to obtain health insurance for medical reasons, as determined by this chapter.

2. Reserve fund. A reserve fund shall be established to pay any expenses and claims above premium income. This reserve shall be funded by an assessment on all revenues of all hospitals in the State. The amount of the assessment shall be determined and adjusted annually by the board and shall, in no event, exceed .0015 of all hospitals' gross patient services revenues, as determined by the Maine Health Care Finance Commission. The assessments and expenditures of the organization shall be subject to legislative approval.

3. Board of directors established. The Governor shall appoint a board of directors for the organization. The board shall be composed of 7 members. Six of those members shall represent the following interests: Two members shall represent consumers of health insurance who are not otherwise affiliated with the provision or financing of health care; one member shall represent domestic commercial insurers; one member shall represent non-profit hospital and medical service organizations; one member shall represent hospitals; and one member shall be the Superintendent of Insurance, or his designee. Appointments shall be for 5-year terms, except that no more than 2 members' terms may expire in any one calendar year. Appointments for terms of less than 5 years may be made initially and to replace vacancies, if necessary, to maintain the appropriate staggered terms of office. The Governor shall designate the chairman of the board. The chairman of the board shall schedule an organizational meeting within 60 days of appointment.

§6053. Duties of the board of directors; reporting requirements

The board of directors shall:

1. Establish a plan of operation. Establish a plan of operation for the organization to assure the fair, reasonable and equitable administration of the organization, which may be amended as necessary;

2. Establish procedures. Establish procedures for the handling and accounting of assets and money of the organization;

3. Determine annual assessment. Determine the amount of the annual assessment and any adjustment needed at the end of each fiscal year;

4. Establish rates. Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial function appropriate to the operation of the organization;

5. Select administering insurer. Select an administering insurer;

6. Develop and implement a program. Develop and implement a program to publicize the existence of the organization, the eligibility requirements and procedures for enrollment and to maintain public awareness of the organization, including furnishing all insurance agents licensed in this State with a written explanation of the organization and its operation; and

7. Report. Report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and human resources by February 1st of each year. The report shall include the following:

A. Experience under the funding plan and recommendations for further funding;

B. Experience regarding administrative costs and recommendations regarding an amount of or the need for a statutory cap;

C. Experience regarding the subsidy program and recommendations for future aspects of the subsidy program; and

D. An annual audited financial statement certified by an independent certified public accountant.

§6054. The authority of the organization

The organization shall have the general powers and authority granted under the laws of this State to insurance companies licensed to transact health insurance business and specific authority to:

1. Enter into contracts. Enter into contracts as are necessary or proper to carry out the purposes of this chapter, including the authority to enter into contracts with similar agencies of other states for the joint performance of common administrative functions or with persons or other organizations for the performance of administrative functions or for technical assistance;

2. Sue. Sue or be sued;

3. Take legal action. Take such legal action as necessary to avoid the payment of improper claims against the organization or the coverage provided by or through the organization;

4. Receive premiums and assessments. Receive premiums and assessments from hospital revenues; and

5. Issue insurance policies. Issue policies of insurance in accordance with the requirements of this chapter.

§6055. Administering insurer

1. Selection process. The board shall select an insurer or insurers authorized to write health insurance through a competitive bidding process to administer the organization. The board shall evaluate bids submitted based

on criteria established by the board which includes:

A. The insurer's proven ability to handle individual accident and health insurance;

B. The efficiency of the insurer's claim paying procedures;

C. An estimate of total charges for administering the plan; and

D. The insurer's ability to administer the plan in a cost efficient manner.

2. Term and subsequent appointment. Term and subsequent appointment shall be structured as follows.

A. The administering insurer shall serve for a period of 3 years, subject to removal for cause.

B. At least one year prior to the expiration of the 3-year period of service by an administering insurer, the board shall invite all insurers, including the current administering insurer, to submit bids to serve as the administering insurer for the succeeding 3-year period. Selection of the administering insurer for the succeeding period shall be made at least 6 months prior to the end of the current 3-year period.

3. Duties. The administering insurer shall:

A. Perform all eligibility and administrative claims payment functions relating to the organization;

B. Establish a premium billing procedure for collection of premiums from insured persons. Billings shall be made on a periodic basis as determined by the board;

C. Perform all necessary functions to assure timely payment of benefits to covered persons under the organization, including:

(1) Making available information relating to the proper manner of submitting a claim for benefits to the organization and distributing forms upon which submission shall be made; and

(2) Evaluating the eligibility of each claim for payment by the organization;

D. Submit regular reports to the board regarding the operation of the organization, the frequency, content and form of which shall be determined by the board;

E. Following the close of each calendar year, determine net written and earned premiums, the expense of administration and the paid and incurred losses for the year and report this information to the board on a form as prescribed by the board; and

F. Be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

#### §6056. Assessments

Each hospital's assessment shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the hospital with it.

If assessments exceed actual losses and administrative expenses, the excess shall be held at interest and used by the board to offset future losses or to reduce premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

#### §6057. Eligibility

1. Eligibility. Any individual person who is a resident of this State shall be eligible for organization coverage, except the following:

A. Persons eligible for health care under Medicare or Medicaid;

B. Persons who have terminated coverage in the organization, unless 12 months have elapsed;

C. Persons who have been paid the maximum lifetime benefit established pursuant to section 6058;

D. Inmates of public institutions;

E. Persons terminated for coverage of any insurance plan because of nonpayment of premium; or

F. Persons eligible for conversion at a cost less than the cost of the organization premium.

2. Termination. Any person who ceases to meet eligibility requirements may be terminated at the end of the policy period.

#### §6058. Benefits

1. General benefits. The organization shall offer major medical expense coverage to every eligible person, except that no more than 300 people may be enrolled at any one time without prior legislative approval. Major medical expense coverage offered by the organization shall pay an eligible and enrolled person's covered expenses, subject to limits on the deductible and coinsurance payments authorized in subsection 3 up to a lifetime limit of not less than \$500,000 a covered individual.

The coverage offered by the organization shall not be less than the benefits in a standard group plan and shall include:

A. All benefits required by state law with respect to group health policies subject to chapter 35;

B. Alternative care; and

C. Managed care, as defined by the board.

2. Factors affecting benefits. In establishing the organization coverage, the board shall take into consideration the levels of health insurance provided in the State, medical economic factors as may be deemed appropriate and promulgate benefit levels, deductibles, coinsurance factors, exclusions and limitations determined to be generally reflective of and commensurate with health insurance provided through a representative number of large employers in the State.

3. Deductibles and coinsurance. The organization coverage shall provide a deductible or a choice of deductibles of not less than \$500 nor more than \$1,000 a year per individual and coinsurance of 20%. The coinsurance and deductibles, in the aggregate, shall not exceed \$1,500 per individual nor \$3,000 a family per year.

4. Preexisting conditions. Organization coverage excludes charges or expenses, except as allowed in paragraph A, B or C, incurred during the first 90 days following the effective date of coverage as to any condition, which during the 90-day period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek diagnosis, care or treatment or for which medical advice, care or treatment was recommended or received as to that condition.

A. The preexisting condition exclusions shall be waived for those persons who enroll in the plan during the first 6 months of the plan's operation. Persons enrolling after the first 6 months will be subject to preexisting condition exclusions.

B. The preexisting condition exclusions shall be waived to the extent to which similar exclusions, if any, have been satisfied under any prior health insurance coverage which was involuntarily terminated, provided that:

(1) Application for organization coverage is made not later than 31 days following that involuntary termination; and

(2) The individual is not eligible for a conversion plan at a cost equal to or less than the organization premium.

Coverage in the organization shall be effective from the date on which the prior coverage was terminated.

C. If an insured has paid out \$3,500 for uncovered medical expenses, exclusive of the deductible, during the 90-day waiting period, then the remainder of the waiting period will be waived for that insured.

5. Nonduplication of benefits. Benefits otherwise payable under organization coverage shall be reduced by all amounts paid or payable through any other health insurance or insurance arrangement and by all hospital and medical expense benefits paid or payable under any workers' compensation coverage, automobile medical pay-

ment or liability insurance, whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program, except Medicaid.

The insurer or the organization shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not for covered expenses. Benefits due from the organization may be reduced or refused as a setoff against any amount recoverable under this subsection.

#### §6059. Premiums

1. Reasonableness. Premiums charged for coverages issued by the organization may not be unreasonable in relation to the benefits provided, the risk experience and the reasonable expenses of providing the coverage.

2. Separate schedules. Separate schedules of premium rates based on age, sex and geographical location may apply for individual risks. Rates and rate schedules may be adjusted for appropriate risk factors, such as age and area variation in claim cost, and shall take into consideration appropriate risk factors in accordance with established actuarial and underwriting practices.

3. Standard risk rate. The board shall determine the standard risk rate by calculating the average individual standard rate charged by the 5 largest insurers offering coverages in the State comparable to the organization coverage. In the event 5 insurers do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for the coverage. In no event may organization rates exceed 150% of rates applicable to the standard risk rate.

4. Premium subsidy. The board shall make available a plan to subsidize premiums for those individuals who have been denied health insurance because of a health condition and who meet income eligibility requirements set by the board. The subsidy plan to be paid from the General Fund shall not exceed \$50,000 in costs during the first 2 years of operation.

No subsidy may be given to a person if the premium amount, after deducting the subsidy, is less than the premium of any comparable individual health insurance policy currently available to that person in the State.

The board shall relate the experience of the subsidy plan to the Legislature in the annual report and shall make recommendations regarding the subsidy plan.

#### §6060. Duty of health insurance agents and brokers or insurers

1. Written notice. Any agent or broker licensed to sell health insurance pursuant to chapter 17 shall furnish written notification of the organization to any individual:

A. Who has sought health insurance through the agent; and

B. Who is not eligible for adequate health insurance other than through the organization.

Delivery to the individual of the written explanation furnished by the board pursuant to section 6053 shall satisfy this requirement. When coverage is sought other than through an agent or broker, the insurer shall provide the certification required by this section.

2. Rules; penalties. Subject to the applicable requirements and procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, the superintendent shall adopt rules regarding the notification process and penalties for violations of this section.

§6061. Sunset provision

Unless continued or modified by law, the organization shall cease enrollments and renewals of participants no later than June 30, 1991, and shall be subject to review by the joint standing committees of the Legislature having jurisdiction over audit and program review and banking and insurance.

If either or both of the joint standing committees consider continuing the organization, the committee or committees shall consider methods of funding the reserve fund other than by an assessment on hospitals. This consideration shall include funding the reserve fund from the General Fund of the State.

CHAPTER 72

SPECIAL SELECT COMMISSION ON ACCESS TO HEALTH CARE

§6071. Commission established

There is established a Special Select Commission on Access to Health Care that shall investigate and make proposals to assure access to adequate health care for persons without adequate health insurance or other coverage.

§6072. Membership; appointment; duties

1. Membership. The commission shall have 11 members as follows: One Senator; 2 Representatives; one member representing providers of direct medical care; one member representing health care institutions; one member representing the health insurance industry; one member representing nonprofit hospital and medical service organizations; one member representing employers; one member representing labor; and 2 members representing consumers of health care who are currently inadequately covered by insurance or medical assistance programs.

2. Appointment. The members of the commission

shall be appointed by the Speaker of the House and the President of the Senate.

3. Duties. The commission shall investigate and make recommendations to the Governor, the Commissioner of Human Services and the Legislature to assure access to adequate health care for all citizens. The commission's investigation shall include, but not be limited to, a review of all Medicaid options in which the State does not presently participate, and the possibilities of private and public medical insurance programs for people who cannot purchase their own insurance.

4. Staff and assistance. The Special Select Commission on Access to Health Care may request technical and staff assistance from the Department of Human Services for the purposes of providing oversight of the research needed by the commission's investigation. The Department of Human Services and the Bureau of Insurance shall give unrestricted access to their records, rules, policies and data, except for those items which are legally confidential.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	<u>1987-88</u>	<u>1988-89</u>
<u>LEGISLATURE</u>		
Special Select Commission on Access to Health Care		
Personal Services	\$ 990	\$ 990
All Other	3,300	5,200
Total	<u>\$ 4,290</u>	<u>\$ 6,190</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Health Care Benefits for Uninsured Individuals		
All Other	\$ 36,640	\$ 38,140
General Assistance — reimbursement to cities and towns		
All Other	(\$200,000)	(\$295,000)
TOTAL HUMAN SERVICES, DEPARTMENT OF	<u>(\$163,360)</u>	<u>(\$256,860)</u>
<u>MAINE HIGH RISK INSURANCE ORGANIZATION</u>		
All Other		\$ 50,000

Sec. 7. Application. The sale of policies under this Part shall take effect July 1, 1988.

Sec. 8. PL 1987, c. 347 is repealed.

PART I

Sec. 1. 5 MRSA §7002, sub-§3 is enacted to read:



3. Assistance to municipalities to generate economic growth. The director shall administer a program of assistance to municipalities to generate jobs and business development. Potential uses of this money include infrastructure development, planning and technical assistance, marketing and other types of capacity building.

A. This program may consist of a fund consisting of money derived from any general obligation bonds issued for the purposes of generating economic development and jobs. This fund with money not exceeding \$1,000,000 shall be administered by the State Development Office to provide assistance as defined in this subsection. Money available for the purpose of this subsection shall not be used to provide financial assistance to business.

B. At least 20% of the money available to implement this program shall be provided to opportunity zones pursuant to chapter 403.

Sec. 2. 5 MRSA §12004, sub-§10, ¶A, sub-¶(5-A) is enacted to read:

<u>(5-A) Economic Development</u>	<u>Commission on Job Opportunity Zones</u>	<u>Legislative Per Diem for Legislative Members Only</u>	<u>5 MRSA §15136</u>
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Sec. 3. 5 MRSA c. 403 is enacted to read:

CHAPTER 403

JOB OPPORTUNITY ZONES ACT

§15131. Short title

This chapter shall be known and may be cited as the "Job Opportunity Zones Act."

§15132. Findings

The creation of job opportunities for Maine citizens is one of the highest priorities to maintain a healthy and balanced economy. Certain parts of the State do not enjoy the same level of economic development as other areas. Differences in geographical location, variations in the amount of natural or built resources and population, among other factors, have an impact on the ability of these areas to compete in a global economy and expand job opportunities.

Recognizing the need to assist certain areas of the State to address this economic disparity, it is appropriate to establish a program of economic development incentives targeted to areas of the State which are not sharing in the economic growth or job opportunities associated with that growth.

The responsibility for enhancing the development potential of any area must be a partnership between the

locality and the State to create a local strategy, build capacity, improve infrastructure and services, identify and provide appropriate development incentives and effectively market and promote the community.

§15133. Purpose

Job opportunity zones are created to enhance the partnership between the State and areas which are found to be economically distressed or impacted by sudden or severe dislocation of the economy. By targeting state and local resources and selected incentives, within the context of a local economic development strategy, job opportunity zones can be an effective tool to encourage balanced economic growth.

§15134. Definitions

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

1. Commission. "Commission" means Commission on Job Opportunity Zones.

2. Director. "Director" means the Director of the State Development Office.

3. Office. "Office" means the State Development Office.

4. Zone. "Zone" means a job opportunity zone.

§15135. Commission on Job Opportunity Zones

The Commission on Job Opportunity Zones, as established by chapter 403, shall be composed of 10 voting members.

1. Appointment. The Speaker of the House and the President of the Senate shall appoint 5 members to the commission and the Governor also shall appoint 5 members.

2. Terms of office. Members appointed by the Speaker of the House and the President of the Senate shall serve at the pleasure of these appointing authorities. The appointees of the Governor shall serve at the pleasure of the Governor.

3. Chairmen. There shall be 2 cochairmen of the commission. The Governor shall appoint one cochairman from among the gubernatorial appointees. The appointment of the cochairman from among the members appointed by the Speaker of the House and the President of the Senate shall be made by the Speaker of the House and the President of the Senate. The chairmen shall serve at the pleasure of their respective appointing authorities.

4. Compensation. The members shall be compensated in accordance with chapter 379.

5. Duties and responsibilities. The commission shall review the implementation of this chapter and assist the director in preparing reports. The commission shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over economic development matters pursuant to this chapter.

§15136. Designation of Job Opportunity Zones

The director may establish 4 demonstration zones in economically distressed areas of the State as a means of determining the effectiveness of such zones as a tool for stimulating economic growth and development.

1. Standards for zones. The director, by rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall establish standards for the selection of areas to be designated as zones. The director shall consult with the commission in the preparation of rules for the selection of zones and the provision of assistance within those zones. At a minimum, the director shall apply the following standards.

A. All zones shall be economically distressed areas as determined by the director. At a minimum, the definition of distress includes areas where the unemployment rate is at least 1.5 times greater than the unemployment rate for the State, as reported by the Department of Labor; the per capita income is less than 80% of the per capita income of the State; there is a significant decline in the population; or there is a significant decline in the labor force, as reported by the Department of Labor.

(1) The level of general assistance by the State and municipalities, as well as the level of federal assistance to persons in these zones, shall also be considered.

B. All areas wishing to be designated as zones shall demonstrate actual or potential local capacity for economic development and the willingness to cooperate with the office.

C. At least one zone shall be a sudden or severely economically distressed area which shall have experienced significant layoffs.

D. At least one zone shall be an urban zone, comprising all or part of a municipality or a collection of municipalities within the same geographical area, at least one of which has a population greater than 10,000.

E. At least one zone shall be a rural zone, comprising a municipality or collection of municipalities within the same geographical area, no one of which may have a population greater than 10,000.

F. At least one zone shall be designated as a response to proposed economic development which will ensure the retention or creation of job opportunities through the location or expansion of an industry.

2. Duties and responsibilities of the director. The

director shall designate zones. The director, to the fullest extent possible, shall inform communities eligible for designation about the program, providing technical assistance where necessary to communities interested in pursuing this designation.

3. Review of program; report to Governor and Legislature. The director shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over economic development matters his findings on regional economic distress with suggestions for action which may alleviate this economic distress. In cooperation with the commission, the director shall review and evaluate the operation of these demonstration zones. This report shall be presented no later than February 1st each year and shall include the following:

A. The number, type and quality of the new jobs created through the Opportunity Zone Program;

B. The number of jobs retained as a result of the Opportunity Zone Program that would have been otherwise lost without the targeted assistance of this program;

C. Economic and community development activity within the zone which is related to the designation as a zone; and

D. Any other results that the commission or the director deems significant.

The director, in this report, shall present findings and recommendations, including recommendations for the extension, expansion or elimination of the Job Opportunity Zone Program.

§15137. Determination of regional economic distress

The office shall analyze various regions and localities of the State in order to ascertain the level of economic distress, the causes of that distress and possible actions which may be undertaken to reduce or eliminate the economic distress. This analysis of economic distress shall include, at a minimum, unemployment rate, per capita income, population decline, decline in the labor force, the level of federal assistance afforded to the population, the level of general assistance afforded to the population, plant closings or other significant reductions in employment opportunities, the dependence upon one primary employer or industry within the region and other standards which may measure economic distress and employment opportunities.

§15138. Assistance to job opportunity zones

Agencies of State Government shall cooperate to assess the needs of zones and provide appropriate assistance to these zones. There shall be a committee composed of, at a minimum, the Director of the State Development Office, Director of the State Planning Office, Commissioner of Transportation, Commissioner of Labor, Commissioner of Educational and Cultural Services, Executive Director of the Maine Vocational-Technical Institute System, Chief Executive Officer of

the Finance Authority of Maine and the Director of the Maine State Housing Authority.

In special circumstances where it is deemed critical to meeting zone objectives, the director is authorized to extend zone benefits to a business in a contiguous community.

In order to achieve the purposes for which opportunity zones are established, the State Development Office may apply the following programs of assistance.

1. Planning and technical assistance. The office may provide planning, technical assistance and resources to municipalities, regional development organizations serving the zone, persons, groups and other interested entities to assist in the preparation of short-term and long-term goals, the preparation of implementation plans to achieve these goals and determining approaches and identifying resources which can promote economic growth and development in each zone.

2. Small business assistance centers. The director may provide business development services, particularly managerial and technical assistance, to businesses in designated opportunity zones through the Small Business Development Centers.

3. The Maine Job Development Program and Financial Assistance to Business. The Finance Authority of Maine shall designate \$750,000 from the Maine Job Development Program Fund to be administered by the authority and to be used to provide assistance to businesses in zones. This designation shall not be construed to prohibit the use of additional funds from this program to provide additional financial assistance to eligible businesses in the zones. Such financial assistance shall be offered by the Finance Authority of Maine in cooperation with the State Development Office.

A. This fund may consist of money derived from any general obligation bonds for the purpose of generating business opportunities and jobs.

B. In implementing the Maine Job Development Program, the Finance Authority of Maine and the State Development Office and its successor shall coordinate their activities and other resources to the maximum extent possible.

4. The Maine Job Development Program; financial assistance to municipalities in opportunity zones. The State Development Office shall designate \$200,000 from the Maine Job Development Program Fund to be provided to municipalities in opportunity zones. This assistance shall be used to develop municipal capacity to generate jobs and business development. Potential uses of this money shall include, but not be limited to, infrastructure development, planning and technical assistance, marketing and other types of capacity building.

Money available for the purpose of this subsection shall

not be used to provide financial assistance to businesses.

5. Opportunity Zone Service Delivery System Program. The Opportunity Zone Service Delivery System Program shall be developed by the director to coordinate development resources and services, including the programs and services of the State Planning Office, the Finance Authority of Maine and the Maine State Housing Authority which shall be targeted to assist zones.

6. Opportunity Zone Human Resource Development Program. The State Development Office shall coordinate and target state and local government human resource development programs to each zone. The programs shall include, but not be limited to, education, including vocational education; job training; work incentive programs; and dependent care. Any of these programs applied to opportunity zones shall use funds appropriated by the Legislature to carry out the purposes of this Part when other existing resources are insufficient or unavailable.

7. Infrastructure Assistance Program. The office shall work with the Department of Transportation, the Department of Environmental Protection and the Public Utilities Commission to develop an infrastructure program for each zone. Such a program shall include, but not be limited to, short-term and long-term goals and a carefully designed plan of implementation.

8. Exemption. Application for designation of municipal development districts within zones shall be exempted from the limitations on tax increment financing as stipulated in Title 30, section 4683, subsection 1, paragraph C, subparagraph (1). To that end, municipal development district activities shall not affect or be affected by limitations or activities within the county wherein the zone is located.

9. Assistance to communities, persons and entities. The director shall provide assistance to communities, persons or entities in opportunity zones to fund programs and activities to develop and implement community economic development, business promotion and marketing activities.

10. Grants for newly created jobs. Businesses with in the zones shall be eligible to receive direct grants of up to \$1,250 for each new full-time quality job created for a maximum of 200 jobs in all zones per year. Businesses shall be eligible to receive job grants for a period of 2 years from the date of the designation of the zone. Total grants shall not exceed a total of \$250,000 for all businesses within all the zones in any single year. The grants provided pursuant to this subsection shall be made from funds appropriated by the Legislature to carry out the purposes of this Part.

A. The Finance Authority of Maine shall be responsible for the administration of the Job Grants Program under this subsection. In administering this program, the Finance Authority of Maine, in cooperation with

State Development Office, shall adopt rules for the implementation of this program. These rules shall:

(1) Establish criteria and the process by which the amounts or sizes of grants shall be determined and awarded. Eligible recipients of grants shall be provided with 50% of the credit after a new position has been filled for a period of 6 months. The remainder of the job credit shall be made available to the eligible recipient after the position has been filled for one year;

(2) Define a quality job;

(3) Establish a ranking system with minimum eligibility standards, including factors such as full-time jobs; wages; job benefits, including medical insurance, dependent care, paid vacation and paid sick leave; and any other standards deemed important by the Finance Authority of Maine and the State Development Office;

(4) Provide special consideration for jobs created in manufacturing companies, natural resource-based companies, as well as companies which contribute to the export base of an opportunity zone and companies engaged in the production of value-added products and services; and

(5) Require companies applying for grants to demonstrate their financial viability which may include the use of the grant to make them financially viable.

B. The State Development Office shall be responsible for the promotion and packaging of applications for consideration by the Finance Authority of Maine. The State Development Office shall contract with the Finance Authority of Maine to underwrite and administer the Job Grants Program defined in this subsection. The contract shall allow for the reimbursement of reasonable expenses associated with the administration of the program.

#### §15139. Cooperation of state agencies

All state agencies shall cooperate with the State Development Office and the State Planning Office and expeditiously respond to their requests to undertake the activities required by this chapter.

#### §15140. Evaluation

The commission, in cooperation with the State Development Office, shall seek independent professional assistance to assist the commission to undertake an objective evaluation of the program. This evaluation shall be made available to the Governor and the joint standing committee of the Legislature having jurisdiction over economic development, no later than October 1, 1989.

#### §15141. Sunset

This chapter shall be repealed on June 30, 1990, unless reenacted by the Legislature.

Sec. 4. 10 MRSA c. 110, sub-c. VIII is enacted to read:

### SUBCHAPTER VIII

### MAINE OPPORTUNITY ZONE

#### JOB GRANTS PROGRAM

#### §1100-S. Job grants program

The authority shall be responsible for the administration of the Maine Opportunity Job Grants Program pursuant to Title 5, chapter 403.

1. Cooperation with the State Development Office. In administering this program, the authority shall cooperate with the State Development Office. The authority and the State Development Office shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this program. These rules shall:

A. Establish criteria and the process by which the amounts or sizes of grants shall be determined and awarded. Eligible recipients of grants shall be provided with 50% of the credit after a new position has been filled for a period of 6 months. The remainder of the job credit shall be made available to the eligible recipient after the position has been filled for one year;

B. Define a quality job;

C. Establish a ranking system with minimum eligibility standards, including factors such as full-time jobs; wages; job benefits, including medical insurance, dependent care, paid vacation, paid sick leave; and any other standards deemed important by the Finance Authority of Maine and the State Development Office;

D. Provide special consideration for jobs created in manufacturing companies, natural resources based companies as well as companies which contribute to the export base of an opportunity zone and companies engaged in the production of value-added products and services; and

E. Require companies applying for grants to demonstrate their financial viability which may include the use of the grant to make them financially viable.

Sec. 5. Allocation. The following funds having been appropriated by the Legislature are hereby allocated to carry out the purposes of this Part.

1987-88

1988-89

#### EXECUTIVE DEPARTMENT

State Development Office

All Other 248,320 348,320

Funds for the fiscal year 1987-88 are to be used for contractual services to assist the State Development Office and the State Planning Office to conduct the review and analysis required in this Part. In addition, the funds provided in this allocation for the 1987-89 biennium may be used to fund remedies as provided in this Part.

LEGISLATURE

Commission on Job Opportunity Zones

Personal Services	\$ 880	\$ 880
All Other	880	880
Total	\$ 1,760	\$ 1,760

Provides funds for per diem and expenses for Legislators appointed to the Commission on Job Opportunity Zones.

TOTAL ALLOCATIONS 250,080 350,080

Sec. 6. PL 1987 c. 500 is repealed.

PART J

**Sec. 1. Aroostook County Detention Facility Study Committee.** An Aroostook County Detention Facility Study Committee shall be composed of the following members: Two Senators appointed by the President of the Senate; 5 Representatives to be appointed by the Speaker of the House; one Aroostook County Commissioner and 3 members of the public appointed jointly by the President of the Senate and Speaker of the House; the Aroostook County Sheriff, or his designee, and the District Attorney serving Aroostook County, or his designee.

The chairman shall be designated from among the membership jointly by the President of the Senate and the Speaker of the House.

The appointing authorities shall notify the Executive Director of the Legislative Council of the appointments.

The members may meet in Aroostook County. They shall be compensated for actual expenses from the county contingency fund.

The committee shall undertake a comprehensive study of the feasibility and practicality of providing detention facility services for Aroostook County by private contract, including: The scope and nature of services to be provided; the cost and methods of funding; the necessary revisions of law or rule required; the methods of reviewing, administering and accounting for these services and the source, means and amount of funding.

The committee may make recommendations to the county delegation.

Sec. 2. P&SL 1987, c. 46 is repealed.

PART K

Sec. 1. 5 MRSA §12004, sub-§1, ¶A, sub-¶(27-A) is enacted to read:

(27-A)	Therapeutic Pharmaceutical Monitoring Panel	Legislative Per Diem	32 MRSA §2428
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Sec. 2. 32 MRSA §2411, sub-§1, ¶A, as enacted by PL 1975, c. 563, §1, is repealed and the following enacted in its place:

A. The examination of the eye and related structures without the use of surgery or other invasive techniques to ascertain defects, abnormalities or diseases of the eye;

Sec. 3. 32 MRSA §2411, sub-§1, ¶C, as enacted by PL 1975, c. 563, §1, is repealed and the following enacted in its place:

C. The correction, treatment or referral of vision problems and ocular abnormalities by the prescribing, adapting and application of ophthalmic lenses, devices containing lenses, prisms, contact lenses, orthoptics, vision therapy, ocular pharmaceutical agents and prosthetic devices and other optical aids, and by using other corrective procedures to preserve, restore or improve vision, excluding invasive, laser or other surgery;

Sec. 4. 32 MRSA §2411, sub-§3, as repealed and replaced by PL 1975, c. 563, §1, is repealed and the following enacted in its place:

3. Pharmaceutical agents. "Pharmaceutical agents" means topical medicinal diagnostic and therapeutical substances for use in the diagnosis, cure, treatment or prevention of ocular disease.

Sec. 5. 32 MRSA §2411, sub-§§4 and 5 are enacted to read:

4. Diagnostic pharmaceuticals. "Diagnostic pharmaceuticals" means those pharmaceutical agents required to detect and diagnose an abnormal condition or eye disease.

5. Therapeutic pharmaceuticals. "Therapeutic pharmaceuticals" means those pharmaceutical agents required to prevent, manage or treat abnormal ocular conditions or diseases, excluding glaucoma.

Nothing in this section may be construed to permit the optometric use of pharmaceutical agents which are:

A. Controlled substances as described in the United States Code, Title 21, Section 812;

B. Any pharmaceutical agent administered by diagnosis, cure, treatment or prevention of ocular disease shall be held to the same standard of care in diagnosis, use of such agents and treatment as that degree of skill and proficiency commonly exercised by a medical practitioner in the same community.

C. Any pharmaceutical agent for the specific treatment of a systemic disease.

Notwithstanding any other provision of this Act, an optometrist may dispense, prescribe and administer non-legend agents.

Sec. 6. 32 MRSA §2413 is enacted to read:

§2413. Standard of care

An optometrist authorized to use pharmaceutical agents for use in the diagnosis, cure, treatment or prevention of ocular disease shall be held to the same standard of care in diagnosis, use of such agents and treatment as that degree of skill and proficiency commonly exercised by a medical practitioner in the same community.

Sec. 7. 32 MRSA §2417, sub-§3, ¶D, as enacted by PL 1973, c. 788, §156, is repealed and the following enacted to read:

D. Advice for medical treatment or referral, or both;

Sec. 8. 32 MRSA §2417, sub-§4, ¶D is enacted to read:

D. For pharmaceutical agents:

- (1) Patient's name;
- (2) Date;
- (3) Name, quantity and dosage of drugs;
- (4) Number of refills;
- (5) Name of prescriber;
- (6) Drug license number of prescriber;
- (7) A sequential number; and
- (8) The prescriber's directions for usage.

Sale of pharmaceutical agents by an optometrist is prohibited.

Sec. 9. 32 MRSA §2419 as amended by PL 1983, c. 378, §26, is repealed.

Sec. 10. 32 MRSA §2419-A is enacted to read:

§2419-A. Licensure for use of therapeutic pharmaceutical agents

Use of therapeutic pharmaceutical agents by an optometrist requires a therapeutic license from the State Board of Optometry. Licensure shall require a review of credentials by the State Board of Optometry, including the successful completion of a transcript quality course in general and ocular pharmacology. A transcript quality course means a course which is given by a regional or professional accrediting organization approved by the Council on Post-secondary Accreditation of the United States Department of Education and approved by the State Board of Optometry. The board shall require a course which includes a minimum of 100 hours of ocular therapeutics, including at least 25 hours of supervised clinical training, in the examination, diagnosis and treatment of conditions of the eye and adnexa. Any such course shall include participation by an ophthalmologist.

The board shall also require an applicant to successfully complete a graded written examination, administered by the State Board of Optometry or the National Board of Examiners in Optometry, demonstrating competency in the use of therapeutic pharmaceutical agents.

Sec. 11. 32 MRSA §2422, as amended by PL 1975, c. 563, §3, is further amended to read:

§2422. Examination; fees; registration

Except as provided in section 2424, every person before beginning the practice of optometry in this State shall pass an examination before the board. At the discretion of the board, such examination may consist of tests in basic sciences; in anatomy and physiology of the eye; pathology; practical, theoretical and physiological optics; practical and theoretical optometry; clinical diagnosis and therapeutics; and such other phases of optometric knowledge and skill as the board may deem essential. The board shall include an examination on the subject of general and ocular pharmacology as it relates to optometry and the use of ~~topically applied diagnostic drugs~~ pharmaceutical agents for all new applicants for a certificate of registration and license. ~~Presently licensed optometrists shall be permitted to use diagnostic drugs only if they obtained a diagnostic drug license under section 2427.~~ Any person, having signified to ~~said~~ the board his desire to be examined, shall appear before the board at such time and place as they may designate and, before such examination, shall pay to ~~said~~ the board a sum not in excess of \$100, as established by the board. All persons successfully passing such examination shall be registered, in a record which shall be kept by the secretary of ~~said~~ the board, as licensed to practice optometry and shall receive a certificate of such registration issued by ~~said~~ the board.

1. Requirement. All applicants for a therapeutic pharmaceutical license under this section shall submit proof of:

A. Satisfactory completion of a course in general and

ocular pharmacology with particular emphasis on the application and use of pharmaceutical agents for the purpose of examination, diagnosis and treatment of conditions of the eye and its adnexa. The course shall constitute a minimum of 100 hours of ocular therapeutics, including at least 25 hours of supervised clinical training and shall be taught by an accredited institution and approved by the board; or

B. Graduation from an accredited optometric institution and passing an examination on therapeutic pharmaceuticals administered by the National Board of Examiners in Optometry; and

C. Completion of one year of acceptable practice as a licensed optometrist.

Sec. 12. 32 MRSA §2425, as enacted by PL 1973, c. 788, §156, is amended to read:

§2425. Display of certificates

Every person to whom a certificate of registration and current certificate of annual license renewal are granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted. Optometrists awarded credentials by the board in the use of diagnostic and therapeutic pharmaceuticals are required to affix current documentation of these privileges to their registration as provided by the board upon annual license renewal.

Sec. 13. 32 MRSA §2426, first paragraph, as enacted by PL 1973, c. 788, §156, is amended to read:

All optometrists now or hereafter licensed in the State of Maine shall be required to take annual courses in subjects related to the practice of the profession of optometry, to the end that the utilization and application of new techniques, scientific and technical advances, the use of pharmaceutical agents and treatment of ocular diseases and the achievements of research will assure comprehensive vision care to the public. The length of study shall be determined by the board, but in no event shall it be less than 15 hours nor exceed 20 hours in any calendar year. Optometrists authorized to use therapeutic pharmaceutical agents shall complete, as part of their annual course work, 5 or more hours of approved transcript quality course work in ocular pharmacology, diagnosis and treatment of ocular disease. Attendance must be at a course or courses approved by the board and is to be certified to the board upon a form provided by the board and shall be submitted by each optometrist at the time he makes application to the board for the renewal of his license and shall accompany the annual renewal fee. The board shall notify all optometrists licensed in this State of all courses approved by it at least 15 days prior to the offering of such course. The board is authorized to use up to 1/2 of its annual renewal fees for the purpose of contracting with institutions of higher learning, professional organizations or qualified individuals for the providing of educational programs approved by the

board.

Sec. 14. 32 MRSA §2427, as amended by PL 1983, c. 378, §28, is repealed.

Sec. 15. 32 MRSA §2428 is enacted to read:

§2428. Therapeutic Pharmaceutical Monitoring Panel

1. Panel established. There is created a Therapeutic Pharmaceutical Monitoring Panel.

2. Membership. The panel shall consist of 5 members to be appointed as follows:

A. One licensed optometrist appointed by the State Board of Optometry;

B. One licensed ophthalmologist appointed by the Board of Registration in Medicine;

C. One member of the Senate, who shall also be a member of the joint standing committee of the Legislature having jurisdiction over business legislation or the joint standing committee of the Legislature having jurisdiction over human resources, to be appointed by the President of the Senate;

D. One member of the House of Representatives, who shall also be a member of the joint standing committee of the Legislature having jurisdiction over business legislation or the joint standing committee of the Legislature having jurisdiction over human resources, to be appointed by the Speaker of the House; and

E. A licensed physician with a specialty in internal medicine, appointed by the Board of Registration in Medicine.

Appointments shall be made within 30 days after this Part becomes effective. Notification of all appointments shall be made to the Board of Optometry and the Board of Registration in Medicine and these boards shall jointly call the first meeting of the panel within 30 days of this notification.

3. Staff. The panel may employ and prescribe the duties of other personnel as the board deems necessary.

4. Reports. Reports of side effects or ineffective drugs and investigation of drug misuse shall be as follows.

A. All optometrist shall retain records of each use or application of any pharmaceutical agent and shall provide a report of all uses to the panel every 3 months, commencing on June 30, 1988.

B. All optometrists and ophthalmologists shall report to the panel each instance in which a patient administered a therapeutic pharmaceutical agent experiences a clinically significant drug-induced side

effect. The panel shall report each such instance either to the Board of Registration in Medicine if the instance involves an ophthalmologist or the State Board of Optometry if the instance involves an optometrist.

C. The panel shall also investigate complaints concerning misuse of ocular pharmaceutical agents by optometrists or ophthalmologists and shall forward the results of that investigation of an ophthalmologist to the Board of Registration in Medicine or the results of that investigation of an optometrist to the State Board of Optometry with its recommendation.

5. Recommendations. The panel may make recommendations to the State Board of Optometry and the State Board of Registration in Medicine at such times and on such subjects related to therapeutic pharmaceutical agents as it deems appropriate.

6. Report to the Legislature and Governor. The panel shall prepare and submit reports to the Governor, the President of the Senate, the Speaker of the House, the State Board of Optometry and the State Board of Registration in Medicine. The reports shall summarize the findings of the panel regarding the use of therapeutic pharmaceutical agents and shall be signed by all members of the panel. A report shall be submitted on the following dates: June 30, 1988; January 30, 1989; June 30, 1989; and January 30, 1990.

7. Budget. All expenses of this panel shall be paid by the State Board of Optometry and the State Board of Registration in Medicine on an equal basis. The panel shall submit to the Board of Optometry its budgeting requirements in the manner and time prescribed by that board.

8. Sunset. This section is repealed on May 15, 1990.

Sec. 16. 32 MRS §2431-A, sub-§2, ¶O, as enacted by PL 1983, c. 378, §30, is amended to read:

O. Failure to display a diagnostic or therapeutic drug license issued under ~~section 2427~~ section 2419-A or 2425; or

Sec. 17. 32 MRS §2441, as enacted by PL 1973, c. 788, §156, is amended to read:

§2441. Penalties

Whoever engages in the practice of optometry in this State, without first having been duly registered as provided in sections 2421 and 2424, ~~shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 \$250 nor more than \$200 \$1,000.~~ To open an office for the purpose of practicing optometry or to announce to the public in any way an intention to practice optometry in any county in the State shall be prima facie evidence of engaging in the practice of optometry within the meaning of this section.

Sec. 18. 32 MRS §2446, as amended by PL 1977, c. 564, §121, is further amended to read:

§2446. Drugs

Any optometrist who uses ~~diagnostic drugs pharmaceutical agents, without first having obtained a license under section 2427 or being duly registered as provided in section 2421 and 2424 after October 1, 1975,~~ 2419-A shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$200.

The board further reserves the right to review performances and remove a therapeutic drug license, as outlined in section 2431-A or if the licensee fails to comply with the requirements in section 2426.

Sec. 19. Allocation. The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Part.

	1987-88	1988-89
<u>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</u>		
<u>Therapeutic Pharmaceutical Monitoring Panel</u>		
Personal Services	\$1,100	\$1,100
All Other	1,000	1,000
Total	<u>\$2,100</u>	<u>\$2,100</u>

Sec. 20. PL 1987, c. 439 is repealed.

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

Effective July 10, 1987.