

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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

Twin City Printery
Lewiston, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Whereas, portions of the municipal solid waste stream cannot be incinerated and must be landfilled or recycled; and

Whereas, the siting and development of stump and demolition debris disposal facilities and tires and white goods disposal facilities require extensive planning and technical expertise not readily available to many municipalities; and

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

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

Sec. 1. 38 MRSa §1304, sub-§4, as amended by PL 1979, c. 383, §5, is further amended to read:

4. Technical assistance. The department is authorized to establish guidelines for effective waste management, to provide technical assistance to persons planning, constructing or operating waste facilities, and to conduct applied research activities in the field of waste management, including methods of recycling hazardous or solid waste, sludge or septage. The department shall develop a pilot program to provide grants for the identification, design and development of tire and white goods disposal facilities, including pickup of these items, and stump and demolition debris disposal facilities by municipalities, county governments and regional planning agencies.

Sec. 2. Reporting date. The Bureau of Solid Waste in the Department of Environmental Protection shall conclude their current revision of rules governing solid waste disposal and the Board of Environmental Protection shall adopt and disseminate revised rules on solid waste disposal by January 15, 1989.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1988-89
<u>ENVIRONMENTAL PROTECTION,</u>	
<u>DEPARTMENT OF</u>	
Solid Waste Management	
All Other	\$200,000
Provides funding for a pilot program providing grants to municipalities, county government and regional planning agencies for identification, design and development of tire and white goods disposal facilities, including pickup, and stump and demolition debris disposal facilities.	

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

Effective September 23, 1988.

CHAPTER 884

S.P. 1024 — L.D. 2680

AN ACT to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1989.

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

Whereas, certain obligations and expenses will become due and payable immediately; and

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

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

PART A

Sec. 1. **Supplemental appropriation from the General Fund.** There is appropriated from the General Fund for the fiscal year ending June 30, 1989, to the departments listed, the following amounts:

	1988-89
<u>CONSERVATION, DEPARTMENT OF</u>	
Maine Land Use Regulation Commission	
Positions	(10)
Personal Services	\$ 152,001
All Other	55,000
Capital Expenditures	69,500

Provides funds to meet increased development activity. Includes 8 months funding for: Three Environmental Specialist II positions for enforcement to be located in Aroostook County, the Bangor area and in western Maine; one Word Processing Operator; one Clerk Typist II position; one Resource Administrator; one Senior Planner; and 3 Environmental Specialist II positions for permitting. Funds also provide for general office operations, including contractual services. It is intended that \$36,000 of the Capital Expenditures be transferred to the Department of Conservation, Vehicle Rental Agency, for the purchase of 3 four-wheel drive pickup trucks in accordance with the Maine Revised Statutes, Title 5, section 1585.

Administrative Services — Conservation	
All Other	25,000

Provides funds to obtain independent consultant services to study the internal organization and management of the Maine Land Use Regulation Commission and to make recommendations to the department for improvements and efficiencies in the commission's operations and responsiveness to the public. The department shall make the consultant's final report available to the Legislature no later than April 1, 1989.

DEPARTMENT OF CONSERVATION
TOTAL \$ 301,501

GOVERNMENTAL ETHICS AND ELECTION PRACTICES, COMMISSION ON

Commission on Governmental Ethics and Election Practices

Positions (1)
Personal Services \$ 19,139

Provides funds to increase staff assistance to the commission from a part-time basis of 22 weeks per year to a full-time basis.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
TOTAL \$ 19,139

MAINE HEALTH POLICY ADVISORY COUNCIL

Maine Health Policy Advisory Council

All Other \$ 15,000

Provides funds for meetings and other activities of the Advisory Council.

MAINE HEALTH POLICY ADVISORY COUNCIL
TOTAL \$ 15,000

HUMAN SERVICES, DEPARTMENT OF

Child Care Services

All Other \$ 125,000

Provides funds to develop 3 regional child care resource development centers; one center to serve the Brunswick area and Lincoln and Sagadahoc Counties; one center in Washington County; and one center for Knox and Waldo counties. These centers will determine child care needs; recruit and maintain providers and make referrals; work with public and private employers on child care resource development; encourage cooperation among municipalities, schools, community organizations, health services and employers; determine training needs and promote community awareness and consumer education on child care. A local advisory committee is to be established concurrently with each regional center.

DEPARTMENT OF HUMAN SERVICES
TOTAL \$ 125,000

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Augusta Mental Health Institute

Positions (64.5)
Personal Services \$ 918,311
All Other 523,239
Capital Expenditures 40,000

Provides funds for relief of overcrowding; to increase levels of active documented treatment; to reduce the level of stress and overtime required of direct service personnel; and to regain Medicare certification. Includes funding for the following positions:

Classification	Positions
Recreation Therapist	2
Ward Clerk	2
Recreational Therapy Aides	4
Psychiatric Social Worker II	2
Physician III (Psychiatrist)	1
Psychologist III	2
Nurse III	3
Licensed Practical Nurse	3
Mental Health Worker I	26
Mental Health Worker II	4
Mental Health Worker III	1
Occupational Therapy Assistant	3
Occupational Therapy Aides	4
Custodial Worker II	1
Pharmacist 24 hours per week	1
Custodial Worker I plus 16 hours per week	0
Clerk Typist II plus 24 hours per week	3.5
Food Service Worker	2

Bangor Mental Health Institute

Positions (21)
Personal Services 337,751
All Other 16,888
Capital Expenditures 459,350

Provides funds for creation of a day hospital component at Bangor Mental Health Institute in order to relieve the inpatient staff of the added burden of treating patients on leave and trial visit status. Includes funding for the following positions:

Classification	Positions
Physician III (Psychiatrist)	1
Psychologist III	2
Psychiatric Social Work Supervisor	1
Psychiatric Social Worker II	2
Nurse II	2
Teacher	1
Teacher Aide	1
Mental Health Worker II	5
Recreational Therapist	2
Certified Occupational Therapy Aide	2
Pharmacy Technician	1
Clerk Typist III	1

The department, by July 1989, shall complete a comprehensive assessment of the functional needs of each of the patients participating in the partial hospitalization program. The department will present a plan to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Human Resources describing the plan to transition these identified pa-

tients to participation in community services when clinically appropriate. The plan will include at a minimum a description of needed services and attendant costs.

Bangor Mental Health Institute

Positions	(44)
Personal Services	612,167
All Other	30,808

Provides funds for compliance with Health Care Finance Administration and Joint Commission on Accreditation of Health Care Organizations standards in the major health care disciplines and to increase and improve staffing mix and ratios at all levels of direct care staff. Includes funding for the following positions:

<u>Classification</u>	<u>Positions</u>
Mental Health Worker II	20
Nurse II	13
Nurse III	2
Physician III (Psychiatrist)	1
Psychologist III	1
Food Service Worker	2
Custodial Worker I	5

Mental Health Services — Community

All Other	485,000
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Provides funds for rehabilitation services to increase the psychiatrically disabled persons' capacity for healthy personal, social and vocational functioning to improve their ability to sustain community tenure.

Mental Health Services — Community

All Other	511,750
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Provides funds for integrating services to bring psychiatrically disabled adults into contact with the helping system by actively coordinating basic support, treatment and rehabilitation services.

Mental Health Services — Community

All Other	423,000
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Provides funds for basic supports, such as housing, which are the "safety net" that protects the psychiatrically disabled person and insures that minimal needs of daily living are met.

Mental Health Services — Community

All Other	1,939,975
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Provides funds for treatment services to aid psychiatrically disabled adults to achieve and maintain health and to reduce the signs and symptoms of mental and physical illness.

Mental Health Services — Community

Positions	(6)
Personal Services	106,366

Provides funds to meet costs associated with establishment of enhanced crisis services.

Mental Health Services — Community

All Other	150,000
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Provides funds for an Aftercare program to provide treatment, therapeutic activities, stabilization support, social support. The department will develop a request for proposals to contract for these services. Target population: Former patients of Augusta Mental Health Institute and the Bangor Mental Health Institute residing in nursing or boarding homes in highly underserved areas of the State.

Mental Health Services — Community

All Other	60,000
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Provides funds for evaluation services to carry out baseline physicals, personality baseline examinations and initial psychiatric assessments. This evaluation function shall take place in a local general hospital or other appropriate facility. The department will develop a request for proposal to contract for these services.

Administration — Mental Health and Mental Retardation

All Other	50,000
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Provides funds for research, development and refinement of a patient classification system which is valid and reliable and based on patient acuity and all other domains of social, psychological and physical functioning which will become a basis for determining appropriate levels of clinical and direct care staff at Augusta Mental Health Institute and Bangor Mental Health Institute. By July 1989, the department shall complete development of a classification instrument which will become a basis for determining staffing levels in future departmental staffing requests. By July 1990, the department will complete necessary tests for validity and reliability of the classification instrument.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL

\$6,604,365

PUBLIC SAFETY, DEPARTMENT OF

Intergovernmental Drug Enforcement

All Other	\$ 700,000
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Provides funds for continued operation of the Bureau of Intergovernmental Drug Enforcement at levels originally planned. The Department of Public Safety shall return this appropriation or some portion thereof to the General Fund if the department receives any additional federal funds for this purpose in state fiscal year 1988-89. The amount the depart-

ment shall repay will be equal to the amount received in federal assistance, not to exceed \$700,000.

PART B

DEPARTMENT OF PUBLIC SAFETY	
TOTAL	<u>\$ 700,000</u>
TOTAL APPROPRIATION, SECTION 1	<u>\$7,765,025</u>

Sec. 2. Allocation. The following funds are allocated from the Federal Block Grant funds for the fiscal year ending June 30, 1989:

	<u>1988-89</u>
<u>Community Services Block Grant for the Homeless</u>	

EXECUTIVE DEPARTMENT

Administration — Community Services

All Other	\$ 103,228
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Allocates funds to provide grants to community action agencies and organizations to meet the needs of homeless individuals, Stewart B. McKinney Homeless Assistance Act of 1987, Emergency Community Services Homeless Grant Program.

EXECUTIVE DEPARTMENT	
TOTAL	<u>\$ 103,228</u>

TOTAL FEDERAL BLOCK GRANT ALLOCATIONS, SECTION 2	<u>\$ 103,228</u>
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Sec. 3. Supplemental appropriation from the General Fund. There is appropriated from the General Fund for the fiscal year ending June 30, 1989, the following amount:

	<u>1988-89</u>
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>	

Maine Environmental Protection Fund

All Other	\$ 500,000
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Provides a Working Capital Advance to the Maine Environmental Protection Fund to compensate for delays in the realization of revenues projected to be received from fees on the disposal of solid waste and growth management regulations.

The Commissioner of Environmental Protection shall report to the Joint Standing Committee on Appropriations and Financial Affairs by February 15, 1989, concerning the amount of the Working Capital Advance that can be repaid each year and the number of years it will take to repay the Working Capital Advance.

DEPARTMENT OF ENVIRONMENTAL PROTECTION	
TOTAL	<u>\$ 500,000</u>

TOTAL APPROPRIATIONS, SECTION 3	<u>\$ 500,000</u>
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Sec. 1. Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1989, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

	<u>1988-89</u>
<u>ADMINISTRATION, DEPARTMENT OF</u>	

Administration — Human Resources

Personal Services	\$ 20,291
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Administrative Services — Administration

Personal Services	6,307
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Office of Employee Relations

Personal Services	3,143
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DEPARTMENT OF ADMINISTRATION	
TOTAL	<u>\$ 29,741</u>

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Administration — Agriculture

Personal Services	\$ 3,071
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DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES	
TOTAL	<u>\$ 3,071</u>

CONSERVATION, DEPARTMENT OF

Division of Forest Fire Control

Personal Services	\$ 2,196
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DEPARTMENT OF CONSERVATION	
TOTAL	<u>\$ 2,196</u>

CORRECTIONS, DEPARTMENT OF

Administration — Corrections

Personal Services	\$ 5,392
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Charleston Correction Facility

Personal Services	9,608
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Correctional Center

Personal Services	5,061
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Downeast Correction Facility

Personal Services	2,020
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State Prison

Personal Services	17,487
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DEPARTMENT OF CORRECTIONS	
TOTAL	<u>\$ 40,168</u>

DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF

CHAPTER 884

PUBLIC LAWS, THIRD SPECIAL SESSION — 1987

Administration — Maine Emergency Management Agency	
Personal Services	\$ 1,024
Military Training and Operations	
Personal Services	2,292
<u>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</u>	
TOTAL	<u>\$ 3,316</u>
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>	
Administration — Local Schools	
Personal Services	\$ 2,410
Administration — Vocational Education	
Personal Services	2,053
Administrative Services — Education	
Personal Services	1,920
Alcohol and Drug Education Services	
Personal Services	7,536
Arts and Humanities — Administration	
Personal Services	19,087
Certification, Placement and Teacher Education	
Personal Services	1,882
Curriculum — Education	
Personal Services	5,078
Governor Baxter School for the Deaf	
Personal Services	2,394
Planning and Management Information	
Personal Services	2,215
<u>DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES</u>	
TOTAL	<u>\$ 44,575</u>
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>	
Bureau of Oil and Hazardous Materials Control	
Personal Services	\$ 7,230
<u>DEPARTMENT OF ENVIRONMENTAL PROTECTION</u>	
TOTAL	<u>\$ 7,230</u>
<u>FINANCE, DEPARTMENT OF</u>	
Bureau of Taxation	
Personal Services	\$ 7,267
<u>DEPARTMENT OF FINANCE</u>	
TOTAL	<u>\$ 7,267</u>

<u>HUMAN RIGHTS COMMISSION</u>	
Human Rights Commission — Regulation	
Personal Services	\$ 7,629
<u>HUMAN RIGHTS COMMISSION</u>	
TOTAL	<u>\$ 7,629</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>	
Administration — Human Services	
Personal Services	\$ 11,388
Administration — Regional — Human Services	
Personal Services	245
Administration — Social Services	
Personal Services	8,000
Bureau of Health	
Personal Services	2,414
Social Services — Regional	
Personal Services	4,781
<u>DEPARTMENT OF HUMAN SERVICES</u>	
TOTAL	<u>\$ 26,828</u>
<u>MARINE RESOURCES, DEPARTMENT OF</u>	
Bureau of Marine Development	
Personal Services	\$ 850
Bureau of Marine Sciences	
Personal Services	26,162
<u>DEPARTMENT OF MARINE RESOURCES</u>	
TOTAL	<u>\$ 27,012</u>
<u>MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF</u>	
Augusta Mental Health Institute	
Personal Services	\$ 12,007
Bangor Mental Health Institute	
Personal Services	19,188
Elizabeth Levinson Center	
Personal Services	2,180
Mental Retardation Services — Community	
Personal Services	24,593
Military and Naval Children's Home	
Personal Services	1,036
Pineland Center	
Personal Services	9,193

DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION
TOTAL \$ 68,197

SECRETARY OF STATE, DEPARTMENT
OF

Administration — Secretary of State
Personal Services \$ 3,829

DEPARTMENT OF SECRETARY OF
STATE
TOTAL \$ 3,829

WORKERS' COMPENSATION COM-
MISSION

Workers' Compensation Commission
Personal Services \$ 3,056

WORKERS' COMPENSATION COM-
MISSION
TOTAL \$ 3,056

TOTAL APPROPRIATIONS
SECTION 1 \$ 274,115

Sec. 2. Allocations; Federal Expenditure Fund.
There is allocated from the Federal Expenditure Fund
for the fiscal year ending June 30, 1989, to the depart-
ments listed, the sums identified in the following, in order
to provide funding for approved reclassifications and
range changes.

1988-89

AGRICULTURE, FOOD AND RURAL
RESOURCES, DEPARTMENT OF

Board of Pesticides Control
Personal Services \$ 2,193

DEPARTMENT OF AGRICULTURE,
FOOD AND RURAL RESOURCES
TOTAL \$ 2,193

DEFENSE AND VETERANS' SERVICES,
DEPARTMENT OF

Military Training and Operations
Personal Services \$ 1,611

DEPARTMENT OF DEFENSE AND
VETERANS' SERVICES
TOTAL \$ 1,611

EDUCATIONAL AND CULTURAL SERV-
ICES, DEPARTMENT OF

Administrative Services — Education
Personal Services \$ 1,707

Arts — Sponsored Program
Personal Services 5,270

Special Education — Exceptional Children
Personal Services 3,412

DEPARTMENT OF EDUCATIONAL AND
CULTURAL SERVICES
TOTAL \$ 10,389

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

Bureau of Oil and Hazardous Materials
Control
Personal Services \$ 940

Bureau of Oil and Hazardous Materials
Control
Personal Services 3,240

DEPARTMENT OF ENVIRONMENTAL
PROTECTION
TOTAL \$ 4,180

HUMAN SERVICES, DEPARTMENT OF

Administration — Human Services
Personal Services \$ 4,653

Administration — Regional — Human
Services
Personal Services 9,080

Medical Care Administration
Personal Services 3,716

DEPARTMENT OF HUMAN SERVICES
TOTAL \$ 17,449

MARINE RESOURCES, DEPARTMENT
OF

Bureau of Marine Sciences
Personal Services \$ 12,719

DEPARTMENT OF MARINE RESOURCES
TOTAL \$ 12,719

TOTAL ALLOCATIONS
SECTION 2 \$ 48,541

Sec. 3. Allocations; various identified funds.
There is allocated from various identified funds of the
Department of Environmental Protection, for the fiscal
year ending June 30, 1989, to the programs listed, the
sums identified in the following, in order to provide fund-
ing for approved reclassifications and range changes.

1988-89

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

Ground Water Oil Clean-up Fund — Oil
and Hazardous Materials Control
Personal Services \$ 14,560

Maine Coastal and Inland Surface Oil
Clean-up Fund — Oil and Hazardous
Materials Control

Personal Services 6,670

Maine Environmental Protection Fund		
Personal Services		2,446
Maine Hazardous Waste Fund -- Oil and Hazardous Materials Control		
Personal Services		10,860
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL		<u>\$ 34,536</u>
TOTAL ALLOCATIONS SECTION 3		<u>\$ 34,536</u>

Sec. 4. Allocations; Other Special Revenue funds. There is allocated from Other Special Revenue funds for the fiscal year ending June 30, 1989, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

		1988-89
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>		
Board of Pesticides Control		
Personal Services		\$ 2,106
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
TOTAL		<u>\$ 2,106</u>

<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		
Curriculum -- Education		
Personal Services		\$ 1,834
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES		
TOTAL		<u>\$ 1,834</u>

<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
Criminal Justice Academy		
Personal Services		\$ 3,285
Private Investigator Licensing		
Personal Services		2,875
State Police		
Personal Services		3,977
DEPARTMENT OF PUBLIC SAFETY		
TOTAL		<u>\$ 10,137</u>
TOTAL ALLOCATIONS SECTION 4		<u>\$ 14,077</u>

Sec. 5. Allocations. There is allocated from the Highway Fund for the fiscal year ending June 30, 1989, to the departments listed, the sums identified in the following in order to provide funding for approved reclassifications and range changes.

		1988-89
<u>SECRETARY OF STATE, DEPARTMENT OF</u>		
Administration -- Motor Vehicles		
Personal Services		\$ 108,627
DEPARTMENT OF SECRETARY OF STATE		
TOTAL		<u>\$ 108,627</u>

<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
Administration -- Public Safety		
Personal Services		\$ 1,309
State Police		
Personal Services		38,240
DEPARTMENT OF PUBLIC SAFETY		
TOTAL		<u>\$ 39,549</u>

<u>TRANSPORTATION, DEPARTMENT OF</u>		
Radio Operations -- Highway		
Personal Services		\$ 5,862
DEPARTMENT OF TRANSPORTATION		
TOTAL		<u>\$ 5,862</u>
TOTAL ALLOCATIONS SECTION 5		<u>\$ 154,038</u>

Sec. 6. Allocations. There is allocated from Federal Block Grants for the fiscal year ending June 30, 1989, to the department listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

		1988-89
<u>Child Health Block Grant</u>		
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Crippled Children Services		
Personal Services		\$ 10,611
All Other		(10,611)
DEPARTMENT OF HUMAN SERVICES		
TOTAL		<u>\$ 0</u>
<u>CHILD HEALTH BLOCK GRANT</u>		
TOTAL		<u>\$ 0</u>
<u>Preventive Health and Health Service Block Grant</u>		
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Risk Reduction		
Personal Services		\$ 1,644
All Other		(1,644)
DEPARTMENT OF HUMAN SERVICES		
TOTAL		<u>\$ 0</u>

PREVENTIVE HEALTH AND HEALTH SERVICE BLOCK GRANT	
TOTAL	\$ 0

Sec. 7. Allocation. In order to provide for the necessary expenses of operation and administration of the Bureau of Alcoholic Beverages and the State Liquor Commission, the following amount is allocated from the revenues derived from operations of the fund:

	1988-89
<u>FINANCE, DEPARTMENT OF</u>	
Alcoholic Beverages — General Oper- ations	
Personal Services	\$ 1,935
<u>DEPARTMENT OF FINANCE</u>	
TOTAL	\$ 1,935

Sec. 8. Legislative intent. It is the intent of the Legislature that the reclassifications and range changes represented by the appropriation and allocation amounts identified in this Part shall be considered effective upon approval of this Act.

It is also the intent of the Legislature that the appropriation and allocation of funds in this Part shall be construed as an extraordinary funding of reclassifications and range changes, shall not be construed as setting precedent and shall not be regarded as past practice in labor-management relations.

PART C

Sec. 1. 3 MRSA §225, sub-§5, as enacted by PL 1977, c. 605, §1, is repealed.

Sec. 2. 30 MRSA §1997-A, as enacted by PL 1985, c. 765, §5, is amended by adding at the end a new paragraph to read:

No department, agency or instrumentality of the State may provide any funds, grants, gifts or services to any commission which does not provide the results of any financial audit of any of its operations, including those of its subsidiary corporations, to any of its constituent municipalities.

Sec. 3. 30-A MRSA §2325, sub-§3 is enacted to read:

3. Prohibition. No department, agency or instrumentality of the State may provide any funds, grants, gifts or services to any commission which does not provide the results of any financial audit of any of its operations, including those of its subsidiary corporations, to any of its constituent municipalities.

Sec. 4. 38 MRSA §357, as enacted by PL 1987, c. 349, Pt. H, § 28, is amended to read:

§357. Procedure

Within 90 days of the completion of litigation or settlement for which compensation for legal expenses is available under section 356, a municipality may apply to the Board of Environmental Protection for reimbursement of such of those expenses as have not been awarded to it by the court and paid pursuant to Title 30, section 4966, subsection 3, paragraph D. The board shall make an award of compensation that it determines to be just under the circumstances. In order to be awarded compensation, it shall not be necessary that the municipality shall have prevailed in the litigation or the settlement, but only that its position be determined by the board to have been reasonable. Awards shall be made on a first-come first-served basis.

Sec. 5. Transfer of funds. The Governor, upon recommendation by the State Budget Officer, is authorized to transfer funds from the appropriate salary plan in order to provide funding to meet the costs of authorized market salary adjustments in accordance with the Maine Revised Statutes, Title 5, section 7065.

Sec. 6. Effective date. Section 2 of this Part is repealed on March 1, 1989 and section 3 of this Part shall take effect on March 1, 1989.

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

Effective September 23, 1988, unless otherwise indicated.

CHAPTER 885

H.P. 1981 — L.D. 2684

AN ACT to Enhance Land Use Regulation.

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

Whereas, a recent decision of the Maine Supreme Judicial Court has construed the state law requiring the review of subdivisions not to require reviews of condominium, motel or multi-unit rental developments; and

Whereas, this decision permits such developments to proceed in many cases without any review as to their potential harmful effects on the environment and municipal services; and

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

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

Sec. 1. 12 MRSA §682, sub-§2, as repealed and