

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

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

Sec. 1. East-West highway; authorized. The Department of Transportation is authorized and directed to construct a free highway from the junction of Route 1 in Calais to Gilead. This highway shall, as much as practical, follow existing state highways, including Routes 9 and 2, and shall be designed to permit traffic to travel safely at highway speeds.

The plans for the construction of this facility shall be developed by or for the department.

Sec. 2. Funding. Funding for the various phases of the construction of this highway shall be included in the department's future transportation investment programs.

Effective September 29, 1987.

CHAPTER 43

H.P. 415 — L.D. 549

AN ACT to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1988, and 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, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Bureau of Alcoholic Beverages and the State Liquor Commission will become due and payable on or immediately after July 1, 1987; and

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

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

Sec. 1. Allocation of fund. 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 amounts, or as much as may be necessary, are allocated from the revenues derived from operation of the fund:

<u>1987-88</u>	<u>1988-89</u>
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FINANCE, DEPARTMENT OF

Alcoholic Beverages — General
Operation

Positions	(260)	(260)
Personal Services	\$5,590,504	\$5,799,565
All Other	1,847,584	1,904,722
Alcoholic Beverages — General Operation		
All Other	377,775	390,975

DEPARTMENT OF FINANCE,		
TOTAL	\$7,815,863	\$8,095,262

Sec. 2. Allotments required. Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures from these allocations on the basis of these allotments and not otherwise.

Sec. 3. Legislative intent. It is the intent of the Legislature that the allocation of funds by the Legislature, as provided by this Act, shall apply to the administrative expenses only and that these allocations shall be allotted and approved under the Maine Revised Statutes, Title 5. It is not intended to affect the use of the working capital, provided for by the Maine Revised Statutes, Title 28, or other activities required of the State Liquor Commission by the Maine Revised Statutes, Title 28.

Sec. 4. Adjustments to allocations. Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor, to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature, and those reclassifications or range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

Sec. 5. Exclusion. Exclusive of the provisions of sections 1 to 4, up to \$200,000 for Capital Expenditures may be expended in fiscal year 1988 and up to \$50,000 in fiscal year 1989.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1987.

Effective July 1, 1987.

CHAPTER 44

S.P. 242 — L.D. 673

AN ACT Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1987, June 30, 1988, and 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, the Federal Government has changed its method of distributing certain funds from categorical grants to block grants effective October 1, 1981; and

Whereas, the First Regular Session of the 110th Legislature enacted legislation requiring legislative approval prior to the state implementation of federal block grants; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable on or after July 1, 1987; and

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

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

Sec. 1. Block grant authorization. In accordance with the Maine Revised Statutes, Title 5, section 1670, the State is authorized to accept federal block grants in the following amounts:

	<u>STATE FIS- CAL YEAR 1988</u>	<u>FEDERAL FISCAL YEAR 1986 TOTAL</u>	<u>FEDERAL FISCAL YEAR 1987 TOTAL</u>
	<u>DEPART- MENT ES- TIMATE</u>	<u>FEDERAL BLOCK GRANT</u>	<u>FEDERAL BLOCK GRANT</u>
Educational and Cultural Services	\$ 2,498,229		\$ 2,498,229
	<u>STATE FIS- CAL YEAR 1988</u>	<u>STATE FIS- CAL YEAR 1989</u>	<u>FEDERAL FISCAL YEAR 1988 TOTAL</u>
	<u>DEPART- MENT ES- TIMATE</u>	<u>DEPART- MENT ES- TIMATE</u>	<u>FEDERAL BLOCK GRANT</u>
Community Services	\$ 2,000,000		\$ 2,000,000
Low-income Home Energy Assistance	28,000,000		28,000,000
Maternal and Child Health	2,142,217	\$ 714,072	2,856,289
Preventive Health	640,232	213,411	853,643
Title XX Social Services	9,857,275	3,285,759	13,143,034
Community Development	12,259,000		12,259,000
Alcohol, Drug Abuse and Mental Health	1,329,393	443,131	1,772,524
Alcohol and Drug Abuse Treatment — Department of Human Services	647,250	215,750	863,000
Alcohol and Drug Abuse — Mental Health and Mental Retardation	1,543,107	514,369	2,057,476
Anti-drug Abuse Act 1986	1,222,000		1,222,000

Justice Assistance Act 1984	400,000		400,000
TOTAL BLOCK GRANTS	\$60,040,474	\$ 5,386,492	\$65,426,966
	<u>STATE FIS- CAL YEAR 1989</u>		<u>FEDERAL FISCAL YEAR 1988 TOTAL</u>
	<u>DEPART- MENT ES- TIMATE</u>		<u>FEDERAL BLOCK GRANT</u>
Educational and Cultural Services	\$ 2,498,229		\$ 2,498,229
	<u>STATE FIS- CAL YEAR 1989</u>	<u>STATE FIS- CAL YEAR 1990</u>	<u>FEDERAL FISCAL YEAR 1989 TOTAL</u>
	<u>DEPART- MENT ES- TIMATE</u>	<u>DEPART- MENT ES- TIMATE</u>	<u>FEDERAL BLOCK GRANT</u>
Community Services	\$ 2,000,000		\$ 2,000,000
Low-income Home Energy Assistance	28,000,000		28,000,000
Maternal and Child Health	2,142,217	\$ 714,072	2,856,289
Preventive Health	640,232	213,411	853,643
Title XX Social Services	9,857,275	3,285,759	13,143,034
Alcohol, Drug Abuse and Mental Health	1,329,393	443,131	1,772,524
Alcohol and Drug Abuse — Mental Health and Mental Retardation	1,543,107	514,369	2,057,476
Community Development	12,259,000		12,259,000
Anti-drug Abuse Act 1986	1,222,000		1,222,000
Justice Assistance Act 1984	400,000		400,000
TOTAL BLOCK GRANTS	\$59,393,224	\$ 5,170,742	\$64,563,966

Sec. 2. Block grant allocations. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1988, and June 30, 1989, the following sums, as designated in the following tabulations, are allocated from the revenues derived from federal block grants. Notwithstanding any other provision of law, all federal block grant allocations included in this Act shall be subject to the Maine Revised Statutes, Title 5, section 1585.

	<u>ALLOCA- TIONS STATE FIS- CAL YEAR 1988</u>	<u>ALLOCA- TIONS STATE FIS- CAL YEAR 1989</u>
<u>EDUCATIONAL AND CULTURAL SERVICES BLOCK GRANT</u>		
<u>CORRECTIONS, DEPARTMENT OF</u>		
Youth Center — Maine		
All Other	\$ 6,000	\$ 6,000

DEPARTMENT OF CORRECTIONS
TOTAL \$ 6,000 \$ 6,000

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Education Block Grant — Education Consolidation and Improvement Act — Chapter 2
All Other \$ 1,987,118 \$ 1,987,118

Education Block Grant — Education Consolidation and Improvement Act — Chapter 2
Positions (8) (8)
Personal Services 269,894 239,544
All Other 190,643 225,137
Capital Expenditures 30,000 30,000

Governor Baxter School for the Deaf
All Other 2,150 2,150

Education in Unorganized Territory
All Other 300 300
Capital Expenditures 7,480 7,480

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES
TOTAL \$ 2,487,585 \$ 2,491,729

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Pineland Center
All Other \$ 500 \$ 500

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL \$ 500 \$ 500

EDUCATIONAL AND CULTURAL SERVICES BLOCK GRANT
TOTAL \$ 2,494,085 \$ 2,498,229

COMMUNITY SERVICES BLOCK GRANT

EXECUTIVE DEPARTMENT

Administration — Community Services
Positions (1 1/2) (1 1/2)
Personal Services \$ 104,365 \$ 109,968
All Other 1,883,776 1,880,032
Capital Expenditures 10,000 10,000

COMMUNITY SERVICES BLOCK GRANT
TOTAL \$ 1,998,141 \$ 2,000,000

LOW-INCOME HOME ENERGY ASSISTANCE BLOCK GRANT

EXECUTIVE DEPARTMENT

Low-income Home Energy Assistance
Positions (14) (14)
Personal Services \$ 491,170 \$ 518,884
All Other 28,350,221 28,411,116
Capital Expenditures 150,000 70,000

LOW-INCOME HOME ENERGY ASSISTANCE BLOCK GRANT
TOTAL \$28,991,391 \$29,000,000

COMMUNITY DEVELOPMENT BLOCK GRANT

EXECUTIVE DEPARTMENT

Community Development Block Grant Program
Positions (10) (10)
Personal Services \$ 343,437 \$ 360,054
All Other 11,909,351 11,898,946

COMMUNITY DEVELOPMENT BLOCK GRANT
TOTAL \$12,252,788 \$12,259,000

MATERNAL AND CHILD HEALTH BLOCK GRANT

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Curriculum — Education
Positions (2) (2)
Personal Services \$ 64,580 \$ 68,652
All Other 3,272 3,437

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES
TOTAL \$ 67,852 \$ 72,089

HUMAN SERVICES, DEPARTMENT OF

Crippled Children Services
Positions (15) (15)
Personal Services \$ 386,006 \$ 415,755
All Other 369,142 369,539

Maternal and Child Health
Positions (41) (41)
Personal Services 1,158,972 1,252,062
All Other 914,048 819,146
Capital Expenditures 736

Genetic Disease Projects
All Other 60,000 60,000

Lead-based Paint Poisoning Prevention
All Other 2,000 2,000

Adolescent Pregnancy Project
All Other 200,000 200,000

DEPARTMENT OF HUMAN SERVICES
TOTAL \$ 3,090,904 \$ 3,118,502

MATERNAL CHILD HEALTH SERVICES BLOCK GRANT
TOTAL \$ 3,158,756 \$ 3,190,591

PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

HUMAN SERVICES, DEPARTMENT OF

Emergency Medical Services
Positions (4) (4)
Personal Services \$ 120,815 \$ 130,719
All Other 271,959 263,056

Dental Disease Prevention
Positions (3) (3)
Personal Services 72,841 78,670
All Other 58,413 54,230
Capital Expenditures 2,615

Hypertension Control
Positions (1) (1)
Personal Services 20,193 21,369
All Other 145,373 144,172

Risk Reduction Program			<u>ALCOHOL AND DRUG ABUSE BLOCK GRANT</u>		
Positions	(4)	(4)			
Personal Services	104,951	113,849			
All Other	34,170	27,616	<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Sexually Transmitted Disease Program			Alcoholism and Drug Abuse Prevention		
All Other	21,623	21,623	— Human Services		
Tuberculosis Control Program			Positions	(15)	(15)
Positions	(1)	(1)	Personal Services	\$ 425,421	\$ 439,600
Personal Services	22,278	23,585	All Other	1,700,111	1,756,218
Rape Crisis Control			Capital Expenditures	6,587	1,880
All Other	17,111	17,111	Alcohol and Drug Planning		
DEPARTMENT OF HUMAN SERVICES TOTAL	\$ 892,342	\$ 896,000	Positions	(2)	(2)
PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT TOTAL	\$ 892,342	\$ 896,000	Personal Services	51,584	53,300
<u>SOCIAL SERVICES BLOCK GRANT</u>			All Other	15,000	14,200
<u>HUMAN SERVICES, DEPARTMENT OF</u>			DEPARTMENT OF HUMAN SERVICES TOTAL	\$ 2,198,683	\$ 2,265,198
Purchased Social Services			<u>MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF</u>		
All Other	\$ 8,787,882	\$ 8,787,882	Mental Health Services — Community		
Administration — Regional — Human Services			Positions	(7)	(7)
Personal Services	614,972	637,700	Personal Services	\$ 212,679	\$ 213,704
All Other	987,497	975,697	All Other	840,749	839,724
Administration — Human Services			Mental Health Services — Children		
Personal Services	1,118,223	1,141,128	All Other	1,004,048	1,004,048
All Other	19,728	19,728	DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL	\$ 2,057,476	\$ 2,057,476
Training Programs and Employee Assistance			<u>ALCOHOL AND DRUG ABUSE BLOCK GRANT TOTAL</u>	\$ 4,256,159	\$ 4,322,674
All Other	242,701	242,701	<u>CRIMINAL JUSTICE BLOCK GRANT</u>		
Legal Services — Human Services			<u>ATTORNEY GENERAL, DEPARTMENT OF THE</u>		
Personal Services	187,982	191,833	District Attorney's Information System	\$ 80,000	
All Other	3,317	3,317	DEPARTMENT OF THE ATTORNEY GENERAL TOTAL	\$ 80,000	
DEPARTMENT OF HUMAN SERVICES TOTAL	\$11,961,702	\$11,999,986	<u>CORRECTIONS, DEPARTMENT OF</u>		
<u>MAINE HUMAN SERVICES COUNCIL</u>			Probation and Parole		
Human Services Council			All Other	\$ 50,000	\$ 50,000
Personal Services	\$ 51,078	\$ 53,615	Charleston Correctional Facility		
All Other	7,402	6,385	Positions	(1)	(1)
MAINE HUMAN SERVICES COUNCIL TOTAL	\$ 59,080	\$ 60,000	Personal Services	25,641	26,287
<u>MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF</u>			All Other	210	224
Mental Health Services — Community			Administration — Corrections		
All Other	\$ 273,895	\$ 273,895	All Other	20,000	20,000
Mental Retardation Services — Community			Capital Expenditures	40,000	40,000
Positions	(4)	(4)	Justice — Planning, Projects and Statistics		
Personal Services	129,399	129,070	All Other	20,000	20,000
All Other	788,377	791,035	DEPARTMENT OF CORRECTIONS TOTAL	\$ 155,851	\$ 156,511
DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL	\$ 1,191,671	\$ 1,194,000	<u>JUDICIAL DEPARTMENT</u>		
<u>SOCIAL SERVICES BLOCK GRANT TOTAL</u>	\$13,212,453	\$13,253,986	Courts — Supreme, Superior, District and Administrative		

All Other	\$ 39,183	
Capital Expenditures	21,875	
JUDICIAL DEPARTMENT		
TOTAL	\$ 61,058	
<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
Criminal Justice Academy		
Positions	(1)	(1)
Personal Services	\$ 32,326	\$ 33,012
All Other	146,594	146,488
Drug Trafficking Enforcement		
Personal Services	108,773	115,189
All Other	40,824	42,824
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$ 328,517	\$ 337,513
CRIMINAL JUSTICE BLOCK GRANT		
TOTAL	\$ 625,406	\$ 494,024
<u>ANTI-DRUG ABUSE ACT 1986 --</u>		
<u>BLOCK GRANT</u>		
<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
Criminal Justice -- Drug Abuse Grant		
Positions	(2)	(3)
Personal Services	\$ 55,050	\$ 81,700
All Other	1,162,650	1,140,300
Capital Expenditures	14,300	
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$ 1,222,000	\$ 1,222,000
ANTI-DRUG ABUSE ACT 1986 --		
BLOCK GRANT		
TOTAL	\$ 1,222,000	\$ 1,222,000
TOTAL BLOCK GRANT		
ALLOCATIONS	\$80,108,521	\$80,130,504

Sec. 3. Additional funds. Any additional funds that might become available due to implementation of the block grants and the possible overlapping of other grants shall be carried forward for future allocation by the Legislature or may be used to offset any possible reductions in the block grants.

Sec. 4. Adjustments to allocations. Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature and those reclassifications or range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

Sec. 5. Encumbered balances at year end. At the end of each fiscal year, all encumbered balances shall not be carried more than once, except that encumbered balances in the Community Development Block Grant may be carried twice and encumbered balances of grant awards for capital construction projects may carry until the completion of the project, provided that the construction was started prior to the end of the year for which the allocation was made.

Sec. 6. Transfer of Anti-Drug Abuse Act of 1986 -- Block Grant Funds. The Department of Public Safety is hereby authorized to transfer such portions of Anti-Drug Abuse Act 1986 Block Grant Funds to other state departments as may be necessary to meet the State's obligations under the terms of the block grant.

Sec. 7. Maternal and Child Health Block Grant Allocations. Allocations to maternal and child health under the Maternal and Child Health Block Grant include \$24,000 in fiscal years 1987-88 and 1988-89 for the Chester Dental Clinic and \$25,000 in fiscal years 1987-88 and 1988-89 for the Hartland Health Center. Allocations for these purposes shall be incorporated into future budget preparations.

Sec. 8. Educational and Cultural Services Block Grant Allocations. Allocations to Education Block Grant -- Education Consolidation and Improvement Act, chapter 2 (20% share) under the Educational and Cultural Services Block Grant include \$20,000 in fiscal year 1987-88, and \$25,000 in fiscal year 1988-89 to match General Fund appropriations to be used to assure education of teachers to conduct a comprehensive health education curriculum that includes family life and sexuality and education.

Sec. 9. Maternal and Child Health Block Grant Allocations. Allocations to maternal and child health under the Maternal and Child Health Block Grant include funds to provide for a media campaign which persuades unmarried teenagers to postpone sexual activity.

Sec. 10. Alcohol and Drug Abuse Block Grant Allocations. Allocations to alcoholism and drug abuse prevention -- human services under the Alcohol and Drug Abuse Block Grant include an additional \$20,000 in fiscal year 1987-88 and in fiscal year 1988-89 for substance abuse prevention, education and treatment services to Indians in Maine.

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

Effective June 24, 1987.

CHAPTER 45

S.P. 615 — L.D. 1815

AN ACT to Correct Errors and Omissions in the Legislation Implementing Collective Bargaining Agreement for Maine Vocational-Technical Institute System Employees.

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

Whereas, certain obligations incidental to the operation of state collective bargaining agreements will be