

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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in the licensed volume or quantity of an existing discharge or an expansion in the months during which the discharge will take place as a new discharge of domestic pollutants.

**Sec. 7. Applicability.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all license applications pending before the Department of Environmental Protection on or after January 1, 1990.

**Sec. 8. Allocation.** The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

1990-91

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Maine Environmental Protection Fund**

All Other \$168,000

Provides funds for the contractual laboratory sampling and analysis services.

See title page for effective date.

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**CHAPTER 857**

**H.P. 1762 - L.D. 2427**

**An Act Relating to Periodic Justification  
of Departments and Agencies of State  
Government under the Maine Sunset Act**

**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 will terminate before the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1990; and

Whereas, certain independent agencies will terminate unless continued by Act of the Legislature prior to June 30, 1990; and

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

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

**Sec. 1. 3 MRSA §507, sub-§4, ¶B,** as amended by PL 1989, c. 49, §1 and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 2. 3 MRSA §507, sub-§7, ¶B,** as amended by PL 1989, c. 443, §3, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 3. 3 MRSA §507, sub-§8, ¶A,** as amended by PL 1989, c. 588, Pt. A, §1, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 4. 3 MRSA §507, sub-§8-A, ¶B,** as amended by PL 1989, c. 585, Pt. A, §3, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 5. 3 MRSA §507, sub-§10, ¶B,** as amended by PL 1989, c. 443, §4, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 6. 3 MRSA §507-B, sub-§4, ¶B,** as amended by PL 1989, c. 49, §2, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 7. 3 MRSA §507-B, sub-§11,** as repealed and replaced by PL 1989, c. 502, Pt. A, §6, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 8. 3 MRSA §507-B, sub-§12,** as enacted by PL 1989, c. 502, Pt. A, §7, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

**Sec. 9. 3 MRSA §927, sub-§1,** as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

**1. 2001.**

**A. Agencies:**

- (1) Department of Finance, but limited to the Bureau of the Budget;
- (2) Office of Treasurer of State;
- (3) Department of Audit;
- (4) Department of Administration, except for the Bureau of Human Resources, Bureau of Employee Relations, Bureau of Public Improvements and the state employee health insurance program;
- (5) Department of Public Safety, but limited to the Bureau of Capitol Security;
- (6) Board of Emergency Municipal Finance;
- (7) Finance Authority of Maine; and
- (8) Maine Municipal Bond Bank;

## B. Independent agencies:

- ~~(1) State Liquor Commission;~~
- ~~(2) Capitol Planning Commission; and~~
- ~~(3) Educational Leave Advisory Board.~~

**Sec. 10. 3 MRSA §927, sub-§2**, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

## 2. 1991.

## A. Agencies:

- ~~(1) Department of Agriculture, Food and Rural Resources;~~
- ~~(2) (1) Department of Defense and Veterans' Services; and~~
- ~~(3) (2) Department of the Attorney General;~~
- (3) Department of Human Services, but limited to support and enforcement functions within the Office of Programs; and
- (4) Department of Finance, except for the Bureau of the Budget.

## B. Independent agencies:

- (1) Maine Blueberry Commission;
- (2) Blueberry Advisory Committee;
- (3) Seed Potato Board;
- (4) Maine Milk Commission;
- (5) State Harness Racing Commission;
- (6) Maine Agricultural Bargaining Board;
- (7) State Board of Veterinary Medicine;
- (8) Maine Dairy and Nutrition Council;
- (9) Board of Pesticides Control;
- (10) State Planning Office;
- (11) State Lottery Commission;
- (12) Maine Dairy Promotions Board;
- (13) Maine High-Risk Insurance Organization;
- (14) State Board of Property Tax Review;

~~(15) Maine Vocational-Technical Institute Technical College System;~~

- (16) Maine Commission for Women; and
- (17) Maine Human Rights Commission;
- (18) State Liquor Commission;
- (19) Capitol Planning Commission; and
- (20) Educational Leave Advisory Board.

**Sec. 11. 3 MRSA §927, sub-§3, ¶A**, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

## A. Agencies:

- (1) Department of Transportation;
- (2) Department of Public Safety, except for the Bureau of Capitol Security;
- (3) Department of the Secretary of State;
- (4) Maine Turnpike Authority; and
- (5) Maine Educational Loan Authority; ; and
- (6) Department of Agriculture, Food and Rural Resources.

**Sec. 12. 3 MRSA §927, sub-§5, ¶B**, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

## B. Independent agencies:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) Nursing Home Administrators Licensing Board;
- (4) Board of Registration in Medicine;
- (5) State Board of Nursing;
- (6) State Board of Optometry;
- (7) Board of Osteopathic Examination and Registration;
- (8) Board of the Maine Children's Trust Fund;
- (9) Examiners of Podiatrists;
- (10) Maine Medical Laboratory Commission;
- (11) State Planning and Advisory Council on Developmental Disabilities;

(12) Maine Committee on the Problems of the Mentally Retarded;

(13) Governor's Committee on Employment of ~~the Handicapped~~ People with Disabilities; and

(14) Division of Community Services.

**Sec. 13. 3 MRSA §927, sub-§9, ¶B**, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

- (1) Maine Conservation School;
- (2) Office of State Historian;
- (3) Maine Arts Commission;
- (4) Maine State Museum Commission;
- (5) Maine Historic Preservation Commission;
- (6) Maine Health Care Finance Commission;
- (7) Maine Health Facilities Authority;
- (8) Board of Occupational Therapy Practice;
- (9) Board of Respiratory Care Practitioners; ~~and~~
- (10) Radiologic Technology Board of Examiners; and
- (11) Maine Waste Management Agency.

**Sec. 14. 5 MRSA §147** is amended to read:

**§147. Cancellation and registry of old bonds**

All bonds ~~thus~~ received by the Treasurer of State for exchange ~~shall~~ must be canceled and retained in the office of the Treasurer of State. ~~The State Auditor, as well as the Treasurer of State, shall keep a register of all such bonds, showing the serial number, date, interest, amount of each certificate, to whom originally issued and when payable; and also a like description of the new bonds issued in place thereof.~~

**Sec. 15. 5 MRSA §241-A**, as enacted by PL 1983, c. 65, §3, is amended to read:

**§241-A. Transition period**

In order to provide for an orderly transition following the ~~biennial~~ quadrennial election of the State Auditor, the State Auditor-elect ~~shall~~ may not take the oath of his office or otherwise qualify for the office for a period of no less than 30 days following that election.

**Sec. 16. 5 MRSA §243, sub-§3**, as amended by PL 1987, c. 737, Pt. C, §§6 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Accounting systems for municipalities.** To install uniform accounting systems and perform audits for cities, towns and villages as required by Title 30-A, sections 5821 to 5823. The rate charged by the department to perform audits must include the proportional amount of the State Auditor's duties and be used to offset the General Fund costs of the State Auditor;

**Sec. 17. 5 MRSA §243, sub-§3-A**, as enacted by PL 1983, c. 508, §1, is amended to read:

**3-A. Accounting systems for municipal cost component.** To install uniform accounting systems and, no later than ~~90 days after February 1st~~ following the end of each fiscal year, ~~perform~~ ensure that an annual audit and postaudit of the municipal cost component and the Unorganized Territory Education and Services Fund in Title 36, chapter 115 is conducted. The expenses of these services ~~shall be~~ are part of the municipal cost component and ~~shall be~~ are paid out of the Unorganized Territory Education and Services Fund;

**Sec. 18. 5 MRSA §954, first ¶**, as amended by PL 1989, c. 483, Pt. A, §11, is further amended to read:

The Bureau of State Employee Health is established within the Department of Administration to promote the health and safety of state employees by working with the Office of Employee Relations, other bureaus and departments in the Executive Department, and state employees and their representatives to mutually establish policies and provide programs to minimize the risk of injury to and incidence of illness among state employees and to conserve public funds by minimizing the direct and indirect costs associated with injury and illness. The bureau ~~shall be~~ is responsible for the administration of the State Employee Assistance Program, ~~Title 22, chapter 254-A~~ as established by section 957.

**Sec. 19. 5 MRSA §957** is enacted to read:

**§957. State Employee Assistance Program**

The State Employee Assistance Program, administered by the Bureau of State Employee Health, is established to promote increased efficiency in the workplace by providing assessment and referral services to those state employees, spouses and dependents of state employees and state retirees whose work performance has been affected by the disorders specified in subsection 1.

**1. Assessment and referral.** The program shall provide assessment and referral services to employees whose work performance has been affected by behavioral or medical disorders including, but not limited to, alcoholism and drug abuse, misuse of other drugs, emotional

problems, family disorders and financial, legal, marital and any other stresses. The major elements of the program consist of the following:

- A. An assessment interview;
- B. Referral to appropriate treatment;
- C. Follow-up;
- D. Coordination of a benefit package;
- E. Continuous care;
- F. Maintenance of confidentiality of client records; and
- G. Education of state employees.

2. Staff. The director of the program may employ personnel to fulfill the purpose of this section. All personnel in the program are subject to the Civil Service Law.

3. Employee participation and leave. Employee participation in the program is voluntary. Employees who wish to consult with a program counselor must be granted administrative leave without loss of pay or benefits. Employees may use authorized accumulated leave, or leave without pay, for assistance by an outside resource.

4. Funds. The Department of Administration shall receive and disburse funds made available to the program through the provisions of section 956. The Commissioner of Administration shall oversee the implementation and administration of the program. Funds made available to the department for the purposes of this section, from any source, may not lapse, but must be carried forward to the next fiscal year to be expended for the same purpose.

5. Confidentiality of client records. No records of the identity, assessment, diagnosis, prognosis, referral or treatment of a client of the program may be maintained in the personnel records of individuals who participate in the program. Any such records are confidential.

**Sec. 20. 5 MRSA §1731, first ¶,** as amended by PL 1989, c. 501, Pt. P, §14, is further amended to read:

A reserve fund, in this chapter called the "fund," is created to indemnify the State for self-insured retention losses and related loss adjustment expenses from those perils insured against under a deductible or self-insured retention program, and any administrative expenses necessary to the proper administration of the fund as recommended by the director and approved by the commissioner. With the approval of the commissioner, the fund may be used for loss prevention programs administered by either the Risk Management Division or the Bureau of State Employee Health. The total amount of the fund provided for loss prevention programs in any given year may not exceed 5% of the fund as of July 1st of that fiscal year. The fund ~~shall be~~ is a continuing fund and ~~shall may~~ not lapse. Funds provided from the reserve

fund to the Bureau of State Employee Health ~~shall be~~ are similarly nonlapsing and ~~shall must~~ be carried forward through the Bureau of State Employee Health ~~Internal Service Fund Dedicated Revenue~~ Account.

**Sec. 21. 5 MRSA §1731-A, first ¶,** as amended by PL 1985, c. 534, is further amended to read:

Deductible or self-insured retention provisions hereunder ~~shall may~~ not exceed ~~\$1,000,000~~ 25% of the fund as of July 1st of the current fiscal year per occurrence with respect to any risk of loss.

**Sec. 22. 5 MRSA §1733,** as amended by PL 1983, c. 349, §15, is further amended to read:

#### **§1733. Capitalization of the fund**

The fund ~~shall be~~ is capitalized by legislative appropriations, payments from state departments and agencies, and by such other means as the Legislature may approve.

Appropriations and payments to the fund in respect to general fund departments and agencies ~~shall may~~ not exceed an amount equal to the difference between the premium for insurance proposed to be purchased and the premium for mandatory deductible or full insurance coverage plus a ~~pro-rata~~ pro rata share of the cost of the stop-loss insurance. In any instance in which the State has a 100% self-insured retention, the premium ~~shall must~~ be that for full insurance coverage adjusted for any mandatory deductible.

All other state departments and agencies, except those specifically excluded by ~~statute law~~, shall pay to the fund premiums on a pro rata basis as determined by the director and based ~~upon~~ on the prior claims experience of the departments or agencies. In any instance in which the State has a 100% self-insured retention, the premium ~~shall must~~ be that for full insurance coverage adjusted for any mandatory deductible.

~~At~~ Whenever possible, all premiums referred to in this section ~~shall be~~ are computed on the basis of rates promulgated by a recognized rating authority.

**Sec. 23. 5 MRSA §1736, 2nd ¶,** as enacted by PL 1971, c. 239, §2, is repealed.

**Sec. 24. 5 MRSA §1873, sub-§4-A** is enacted to read:

**4-A. Semiautonomous state agency.** "Semiautonomous state agency" means an agency created by an act of the Legislature that is not a part of the Executive Department. This definition excludes the Legislative Department, Judicial Department, Department of the Attorney General, Department of the Secretary of State, Office of the Treasurer of State and Department of Audit.

**Sec. 25. 5 MRSA §1885**, as amended by PL 1987, c. 402, Pt. A, §48, is further amended to read:

**§1885. Purpose and organization**

The Office of Information Services ~~shall be~~ is under the direction of the Deputy Commissioner of Administration for Information Services and ~~shall be~~ is responsible for providing information services in data processing, planning for telecommunications and planning for the coordination of data processing throughout State Government.

**1. Appointment of director.** The deputy commissioner shall appoint the Director of Data Processing with the approval of the commissioner. The director of the bureau ~~shall~~ must be a person with demonstrated knowledge, training and skills and significant experience in data processing and computer services. In addition, the director ~~shall~~ must have a high record of achievement in providing data processing and computer programming services to multiple and diverse users.

A. The director shall serve at the pleasure of the deputy commissioner.

**2. Appointment of other employees.** The deputy commissioner may appoint other employees, as ~~he deems~~ the deputy commissioner determines necessary, to the Office of Information Services in accordance with the Civil Service Law, ~~except that any assistant to the deputy commissioner shall be in the unclassified service.~~

**Sec. 26. 5 MRSA §1886, sub-§2**, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**2. Approve the acquisition and use of equipment.** The deputy commissioner, in accordance with written standards established by this chapter shall approve acquisition and use of all data processing and telecommunications services, equipment and systems by state agencies.

**Sec. 27. 5 MRSA §1886, sub-§2-A, ¶C**, as amended by PL 1989, c. 237, §2, is amended to read:

C. Levy charges, according to a rate schedule based on uniform billing procedures approved by the ~~Commissioner of Administration~~ board, against all units utilizing telecommunications services;

**Sec. 28. 5 MRSA §1886, sub-§3**, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**3. Develop training and development programs in data processing.** The deputy commissioner ~~shall be~~ is responsible for developing training and development programs for state employees in data processing and for the implementation of these programs.

**Sec. 29. 5 MRSA §1886, sub-§5**, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**5. Develop and administer written standards for data processing and telecommunications.** The deputy commissioner shall develop ~~in conjunction with the board~~ and administer written standards for data processing to include standards for and telecommunications subject to approval by the board. These written standards pertain to:

- A. Acquisition of equipment;
- B. Acquisition of computer programs;
- C. The development of computer systems and computer programs;
- D. Computer operations; and
- E. Any other standards deemed determined necessary by the deputy commissioner and the board.

**Sec. 30. 5 MRSA §1886, sub-§5-A** is enacted to read:

**5-A. Board approval required for written standards for data processing and telecommunications.** All written standards for data processing and telecommunications are subject to final approval by the board.

**Sec. 31. 5 MRSA §1886, sub-§7**, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**7. Develop and implement strategic and departmental planning process.** The deputy commissioner, in conjunction with the board and with the participation of the affected state agencies, shall develop and maintain a ~~comprehensive state master plan, as approved by the board,~~ strategic planning initiatives for all of State Government and specific state agencies for data processing and telecommunications. The deputy commissioner ~~shall be~~ is responsible for assisting state agencies in implementing ~~the master plan~~ the planning process.

A. The deputy commissioner shall submit a report on the ~~comprehensive plan~~ planning process to the Governor and the Legislature at the beginning of each legislative session.

~~B. The plan shall include a report on the current status of state data processing and telecommunications, including information on major items of equipment, major applications, personnel, costs and sources of funding for state data processing and telecommunications. In addition, the plan shall include specific agency plans for the future development of state systems, including comments on the major staffing and acquisition activities.~~

~~C. Each state agency shall submit a business operating plan every 2 years to include goals and objectives for data processing and needs for data processing equipment and programs, for the review~~



~~and approval of the deputy commissioner and the board. These agency plans shall be included in the comprehensive master plan.~~

**Sec. 32. 5 MRSA §1886, sub-§14**, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**14. Report to the Legislature.** The deputy commissioner shall report to the joint standing committee of the Legislature having jurisdiction over State Government by January 31st of each year with respect to the achievements, the problems and the procedures planned for resolving the problems of the office and its mission. This report must include a complete compilation of written standards for data processing and telecommunications that have been approved by the board.

**Sec. 33. 5 MRSA §1888, sub-§1**, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**1. Definition of noncompliance.** A state agency ~~shall be~~ is deemed in noncompliance with this subchapter ~~in the event that~~ if the agency:

A. Purchases data processing equipment, software or services in noncompliance with this subchapter; and

B. Fails to adhere to the data processing standards established by the deputy commissioner and the board; ;

~~C. Fails to submit an approved agency plan as required by this subchapter; and~~

~~D. Fails to meet the goals and objectives within the timetable described in the approved plan as determined by the board and deputy commissioner.~~

**Sec. 34. 5 MRSA §1892, first ¶**, as amended by PL 1989, c. 483, Pt. A, §22, is further amended to read:

The board ~~shall consist~~ consists of 15 voting members and 2 advisory members appointed as provided in this section. For the purpose of this section, the word "designee" means a person in a major policy-influencing position as defined in chapter 71. When appointing a designee, a board member shall select one person to be the sole designee representing the particular agency.

**Sec. 35. 5 MRSA §1892, sub-§1**, as amended by PL 1989, c. 483, Pt. A, §23 and c. 502, Pt. A, §19, is repealed and the following enacted in its place:

**1. Voting members.** The voting members of the board consist of:

A. The Commissioner of Administration or the commissioner's designee;

B. The Commissioner of Finance or the commissioner's designee;

C. The Commissioner of Human Services or the commissioner's designee;

D. The Commissioner of Labor or the commissioner's designee;

E. The Commissioner of Transportation or the commissioner's designee;

F. The Secretary of State or the Secretary of State's designee;

G. One member appointed by the Governor from the office of the Governor;

H. Two members appointed by the Governor representing the remaining state agencies of State Government;

I. Two members, appointed by the Governor who are administrators or managers of data processing systems in the private sector;

J. The Commissioner of Economic and Community Development or the commissioner's designee;

K. The Executive Director of the Maine State Housing Authority or the director's designee;

L. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee; and

M. The Executive Director of the Maine State Retirement System or the director's designee.

**Sec. 36. 5 MRSA §1892, sub-§§2 to 6**, as enacted by PL 1985, c. 785, Pt. A, §78, are amended to read:

**2. Advisory members.** Advisory members ~~shall~~ must be appointed by the Legislative Council to represent the agencies of the Legislature ~~who~~ that provide research and information to the Legislature and its committees and an advisory member ~~shall~~ must be appointed by the Chief Justice of the Supreme Judicial Court to assure that the needs of the Legislature and the Judiciary are known and to inform them of available information, access and innovations to be considered.

**3. Terms of office.** The voting and advisory members representing state agencies of the Legislature, the Judiciary and the office of the Governor shall serve for a period that coincides with the term of appointment to the agency ~~which~~ they represent or to the term designated by the appointing authority, unless revoked sooner by the appointing authority. The members of the private sector ~~shall~~ serve 3-year terms, except that the initial term of one member ~~shall be~~ is 2 years and the initial term of the other members ~~shall be~~ is 3 years.

**4. Expenses and compensation.** All members ~~shall be reimbursed~~ are entitled to reimbursement for expenses in accordance with chapter 379. Members representing state agencies, the Executive Office, the Legislature and the Judiciary ~~shall be~~ are reimbursed for expenses from the budgets of the departments ~~which~~ they represent.

A. ~~No rate of compensation may be paid to the~~ The members of the board are not entitled to compensation.

**5. Chair.** ~~The Commissioner of Finance shall serve as the temporary chairman at the first meeting at which the board shall elect a permanent chairman from among the voting members to serve for a term of 2 years. The Commissioner of Administration may not serve as the chairman of the board. The chair of the board is the member appointed by the Governor from the office of the Governor.~~

**6. Meetings.** The board shall meet at least ~~10~~ 4 times a year and whenever convened by the chair.

**Sec. 37. 5 MRSA §1893, sub-§1,** as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**1. Establish written standards.** The board shall ~~assist the deputy commissioner in the development of~~ approve written standards governing data processing and telecommunications as defined in ~~subchapter H~~ this chapter.

**Sec. 38. 5 MRSA §1893, sub-§2,** as enacted by PL 1985, c. 785, Pt. A, §78, is repealed.

**Sec. 39. 5 MRSA §1893, sub-§§3 to 6,** as enacted by PL 1985, c. 785, Pt. A, §78, are amended to read:

**3. Develop strategic and departmental planning process.** The board shall assist the deputy commissioner in the development of the ~~comprehensive master plan~~ strategic and departmental planning process as defined in subchapter II.

**4. Investigate and establish priorities.** The board, with the deputy commissioner, shall investigate and establish priorities within the scope of the ~~comprehensive master plan~~ strategic and departmental planning process. For the purpose of this subsection, the priorities ~~shall be~~ are goals and objectives with ~~their~~ associated target dates.

**5. Rules, policies and fees.** The board shall assist in the development of and give its approval to the commissioner for:

A. Rules and policies relating to data processing and telecommunications; and

B. The schedule of charges.

**6. Provide for regular review.** The board with the deputy commissioner shall provide for a regular review of information processing and telecommunications operations in State Government and make recommendations to the Governor, commissioner and other affected agency heads for improving service and efficiency and for reducing costs.

**Sec. 40. 5 MRSA §1893, sub-§8,** as amended by PL 1989, c. 443, §10, is repealed.

**Sec. 41. 5 MRSA §1893, sub-§9,** as enacted by PL 1987, c. 701, §5, is repealed.

**Sec. 42. 5 MRSA §§1894 and 1895** are enacted to read:

**§1894. Semiautonomous state agencies**

All semiautonomous state agencies that have information service systems shall ensure that those systems are compatible with the policies and standards approved by the board.

**§1895. Legislature and Judicial Department**

The Legislature and the Judicial Department of State Government are not subject to any of the authorities delegated to the board in this subchapter.

**Sec. 43. 5 MRSA §1896, first ¶,** as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

Any state agency or semiautonomous state agency disagreeing with an action or decision of the Office of ~~Informational~~ Information Services or the deputy commissioner as it affects that agency may appeal the decision in accordance with the provisions of this ~~subsection~~ section.

**Sec. 44. 5 MRSA §13058, sub-§5,** as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

**5. Review of program; report to Governor and Legislature.** The commissioner shall review and evaluate the programs and functions of the department and the operation of the economic delivery system. The commissioner shall report ~~his~~ findings and recommendations with respect to the issues described in this subsection to the Governor and to the Legislature no later than February 1st of each first regular session of the Legislature. The commissioner shall conduct ~~his~~ the review and evaluation with respect to the following:

A. The purpose of these programs and the degree to which the purpose is being met;

B. The degree of significance of the purpose of the programs and functions of the department;

C. The extent of the coordination of programs and services as required in subsection 4;

D. The needs, problems and opportunities that are not being met by the programs and services of the department;

E. The types of programs and services necessary to meet the needs, problems and opportunities as set out in paragraph D;

F. The problems and successes in the economic delivery system; and

G. The state of small business in this State, including economic data, the effectiveness of state programs to aid small business, problems of small business that may be affected by state policies and such other information on small business as desired by the commissioner;

H. Within available resources, the extent of business growth and change, including business expansions, new businesses and business closings; and

I. Within available resources, the status of investments in business in the State.

**Sec. 45. 10 MRSA §963-A, sub-§51**, as enacted by PL 1985, c. 344, §7, is amended to read:

**51. Veteran.** "Veteran" means any person who served in the United States Armed Forces during any federally recognized period of conflict, or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and was not dishonorably discharged. A veteran of the Vietnam War must have served on active duty for a period of more than 90 days, unless he that veteran was discharged for a service-connected disability, and any part of that active duty service occurred after August 4, 1964 December 22, 1961, and before May 7, 1975.

**Sec. 46. 10 MRSA §980-B**, as amended by PL 1989, c. 503, Pt. B, §52, is repealed and the following enacted in its place:

**§980-B. Maine Veterans' Small Business Loan Board**

**1. General.** The Maine Veterans' Small Business Loan Board, as established by Title 5, section 12004-I, subsection 27, and in this section referred to as the "board," consists of 7 members including the Director of Veterans' Services and 6 members appointed by the Governor from nominations submitted by the Maine Veterans' Coordinating Committee. The coordinating committee shall provide at least 2 nominations for each seat being filled. Terms are for 4 years, except that, of the members first appointed, one is appointed for a term of 2 years, one for a term of 3 years and 2 for terms of 4 years. In making its appointments, the coordinating committee shall consider the need for the board to possess expertise in banking, business-related technical assistance and counseling. Each member organization represented by the coordinating committee must be represented on the board. Two members of the board must be appointed by

the Governor to serve as members of the authority. A vacancy in the office of an appointed member, other than by expiration, must be filled by the same process as the original appointment, but only for the remainder of the term of the retiring member. The coordinating committee may recommend to the Governor the removal of any appointed member for cause. The board shall elect one of its members as chair, and may elect other officers as necessary. Three members of the board constitute a quorum. The affirmative vote of a majority of members present and voting, but not less than 3, is necessary for any action taken by the board. A vacancy in the membership of the board may not impair the right of the quorum to exercise all rights and perform all the duties of the board.

**2. Compensation.** All appointed members of the board are entitled to compensation in accordance with Title 5, chapter 379.

**3. Functions of the board.** The board shall:

A. Ensure the comprehensive dissemination of information about the veterans' small business loan insurance program, as authorized by section 1026-C, to the State's veteran community;

B. Serve as advisor to the authority on the needs of veterans in the State and the various ways the authority might help to address those needs;

C. Provide information, counseling, technical assistance and support to veterans seeking small business financing; and

D. Approve veterans' small business loan insurance of up to \$75,000 when the authority requires a 100% loan guarantee.

The authority shall, to the extent necessary and possible, assist the board in carrying out functions pursuant to this subsection. Primary responsibility for the effective execution of these duties rests with the board.

**4. Functions of the authority.** The authority shall:

A. Communicate with and encourage the banking community to consider, when reviewing veterans' loan applications, the additional sacrifices made by veterans who served their country during periods of conflict; and

B. Approve or deny applications for veterans' small business loan insurance that do not require approval under subsection 3.

The board shall, to the extent necessary and possible, assist the authority in its prescribed duties.

**Sec. 47. 10 MRSA §1026-C, sub-§2**, as amended by PL 1987, c. 393, §6, is further amended to read:

**2. Insurance.** The authority may provide mortgage insurance benefiting a veteran in an original princi-

pal amount of \$250,000 or less in addition or as an alternative to any amount provided pursuant to section 1026-B. The authority may insure 100% of mortgage payments under this section of a loan approved pursuant to section 980-B.

**Sec. 48. 10 MRSA c. 110, sub-c. II-A,** as amended, is repealed.

**Sec. 49. 10 MRSA §1100-N, sub-§1,** as amended by PL 1985, c. 714, §39, is further amended to read:

**1. Contracts.** The authority ~~shall~~ may contract with ~~each~~ any community action agency ~~who~~ that seeks to participate in this program in order to organize a job-start program ~~within the region served by the community action agency.~~ A participating agency shall accept applications from eligible participants, regardless of whether an applicant resides in the region normally served by that agency, unless the applicant resides in a region served by another participating agency. The contract shall provide as a minimum: the following.

A. Each community action agency shall designate a coordinator who shall be responsible for the job-start program in that region; ;

B. The board of directors of a community action agency shall appoint a job-start advisory board, which may consist of a subcommittee of the board of directors, to review and make recommendations concerning loan applications and offer other advice to small businesses, ~~which~~. The advisory board shall must consist of 5 members who represent ~~low income~~ low-income people and representatives knowledgeable of business and financial matters. Members of the job-start advisory board ~~shall~~ serve for a 2-year term and may be reappointed to successive terms; ;

C. The community action agency ~~shall be~~ is responsible for ~~at least 50% up to 30%~~ of the administrative costs of implementing the job-start program, which costs may be derived from direct financial support or in-kind services, or both; ~~and~~ ;

D. The community action agency shall involve existing small business technical assistance and counseling programs in their implementation of the job-start program and shall, to the maximum extent feasible, contract or arrange for the in-kind donation of technical and counseling services to assist job-start loan applicants.

**Sec. 50. 10 MRSA §1100-O, sub-§§1 and 2,** as enacted by PL 1983, c. 856, §4, are amended to read:

**1. Creation of fund.** A Job-start Revolving Loan Fund ~~shall be~~ is established by the authority for the job-start program. The fund ~~shall contain~~ contains appropriations provided for that purpose and all repayments of principal and interest of loans under this subchapter and

interest earned by the fund prior to its allocation for individual loans. Interest and principal payments required by loan defaults ~~shall be~~ are charged to this fund. The authority shall have the sole responsibility for the allocation and distribution of the fund. ~~This fund shall initially be the sum of \$500,000.~~ Any funds appropriated for this purpose ~~shall~~ may not lapse, but ~~shall~~ must remain available for the purposes set forth in this subchapter.

**2. Administrative expenses.** During the first fiscal year after ~~the effective date of this Act~~ July 25, 1984, the authority may allocate a maximum of 10% of the Job-start Revolving Loan Fund for administrative expenses and counseling services incurred by the authority and the community action agencies with whom the authority has contracted under section 1100-N. Subsequently, all interest earned by the fund, either by means of investment or loan payments, ~~shall be~~ is available to the authority, which shall allocate these funds primarily to community action agencies for administrative and counseling services. Beginning in fiscal year 1990-91, the authority may allocate up to \$10,000 of administrative program funds for each agency with which it contracts under section 1100-N for expenses incurred by the authority under this program.

**Sec. 51. 13-B MRSA §202, sub-§1, ¶¶R and S,** as enacted by PL 1977, c. 525, §13, are amended to read:

R. To reimburse and indemnify litigation expenses of directors, officers and employees, as provided for in section 714; ~~and~~

S. To have and exercise all powers necessary or convenient to effect the purposes for which the corporation is organized, or to further the activities in which the corporation may lawfully be engaged; and

**Sec. 52. 13-B MRSA §202, sub-§1, ¶T** is enacted to read:

T. To engage in legislative liaison activities, including gathering information regarding legislation, analyzing the effect of legislation, communicating with Legislators and attending and giving testimony at legislative sessions, public hearings or committee hearings, notwithstanding any rule adopted by the Department of Finance.

**Sec. 53. 20-A MRSA §7202, sub-§8,** as amended by PL 1983, c. 327, §1, is further amended to read:

**8. Facility construction, renovation and repair.** Seek approval in advance from the commissioner for construction, renovation or repair, with or aided by public funds, of facilities intended for the education of exceptional students; ; or give assurances that other facilities in the school administrative unit are adequate to meet the needs of those students; ~~and~~

**Sec. 54. 20-A MRSA §7202, sub-§9**, as enacted by PL 1983, c. 327, §2, is amended to read:

**9. Securing parental permission.** For the Protection and Advocacy Agency for the Developmentally Disabled in Maine conducting studies pursuant to Title 22, chapter 961:

- A. Assist the agency in its studies; and
- B. Facilitate access to relevant case records by:
  - (1) Notifying parents or guardians of the study; and
  - (2) Requesting parental consent for the agency to have access to case records; and

**Sec. 55. 20-A MRSA §7202, sub-§10** is enacted to read:

**10. Department of Human Services; authority to request convening of pupil evaluation team meeting.** Notify in writing the individual designated by the Department of Human Services that the Department of Human Services has the authority to request the school administrative unit to convene a pupil evaluation team meeting and to attend and participate in any pupil evaluation team meetings concerning an exceptional student who is a state ward. The written notice must indicate the time and place of the pupil evaluation team meeting and a copy of the notice must be placed in the exceptional student's permanent record.

**Sec. 56. 20-A MRSA §7207-A**, as enacted by PL 1985, c. 318, §3, is repealed and the following enacted in its place:

**§7207-A. Surrogate parents**

**1. Rules.** The commissioner shall adopt rules to determine when a surrogate parent is needed and the criteria for selection of a surrogate parent.

**2. Objection to appointments.** When an exceptional student is a state ward and the Department of Human Services has notified the school administrative unit and the Department of Educational and Cultural Services that the Department of Human Services objects to the appointment of the foster parent as the surrogate parent, the foster parent may not be automatically appointed to serve as surrogate parent for the exceptional student. When an exceptional student is a state ward and the Department of Human Services objects to the appointment of the foster parent as the surrogate parent, the Department of Human Services shall recommend to the Department of Educational and Cultural Services an individual to serve as surrogate parent.

**Sec. 57. 22 MRSA c. 254-A**, as amended, is repealed.

**Sec. 58. 22 MRSA §4008, sub-§5**, as enacted by PL 1985, c. 739, §6, is amended to read:

**5. Retention of unsubstantiated child protection services records.** The Except as provided in this subsection, the department shall retain unsubstantiated child protective services case records for no more than 18 months following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the 18-month retention period. Unsubstantiated child protective services records of persons who were eligible for Medicaid services under the federal Social Security Act, Title XIX, at the time of the investigation may be retained for up to 5 years for the sole purpose of state and federal audits of the Medicaid program. Unsubstantiated child protective services case records retained for audit purposes pursuant to this subsection must be stored separately from other child protective services records and may not be used for any other purpose.

**Sec. 59. 25 MRSA §2908**, as amended by PL 1987, c. 416, §4, is repealed and the following enacted in its place:

**§2908. Security officers; powers and duties; cooperation**

The Commissioner of Public Safety may appoint and employ security officers, subject to the Civil Service Law. The specific duties and powers of security officers appointed and employed are to patrol the public ways and parking areas, as defined by section 2905, to provide security for all parks, grounds, buildings and appurtenances maintained by the State in the capitol area and other state-controlled locations designated by the commissioner, and to enforce the rules promulgated pursuant to sections 2904 to 2907. The commissioner may by rule, policy, or procedure expand the duties and powers of security officers in the capitol area and other state-controlled locations designated by the commissioner beyond the duties and powers enumerated in this section to investigate, prosecute, serve process on and arrest violators of any law of this State. Security officers may issue summons in the course of their duty to enforce this section. The commissioner shall provide forms and standard operating procedures to security officers to carry out their functions under this section.

The State Police, sheriffs, deputy sheriffs, constables and municipal police officers shall, as far as possible, cooperate with the security officers appointed and employed under this section in the enforcement of rules adopted pursuant to sections 2904 to 2907 and any law of this State.

**Sec. 60. 32 MRSA §81-A, 2nd ¶**, as enacted by PL 1985, c. 730, §§3 and 16, is amended to read:

It is the intent of the Legislature to designate that a central agency be responsible for the coordination and integration of all state activities concerning emergency

medical services and the overall planning, evaluation, coordination, facilitation and regulation of emergency medical services systems. Further, the Legislature finds that the provision of prompt, efficient and effective emergency medical care, effective communication between prehospital care providers and hospitals and the safe handling and transportation of the sick and injured are key elements of an emergency medical services system. This chapter is intended to promote the public health, safety and welfare by providing for the creation of a statewide emergency medical services system with standards for all providers of emergency medical services.

**Sec. 61. 32 MRSA §82, sub-§1**, as amended by PL 1985, c. 730, §§4 and 16, is further amended to read:

**1. Licenses required.** ~~No~~ An ambulance service, ambulance, first responder service or emergency medical ~~services'~~ services person may not operate unless duly licensed by the ~~Board of Emergency Medical Services~~ Board of Emergency Medical Services pursuant to this chapter, except as stated in subsection 2.

Failure of an ambulance, ambulance service, ~~or~~ first responder service or emergency medical services person to obtain licensure shall make that individual or organization subject to a fine of not more than \$500 or ~~by~~ imprisonment for not more than 6 months, unless other penalties are specified.

**Sec. 62. 32 MRSA §83, sub-§3-A** is enacted to read:

**3-A. Ambulance attendant.** "Ambulance attendant" means a basic emergency medical services person who has completed the minimum training specified in section 85, subsection 3, and has met the other conditions specified in rules under this chapter for licensure at this level.

**Sec. 63. 32 MRSA §83, sub-§8**, as amended by PL 1985, c. 730, §§5 and 16, is further amended to read:

**8. Basic emergency medical treatment.** "Basic emergency medical treatment" means those portions of emergency medical treatment, as defined by the board, ~~which~~ that may be exercised by licensed emergency medical ~~services'~~ services personnel acting under ~~their own authority~~ the supervision of an appropriate physician and within a system of emergency medical care approved by the board.

**Sec. 64. 32 MRSA §83, sub-§8-A**, as enacted by PL 1985, c. 730, §§6 and 16, is repealed and the following enacted in its place:

**8-A. Board.** "Board" means the Emergency Medical Services' Board established pursuant to section 88.

**Sec. 65. 32 MRSA §83, sub-§16**, as amended by PL 1987, c. 273, §1, is repealed.

**Sec. 66. 32 MRSA §83, sub-§16-A** is enacted to read:

**16-A. Maine Emergency Medical Services.** "Maine Emergency Medical Services" means the board, the statewide emergency medical services director, and the staff hired by the director.

**Sec. 67. 32 MRSA §83, sub-§17**, as enacted by PL 1981, c. 661, §2, is amended to read:

**17. Medical control physician.** "Medical control physician" means a physician who supervises ~~advanced emergency medical technicians~~ services persons.

**Sec. 68. 32 MRSA §83, sub-§19**, as amended by PL 1985, c. 730, §§8 and 16, is further amended to read:

**19. Protocol.** "Protocol" means the written statement, representing a consensus of the medical control physicians of an emergency medical ~~services'~~ services region and filed with the board, specifying the conditions under which some form of emergency medical care is to be given by emergency medical ~~services'~~ services persons.

**Sec. 69. 32 MRSA §85, sub-§3**, as amended by PL 1985, c. 730, §§11 and 16, is further amended to read:

**3. Minimum requirements for licensing.** In setting rules for the licensure of emergency medical ~~services'~~ services persons, the board shall ~~insure~~ ensure that ~~no~~ a person is not licensed to care for patients unless ~~his~~ that person's qualifications are at least those specified in this subsection. Any person who meets these conditions shall ~~be~~ is considered to have the credentials and skill demonstrations necessary for the ~~licensed~~ ambulance attendant level of licensure to provide basic emergency medical treatment.

A. The person must have completed successfully the United States Department of Transportation course for first responders, with supplemental training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act, or completed successfully the American Red Cross Advanced First Aid and Emergency Care Course, with supplemental training in ~~extrication, oxygen administration and airway care, patient evaluation and taking of vital signs~~ specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.

B. The person must have successfully completed the American Heart Association basic rescuer course in cardiopulmonary resuscitation or its American Red Cross equivalent.

C. The person must have successfully completed a state written and practical test for basic emergency medical treatment.

D. The person must be sponsored by a Maine licensed ambulance service or first responder service.

The board may set by rule intervals at which these qualifications must be renewed and appropriate courses and testing for that renewal.

For those individuals who are licensed or who relicense as a basic emergency medical ~~technician~~ technicians after September 1, 1986, and who are not licensed at the advanced level, the basic emergency medical technician license ~~shall be~~ is for a 3-year period. Licensure ~~shall include~~ includes, but ~~is not be~~ limited to, annual verification, as determined by the board through rules. In addition, that licensure ~~shall require~~ requires the successful passage of examinations ~~no not more often~~ than once every 3 years. To maintain a valid license, a basic emergency medical technician shall meet the criteria as set out in this subsection. If ~~such~~ those criteria are not met, a person ~~shall does~~ not hold a valid license and ~~shall must~~ reapply for licensure.

**Sec. 70. 32 MRSA §88, sub-§2, ¶E**, as enacted by PL 1985, c. 730, §§12 and 16, is amended to read:

E. The board shall keep records and minutes of its activities and meetings. These records and minutes ~~shall must~~ be made easily accessible to the public and ~~shall~~ be provided expeditiously upon request. The board shall distribute to all licensed emergency medical services persons a publication listing training and testing opportunities, meeting schedules of the board and regional councils, proposed rule changes and other information judged by the board to have merit in improving emergency medical patient care in the State. The board shall create, print and distribute this publication in the most cost-efficient manner possible. Any paid advertising utilized to accomplish this purpose may not be solicited by board members or staff and must be included in such a way that endorsement of a product or service by the board can not reasonably be inferred. The board may prepare, publish and disseminate educational and other materials to improve emergency medical patient care.

**Sec. 71. 32 MRSA §88, sub-§2, ¶H**, as enacted by PL 1985, c. 730, §§12 and 16, is amended to read:

H. The board may enter into ~~contract~~ contracts, subject to provisions of state law, and delegate this authority to the ~~executive~~ director. The board may also delegate, through rules, to the Office of Emergency Medical Services or the commissioner any provision necessary to carry out this chapter, including the process of hearings. The office and department staff ~~shall must~~ have access to all information necessary to carry out their responsibilities. Funds appropriated or allocated to the board to be contracted with the regional councils ~~shall may~~ be disbursed on a sole-source contract basis, according to guidelines established by the board. Funds ~~shall must~~ be expended in accordance with standard state contract or grant procedures and guidelines where appropriate.

**Sec. 72. 32 MRSA §89, subsection 2, ¶B**, as enacted by PL 1981, c. 661, §2, is amended to read:

B. The appointment, subject to approval by the board, of a regional medical director, who shall must be a licensed physician and shall serve as an agent of Maine Emergency Medical Services. The regional medical director may delegate in writing to other licensed physicians, who shall similarly serve as agents of Maine Emergency Medical Services, the responsibilities of this position;

**Sec. 73. 32 MRSA §220-A, 2nd ¶**, as enacted by PL 1987, c. 395, Pt. A, §116, is amended to read:

Any person who is practicing the profession of landscape architecture, but is not licensed with the board prior to the effective date of this section, shall comply with the requirements of section 220 by January 1, ~~1990~~ 1992.

**Sec. 74. 36 MRSA §305, sub-§1**, as amended by PL 1989, c. 508, §8, is further amended to read:

1. **Just value.** Certify to the Secretary of State before the first day of February the equalized just value of all real and personal property in each municipality and unorganized place ~~which that~~ is subject to taxation under the laws of this State, except that percentage of captured assessed value located within a tax increment financing district that is used to finance that district's development plan. Such equalized just value ~~shall must~~ be uniformly assessed in each municipality and unorganized place and ~~shall~~ be based on 100% of the current market value. It ~~shall must~~ separately show for each municipality and unorganized place the actual or estimated value of all real estate ~~which that~~ is exempt from property taxation by law or is the captured value within a tax increment financing district that is used to finance that district's development plan, as reported on the municipal valuation return filed pursuant to section 383. The valuation as filed ~~shall remain~~ remains in effect until the next valuation is filed and ~~shall be~~ is the basis for the computation and apportionment of the state and county taxes;

**Sec. 75. 36 MRSA §383**, as amended by PL 1987, c. 772, §9, is further amended to read:

### **§383. Assessors' annual return to State Tax Assessor**

The municipal assessors and the assessors of primary assessing areas shall make and return on blank lists, which ~~shall must~~ be seasonably furnished by the State Tax Assessor for that purpose, all such information as to the assessment of property and collection of taxes as may be needed in the work of the State Tax Assessor, including annually; the land value, exclusive of buildings and all other improvements, and the valuation of each and every class of property assessed in their respective jurisdiction, with the total valuation and percentage of taxation, together with a statement to the best of their knowledge and belief of the ratio, or percentage of current just value, upon which the assessment is based; and itemized lists of property upon which the town has voted to affix a value

for taxation purposes. The State Tax Assessor may establish procedures and promulgate rules, in accordance with the Maine Administrative Procedure Act, designed to ensure that the ratio certified by the municipal assessors or the assessors of primary assessing areas is accurate within 20% of the state valuation ratio last determined, unless adequate evidence is presented to the State Tax Assessor by the municipality to justify a different assessment ratio. These completed lists ~~shall~~ must be returned to the State Tax Assessor no later than November 1st, annually, or 30 days after commitment, whichever is later.

**Sec. 76. 36 MRSA §578, sub-§1**, as amended by PL 1987, c. 876, §3, is further amended to read:

**1. Organized areas.** The municipal assessors or chief assessor of a primary assessing area shall adjust the State Tax Assessor's 100% valuation per acre for each forest type of their county by whatever ratio, or percentage of current just value, is then being applied to other property within the municipality to obtain the assessed values. Forest land in the organized areas, subject to taxation under this subchapter, ~~shall~~ must be taxed ~~as at~~ the property tax rate applicable to other property in the municipality, which rate ~~shall be~~ is applied to the assessed values so determined.

~~The State Tax Assessor is authorized to make provisional payment of up to 75% of~~ shall pay any municipal claim found to be in satisfactory form. ~~The payment shall be made within 90 days after receipt of a satisfactory~~ the claim and shall be presented for final settlement to the Legislature next convening. If the sum of all approved claims exceeds funds appropriated for reimbursement under this subchapter, payments must be prorated so that each eligible municipality receives the same percentage of its approved reimbursement.

In tax years beginning on or after April 1, 1988, the State Tax Assessor shall determine annually the amount of acreage in each municipality ~~which that~~ is classified and taxed in accordance with this subchapter. A municipality actually levying and collecting municipal property taxes and within whose boundaries this acreage lies ~~shall receive~~ is entitled to annual payments from money so appropriated by the Legislature provided it submits an annual return in accordance with section 383; and it achieves the appropriate minimum assessment ratio described in section 327. For the property tax year based on the status of property on April 1, 1988, the per acre reimbursement amount ~~shall increase~~ increases from 15¢ to 24¢. For property tax years based on the status of property on April 1, 1989, or thereafter, the per acre reimbursement ~~shall be~~ is 90% of the per acre tax revenue lost as a result of this subchapter. For purposes of this section, the tax lost is the tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped acreage, whichever is less, minus the tax that was actually assessed on the same lands in accordance with this subchapter.

No municipality may receive a reimbursement payment under this section ~~which that~~ would exceed an amount determined by calculating the tree growth tax loss less the municipal savings in educational costs attributable to reduced state valuation.

A. The tree growth tax loss is the adjusted tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect minus the tax that was actually assessed on the same lands in accordance with this subchapter.

In determining the adjusted tax that would have been assessed, the tax rate to be used is computed by adding the additional school support required by the modified state valuation attributable to the increased valuation of forest land to the original tax committed and dividing this sum by the modified total municipal valuation. The adjusted tax rate is then applied to the valuation of forest land based on the undeveloped acreage valuations, adjusted by the certified ratio, to determine the adjusted tax.

B. The municipal savings in educational costs is determined by multiplying the school subsidy index by the change in state valuation attributable to the use of the valuations determined in accordance with this subchapter on classified forest lands rather than their valuation using the undeveloped acreage valuations used in the state valuation then in effect.

**Sec. 77. 36 MRSA §1281**, as amended by PL 1987, c. 667, §23, is further amended to read:

**§1281. Payment of taxes; delinquent taxes; publication; certificate filed in registry**

Taxes on real estate mentioned in section 1602, including supplementary taxes assessed under section 1331, ~~shall be~~ are delinquent on the ~~first day of February~~ 15th day of January next following the date of assessment. Annually, on or before February ~~20th~~ 1st, the State Tax Assessor shall send by mail to the last known address of each owner of such real estate upon which taxes remain unpaid a notice in writing, containing a description of the real estate assessed; and the amount of unpaid taxes and interest, and alleging that a lien is claimed on that real estate for payment of those taxes, interests and costs, with a demand that payment be made by the next ~~March 1st~~ February 21st. ~~In case~~ If the owners of any such real estate are unknown, instead of sending the notices by mail, ~~he~~ the assessor shall cause the information required in this section on ~~such that~~ real estate to be advertised in the state paper and in ~~some a~~ newspaper, if any, of general circulation in the county in which the real estate lies. Such a statement or advertisement ~~shall be~~ is sufficient legal notice of delinquent taxes. If those taxes and interest to date of payment and costs are not paid by ~~March 1st~~ February 21st, the State Tax Assessor shall record by March 15th, in the registry of deeds of the county or registry district where the real estate lies, a certificate



signed by ~~him~~ the assessor, setting forth the name or names of the owners according to the last state valuation, or the valuation established in accordance with section 1331; the description of the real estate assessed as contained in the last state valuation, or the valuation established in accordance with section 1331; the amount of unpaid taxes and interest; the amount of costs; and a statement that demand for payment of those taxes has been made, and that those taxes, interest and costs remain unpaid. The costs ~~to be~~ charged by the register of deeds for ~~such~~ the filing shall may not exceed \$5.

**Sec. 78. 36 MRSA §1608, first ¶**, as amended by PL 1985, c. 603, §8, is further amended to read:

The fiscal administrator of the unorganized territory shall, by ~~December~~ March 1st annually, publish a financial report of the status of the Unorganized Territory Education and Services Fund subject to the following provisions.

**Sec. 79. 36 MRSA §1609**, as enacted by PL 1983, c. 508, §2, is amended to read:

**§1609. Audit of municipal cost component and the Unorganized Territory Education and Services Fund**

The Unorganized Territory Education and Services Fund and each account of the municipal cost component ~~shall must~~ be audited annually by the Department of Audit. The audit ~~shall must~~ cover the last entire fiscal year and be completed no later than 90 days after February 1st following the end of each fiscal year. The expenses of these auditing services ~~shall be~~ are part of the municipal cost component and ~~shall be~~ are paid out of the Unorganized Territory Education and Services Fund. The audit ~~shall must~~ be performed in accordance with generally accepted auditing standards and procedures pertaining to governmental accounting and shall must include a management letter covering the audit of the operational aspects of the fund, as well as suggestions ~~which that~~ the auditor may deem determines advisable for the proper administration of the fund. The auditor shall produce the audit report on the forms required by the accounting system established by the Department of Audit in Title 5, section 243.

The audit ~~shall must~~ include an accounting of receipts, expenditures, disbursements, allocations, apportionments and methods for calculating requests for transfers from the fund covering each account of the municipal cost component and the Unorganized Territory Education and Services Fund. The audit ~~shall must~~ also include a review of the accounting procedure used by agencies or governmental entities receiving transfers from the fund to determine whether the expenditures and transfers from the fund have been used in compliance with laws of this State.

**Sec. 80. Maine Veterans' Small Business Loan Board; transition.** Any member serving an un-

expired term on the Maine Veterans' Small Business Loan Board or as a veterans' loan board representative member of the Finance Authority of Maine on the effective date of this Act shall continue to serve until that term expires.

**Sec. 81. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

**ADMINISTRATION,  
DEPARTMENT OF**

**Office of Information Services**

Positions	(2)
Personal Services	\$89,350
All Other	(89,350)

Transfers funds from the All Other line item category to the Personal Services line item category to fund 2 direct service planning positions in the Office of Information Services.

**DEPARTMENT OF ADMINISTRATION** \_\_\_\_\_  
**TOTAL** -\$0-

**Sec. 82. Allocation.** The following funds are allocated from the Office of Information Services funds to carry out the purposes of this Act.

1990-91

**ADMINISTRATION,  
DEPARTMENT OF**

**Office of Information Services**

Positions	(-19)
Personal Services	(\$527,825)
All Other	76,128

Deallocates funds to implement reorganization of the Office of Information Services.

**DEPARTMENT OF ADMINISTRATION** \_\_\_\_\_  
**TOTAL** (\$451,697)

**Sec. 83. Allocation.** The following funds are allocated from the Insurance Reserve Fund to carry out the purposes of this Act.

1990-91

ADMINISTRATION, DEPARTMENT OF

Risk Management Division

Positions	(1)
Personal Services	\$19,448
All Other	1,500
Capital Expenditures	1,352

Authorizes position of Assistant Risk Assessor.

DEPARTMENT OF ADMINISTRATION	_____
TOTAL	\$22,300

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect on July 1, 1990, unless otherwise indicated.

Effective July 1, 1990, unless otherwise indicated.

**CHAPTER 858**

H.P. 1754 - L.D. 2417

**An Act to Improve Protective Services for Incapacitated and Dependent Adults**

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

**Sec. 1.** 4 MRSA §807, sub-§3, ¶H, as enacted by PL 1989, c. 265, §1 and as repealed and replaced by PL 1989, c. 755, is repealed and the following enacted in its place:

H. A person who is not an attorney, but has been designated to represent either the Department of Human Services, under Title 22, section 3473, subsection 3, or the Department of Mental Health and Mental Retardation, under Title 34-B, section 1204, subsection 7, in Probate Court proceedings.

**Sec. 2.** 18-A MRSA §5-303, sub-§(e) is enacted to read:

(e) When there has been an allegation of abuse, neglect or exploitation of an allegedly incapacitated person in a petition or other papers filed with the court, the court may hear the testimony of the allegedly incapacitated person in chambers with only the guardian ad litem and counsel present if the statements made are a matter of record.

**Sec. 3.** 18-A MRSA §5-407, sub-§(e) is enacted to read:

(e) When there has been an allegation of abuse, neglect or exploitation of an allegedly incapacitated person in a petition or other papers filed with the court, the

court may hear the testimony of the allegedly incapacitated person in chambers with only the guardian ad litem and counsel present if the statements made are a matter of record.

**Sec. 4.** 22 MRSA §3472, sub-§5, as amended by PL 1989, c. 329, §4, is further amended to read:

**5. Department.** "Department" means either the Department of Human Services through its Bureau of Elder and Adult Services or, in the case of mentally retarded adults, the ~~Commissioner~~ Department of Mental Health and Mental Retardation.

**Sec. 5.** 22 MRSA §3473, sub-§3 is enacted to read:

**3. Appearance of designated employees in Probate Court.** The commissioner may designate employees of the department to represent the department in Probate Court in:

A. Matters relating to the performance of duties in uncontested guardianship proceedings; and

B. Requests for emergency guardianships arising from the need for emergency medical treatment.

**Sec. 6.** 22 MRSA §3474, sub-§2, ¶F, as amended by PL 1987, c. 714, §3, is further amended to read:

F. Any person engaged in bona fide research, provided that no personally identifying information is made available, unless it is essential to the research and the commissioner or ~~his~~ the commissioner's designee gives prior approval. If the researcher desires to contact a subject of a record, the subject's consent ~~shall~~ must be obtained by the department prior to the contact; ~~and~~

**Sec. 7.** 22 MRSA §3474, sub-§2, ¶G, as enacted by PL 1987, c. 714, §4, is amended to read:

G. Persons and organizations pursuant to Title 5, section 9057, subsection 6, and pursuant to chapter 857-; and

**Sec. 8.** 22 MRSA §3474, sub-§2, ¶H is enacted to read:

H. A relative by blood, marriage or adoption of an incapacitated or dependent adult named in a record.

**Sec. 9.** 22 MRSA §3474, sub-§3, ¶C, as amended by PL 1985, c. 644, §2, is further amended to read:

C. A grand jury on its determination that access to those records is necessary in the conduct of its official business; ~~and~~

**Sec. 10.** 22 MRSA §3474, sub-§3, ¶D, as amended by PL 1989, c. 7, Pt. N, §2, is further amended to read: