

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND SPECIAL SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

B. For more than 12 months in all other cases.

For purposes of this subsection, "use" does not include storage, but means actual utilization of the property for a purpose consistent with its design. Property, other than automobiles and watercraft, which snowmobiles and all-terrain vehicles, that is required to be registered for use in this State does not qualify for exemption unless it was registered by its present owner outside this State more than 12 months prior to its registration in this State.

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

Effective December 21, 1991.

CHAPTER 621

H.P. 1407 - L.D. 1990

An Act to Make Technical Corrections to the Laws Regarding Withholding Tax on Real Estate Transfers

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

Whereas, the law governing the withholding of real estate transfer tax was recently amended; and

Whereas, that recent amendment, which is scheduled to take effect January 1, 1992, contains technical problems; 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. 36 MRSA §5250-A, sub-§1, ¶(C, as enacted by PL 1991, c. 591, Pt. Y, §2 and affected by §3, is amended to read:

C. "Resident," when used in reference to an individual, estate or trust, means an individual, estate or trust that has established a domicile in the State as of the date of transfer of the Maine real property, or that was a resident for purposes of the previous income tax year, unless the individual, estate or trust has established a domicile outside of the State as of the date of transfer of the Maine real property. "Resident," when used in reference

to a corporation, means a corporation that, as of the date of transfer of the Maine real property, is incorporated in the State or maintains a permanent place of business in the State. "Resident," when used in reference to a partnership, means a partnership at least 75% of whose ownership interest, as of the date of the transfer of Maine real property, is held by residents of this State.

Sec. 2. 36 MRSA §5250-A, sub-§3-A is enacted to read:

3-A. Foreclosure sales; transfers in lieu of foreclosure. No tax is required to be withheld pursuant to this section by a buyer at a foreclosure sale when the consideration paid does not exceed the debt secured by the property held by a mortgagee or lienholder; if the consideration paid does exceed the secured debt, the amount of tax withheld pursuant to this section must be the lesser of the surplus over the secured debt or the amount otherwise required to be withheld by this section. When a mortgagor conveys the mortgaged property to a mortgagee in lieu of foreclosure and with no additional consideration, the mortgagee is not required to withhold tax pursuant to this section.

Sec. 3. 36 MRSA §5250-A, sub-§5, as enacted by PL 1991, c. 591, Pt. Y, §2 and affected by §3, is amended to read:

5. False certificate. If a buyer has actual knowledge that a certificate furnished under subsection 3, ~~paragraph B~~ is false and the buyer fails to withhold the prescribed amount, the buyer is liable for the amount that should have been withheld and any applicable interest and penalty.

Sec. 4. 36 MRSA §5250-A, sub-§10 is enacted to read:

10. Application of withholding. The amount withheld pursuant to this section is deemed to be a payment against the tax imposed by this Part on income received by the seller.

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

Effective December 21, 1991.

CHAPTER 622

H.P. 1402 - L.D. 1985

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law

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 will become due and payable prior to July 1, 1992; 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. A-1. Appropriation. There are appropriated from the General Fund for the fiscal year ending June 30, 1992 to the departments listed, the following sums.

1991-92

ADMINISTRATION, DEPARTMENT OF

Office of the Commissioner - Administration

All Other (\$3,478)

Provides for the deappropriation of funds through the reduction of general operating expenses.

Administration - Human Resources

Personal Services (25,000)

All Other (6,000)

TOTAL (31,000)

Provides for the deappropriation of funds through the delay in filling 2 Senior Personnel Analyst positions and 2 Intermittent Clerk II positions and staff support expenses.

Buildings and Grounds Operations

Positions - Legislative Count (-3.0)

Personal Services (40,000)

Provides for the deappropriation of funds through the transfer of one

Auto Mechanic Foreman position, one Auto Mechanic I position and one Storekeeper I position to the Central Motor Pool Fund.

Capital Construction - Repairs - Improvements - Administration

All Other (305,000)

Provides for the deappropriation of funds through the reduction in funds no longer necessary to meet contract obligations.

Employee Relations - Office of

All Other (54,847)

Provides for the deappropriation of funds through the disencumbrance of an unneeded outside contract.

Information Services

Positions - Legislative Count (-7.0)

Personal Services (288,352)

Provides for the deappropriation of funds through the transfer of the following positions to the Office of Information Services Internal Service Fund: one Administrative Secretary position, one Assistant Deputy Commissioner position, one Deputy Commissioner for Information Services position and 4 Systems Analyst positions.

Public Improvements - Planning - Construction - Administration

Positions - Legislative Count (-1.0)

Personal Services (45,000)

Provides for the deappropriation of funds through the elimination of one vacant Director of Facilities Services position.

Public Improvements - Planning - Construction - Administration

Positions - Legislative Count (-2.0)

Personal Services (10,000)

Provides for the deappropriation of funds through the elimination of 2 Engineering Technician IV positions.

**Public Improvements - Planning -
Construction - Administration**

Personal Services	(12,930)
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Provides for the deappropriation of funds through holding several positions vacant for a limited period.

**Public Improvements - Division of
Safety and Environmental Services**

Positions - Legislative Count	(-4.0)
Personal Services	(34,479)

Provides for the deappropriation of funds through the elimination of 2 Engineer Technician IV positions, one Planning and Research Associate II position and one Clerk Typist III position.

Purchases - Bureau of

Personal Services	(1,337)
All Other	(1,483)

TOTAL	<u>(2,820)</u>
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Provides for the deappropriation of funds through the delay in filling one vacant Buyer II position and a reduction in miscellaneous operating expenses.

Purchases - Bureau of

Positions - Legislative Count	(-1.0)
Personal Services	(30,000)

Provides for the deappropriation of funds through the elimination of one vacant Buyer II position.

Purchases - Bureau of

Positions - Legislative Count	(-1.0)
Personal Services	(45,000)

Provides for the deappropriation of funds through the elimination of one State Purchasing Agent position that is part of the department's reorganization.

DEPARTMENT OF ADMINISTRATION TOTAL	<u>(902,906)</u>
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ADVOCACY SERVICES, MAINE**Maine Advocacy Services**

All Other	(8,538)
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Provides for the deappropriation of funds through the reduction of information, referral and legal advice services to people with disabilities and through the cancellation of a volunteer training workshop.

Maine Advocacy Services

All Other	(48,379)
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Provides for the deappropriation of funds through the elimination of funding for the Information and Support Program effective January 1, 1992.

MAINE ADVOCACY SERVICES TOTAL	<u>(56,917)</u>
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AGING, MAINE COMMITTEE ON**Maine Committee on Aging**

Personal Services	(6,200)
All Other	(10,400)

TOTAL	<u>(16,600)</u>
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Provides for the deappropriation of funds through the elimination of member per diem and the reductions in travel, telephone and supplies.

Maine Committee on Aging

Positions - Legislative Count	(-4.5)
Personal Services	(37,271)

Provides for the deappropriation of funds through the elimination of the Maine Committee on Aging, including one Executive Director position, one Planning and Research Associate II position, one Clerk Typist II position, one Clerk Typist IV position, one 1/2-time Advocate position and associated support costs, effective January 1, 1992.

MAINE COMMITTEE ON AGING**TOTAL** (53,871)**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF****Administration - Agriculture**All Other (6,971)
Capital Expenditures (6,000)**TOTAL** (12,971)

Provides for the deappropriation of funds through the delay in computer pool upgrades and the replacement of capital equipment.

Administration - AgriculturePositions - Legislative Count (-1.0)
Personal Services (21,850)

Provides for the deappropriation of funds from the elimination of one Assistant to the Commissioner of Public Information position.

Agricultural ProductionPositions - Legislative Count (-1.5)
Personal Services (71,900)
Capital Expenditures (4,814)**TOTAL** (76,714)

Provides for the deappropriation of funds through the elimination of one Veterinarian position and the transfer of 1/2 of a Lab Technician III position to the Agricultural Production Program, Other Special Revenue Fund.

Agricultural and Rural Resource DevelopmentPositions - Legislative Count (-0.5)
Personal Services (7,000)
All Other (3,000)**TOTAL** (10,000)

Provides for the deappropriation of funds through the elimination of one part-time Agriculture Internship and Training Coordinator position and associated operating expenses.

Public Services - AgriculturePositions - Legislative Count (-1.0)
Personal Services (27,140)
All Other (45,700)
Capital Expenditures (24,224)**TOTAL** (97,064)

Provides for the deappropriation of funds through the elimination of one Clerk Typist II position, reductions in travel and contracts and the delayed replacement of 2 vehicles and other miscellaneous equipment.

Public Services - AgriculturePositions - Legislative Count (-1.0)
Personal Services (24,000)

Provides for the deappropriation of funds from the elimination of one Consumer Food Inspector position, which reduces consumer foods inspection activities.

Harness Racing Commission

All Other (65,510)

Provides for the deappropriation of funds through the reduction of contractual expenses for track judges and the number of fluid samples tested.

Marketing Services - AgriculturePositions - Legislative Count (-2.0)
Personal Services (33,075)
All Other (40,000)**TOTAL** (73,075)

Provides for the deappropriation of funds through the elimination of one Egg and Poultry Processing Inspector position, one Master Carpenter position, contractual expenses and general operating expenses associated with the elimination of the Trademark Program.

Marketing Services - AgriculturePositions - Legislative Count (-1.0)
Personal Services (14,500)

Provides for the deappropriation of funds from the elimination of a part-time Clerk Typist II position that supports the Shipping Point Inspection and Branding Law Programs.		travel expenses for 2 staff members.	
Marketing Services - Agriculture		Arts - Sponsored Program	
Personal Services	60,350	All Other	(52,172)
Provides for the appropriation of funds to correct a double deappropriation in Public Law 1991, chapter 591, Parts B and JJJ.		Provides for the deappropriation of funds through the reduction of travel, general operating expenses, technical assistance grants and the elimination of 4 exhibitions.	
Marketing Services - Agriculture		MAINE ARTS COMMISSION TOTAL	<hr/> (55,845)
All Other	79,000	ATLANTIC STATES MARINE FISHERIES COMMISSION	
Provides for the appropriation of funds to correct an error in Public Law 1991, chapter 591, Part B, which deappropriated funds from the Maine Bag Program subsidy.		Atlantic States Marine Fisheries Commission	
Potato Quality Control		All Other	(2,001)
All Other	(20,000)	Provides for the deappropriation of funds through the reduction of the commissioner's travel expenses.	
Provides for the deappropriation of funds through the reduction in grants to public organizations.		ATLANTIC STATES MARINE FISHERIES COMMISSION TOTAL	<hr/> (2,001)
Potato Quality Control - Reducing Inspection Costs		ATTORNEY GENERAL, DEPARTMENT OF THE	
All Other	(79,000)	Administration - Attorney General	
Provides for the deappropriation of funds to correct an error in Public Law 1991, chapter 591, Part B, which deappropriated funds from the Maine Bag Program subsidy. Funds for the Maine Bag Program are available for the purpose of reducing inspection costs on all Maine bags.		Positions - Legislative Count	(-10.0)
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES TOTAL	<hr/> (355,334)	Personal Services	(274,326)
ARTS COMMISSION, MAINE		All Other	(19,000)
Arts - Administration		TOTAL	<hr/> (293,326)
All Other	(3,673)	Provides for the deappropriation of funds through the elimination of the following positions: one Special Investigator position, 2 Senior Legal Secretary positions and 7 Assistant Attorney General positions.	
Provides for the deappropriation of funds through the reduction of		Chief Medical Examiner - Office Of	
		All Other	(47,784)
		Provides for the deappropriation of funds through the reduction of the cost of nonstate professional services and general operating expenses.	

District Attorneys Salaries

Personal Services (182,578)

Provides for the deappropriation of funds through the elimination of 7 Assistant District Attorney positions or the corresponding required days without pay to be coordinated with the courts.

during the 2nd quarter and reductions that will be reimbursed from the Department of Inland Fisheries and Wildlife for fire protection of wildlife habitat.

Forest Fire Control - Division of

All Other 681,000

Provides for outstanding Forest Fire Fighting Activities.

DEPARTMENT OF THE ATTORNEY GENERAL

TOTAL (523,688)

Forest Management, Utilization and Marketing

Positions - Legislative Count (-4.0)
 Personal Services (97,305)
 All Other (19,351)

TOTAL (116,656)

Provides for the deappropriation of funds through the transfer of one vacant Forester I position to federal funds in the Forest Management, Utilization and Marketing Program, the elimination of 3 vacant Clerk Typist II positions, salary savings, All Other allotment reserves and reduced operating cost.

AUDIT, DEPARTMENT OF

Audit - Departmental Bureau

Positions - Legislative Count (-3.0)
 Personal Services (67,054)
 All Other (13,819)

TOTAL (80,873)

Provides for the deappropriation of funds through the elimination of one vacant Auditor III position and 2 vacant Auditor I positions, salary savings from one vacant Auditor II position and All Other savings from reductions in rent expenses.

Insect and Disease Management

All Other (2,000)

Provides for the deappropriation of funds for operation of state vehicles in the Insect and Disease Management Program.

DEPARTMENT OF AUDIT

TOTAL (80,873)

CONSERVATION, DEPARTMENT OF

Administration - Forestry

Personal Services (8,614)
 All Other (4,249)

TOTAL (12,863)

Provides for the deappropriation of funds through salary savings and All Other allotment reserves.

Land Use Regulation Commission

Positions - Legislative Count (-2.0)
 Personal Services (56,576)
 All Other (35,587)
 Capital Expenditures (7,997)

TOTAL (100,160)

Provides for the deappropriation of funds through the elimination of 2 Environmental Specialist II positions, salary savings, operational costs and computer, recording and mapping equipment.

Forest Fire Control - Division of

Personal Services (674,083)

Provides for the deappropriation of funds through the freezing of 2 Forest Ranger IV positions and one Forest Ranger III position for the balance of this fiscal year, salary savings from holding 7 Forest Ranger II positions vacant

Maine Rivers Protection Fund Program

Positions - Legislative Count	(-0.5)
Personal Services	(10,948)
All Other	(104)
TOTAL	(11,052)

Provides for the deappropriation of funds through the transfer of 1/2 of a split-funded Recreational Planner position to the Boating Facilities Program, Other Special Revenue Fund.

Parks - General Operations

Positions - Legislative Count	(-1.0)
Positions - Other Count	(-1.0)
Personal Services	(165,322)
All Other	(11,626)
Capital Expenditures	(12,000)
TOTAL	(188,948)

Provides for the deappropriation of funds through the elimination of 2 26-week seasonal Park Ranger positions and one Park Manager II position, freezing one Maintenance Mechanic position, one Assistant State Park Regional Supervisor position and one Allagash Park Ranger position during the 3rd quarter and reduced operational costs and maintenance of boat sites within state parks.

Policy Planning and Information

Positions - Legislative Count	(-1.0)
Personal Services	(28,206)
All Other	(10,192)
TOTAL	(38,398)

Provides for the deappropriation of funds through the elimination of one Natural Science Educator position, salary savings, All Other allotment reserves and reductions in travel, supplies and general operating expenses.

DEPARTMENT OF CONSERVATION TOTAL

(463,160)

CORRECTIONS, DEPARTMENT OF

Administration - Corrections

All Other	(26,500)
Provides for the deappropriation of funds from the reduction of training funds, travel and supplies.	

Charleston Correctional Facility

Personal Services	(8,949)
Provides for the deappropriation of funds through keeping one Vocational Trades Instructor position vacant until March 31, 1992.	

Correctional Services

All Other	(342,455)
Provides for the deappropriation of funds from the termination of community contracts.	

Correctional Center

Personal Services	(100,000)
Provides for the deappropriation of funds from salary savings.	

Correctional Center

Positions - Legislative Count	(-2.0)
Personal Services	(29,375)
Provides for the deappropriation of funds from the elimination of one vacant Correctional Officer II position and one vacant Correctional Training Officer position.	

Probation and Parole

Positions - Legislative Count	(-3.0)
Personal Services	(43,656)
All Other	(10,000)
Capital Expenditures	(6,750)
TOTAL	(60,406)

Provides for the deappropriation of funds from the elimination of 3 vacant Probation and Parole Officer positions and the reduction of training funds and capital purchases.

State Prison

Personal Services	(307,034)
All Other	(101,748)
TOTAL	(408,782)

Provides for the deappropriation of funds from the delayed hiring and opening of the new Bolduc minimum security unit.

State Prison

Positions - Legislative Count	(-0.5)
Personal Services	(34,695)

Provides for the deappropriation of funds through salary savings and the elimination of 1/2 of a vacant job-share Clerk Typist II position.

Warren Correctional Facility

Personal Services	(367,824)
All Other	(82,913)
Capital Expenditures	(20,000)
TOTAL	(470,737)

Provides for the deappropriation of funds from the delayed hiring and opening of the new maximum security facility in Warren.

Youth Center - Maine

Positions - Legislative Count	(-3.0)
Personal Services	(54,394)
All Other	(9,787)
TOTAL	(64,181)

Provides for the deappropriation of funds from the elimination of one vacant Teacher Manual Training position, one Nurse II position and one Psychologist II position.

Youth Center - Maine

Positions - Legislative Count	(-6.0)
Personal Services	(90,025)

Provides for the deappropriation of funds through the elimination of the following positions: one Guidance Counselor position, one

Vocational Trades Instructor position, 2 Correctional Caseworker positions and 2 Teacher positions.

DEPARTMENT OF CORRECTIONS

TOTAL	(1,636,105)
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DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF

Administration - Maine Emergency Management Agency

Positions - Legislative Count	(-1.0)
Personal Services	(13,600)

Provides for the deappropriation of funds through the elimination of one Communications Technician position (funded 50% General Fund and 50% Federal Fund).

Dam Safety Program

All Other	(13,894)
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Provides for the deappropriation of funds through the reduction of operating expenses used to support emergency dam inspection.

Military Training and Operations

Positions - Legislative Count	(-15.0)
Personal Services	(149,890)
All Other	(53,000)

TOTAL	(202,890)
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Provides for the deappropriation of funds through the elimination of one Word Processing Operator position, one Oilburner Mechanic Foreman position and 13 Building Custodian positions and the reduction in professional services, travel and office supplies.

Veterans Services

Positions - Legislative Count	(-3.0)
Personal Services	(52,880)
All Other	(8,000)

TOTAL	(60,880)
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Provides for the deappropriation of funds through the elimination of 2 Clerk Stenographer positions and one Veterans Counselor position at Togus,

leaving vacant one Clerk Typist III position and the reduction in travel expenses.

All Other (10,269)

Provides for the deappropriation of funds through reductions in grants to public and private organizations.

Veterans Services

Positions - Legislative Count (-1.0)
Personal Services (23,000)

Provides for the deappropriation of funds from the layoff of the Director of Veterans Services.

MAINE DEVELOPMENT FOUNDATION TOTAL

(20,538)

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development

Positions - Legislative Count (-1.0)
Personal Services (5,827)
All Other (8,324)

All Other (15,000)

TOTAL (14,151)

Provides for the deappropriation of funds through the reduction of travel, rent, general operating expenses, supplies and capital items.

Provides for the deappropriation of funds through the elimination of one Clerk Stenographer II position and funds for commission expenses. The Veterans Counselor position will assume responsibility for both Vietnam and Atomic Veterans as well as other veterans.

Business Development

All Other (15,000)

Provides for the deappropriation of funds through reductions in general operating expenses.

Office of Community Development

Maine Emergency Management Agency

All Other (24,879)

All Other (5,000)

Provides for the deappropriation of funds from the reduction of general operating expenses.

Provides for the deappropriation of funds through the reduction in general operating expenses.

Comprehensive Land Use Planning

DEPARTMENT OF DEFENSE AND VETERANS' SERVICES TOTAL

(353,294)

Positions - Legislative Count (-16.0)
Personal Services (150,559)
All Other (1,782,783)

DEVELOPMENT FOUNDATION, MAINE

TOTAL (1,933,342)

Development Foundation

All Other (10,269)

Provides for the deappropriation of funds through the elimination of a 1/2-time, nonstate, support staff position.

Provides for the deappropriation of funds through the elimination of 6 Planner II positions, 3 Senior Planner positions, one Supervisor of Outdoor Recreation position, one Development Program Manager position, one Deputy Commissioner of Comprehensive Planning position, one Clerk Typist III position and one Planning and Research Associate I

Development Foundation

position, the transfer of one 1/2-time Planner II position and one 1/2-time Planning and Research Associate II position to the Other Special Revenue account, the transfer of one Senior Planner position to the federal account and reductions in general operating expenses and grants to cities and towns.

EDUCATION, DEPARTMENT OF

Administration - Education

All Other (4,000)

Provides for the deappropriation of funds through a reduction in grants for alternative education projects.

Administrative Services - Education

Positions - Legislative Count (-1.0)
Personal Services (23,791)

Provides for the deappropriation of funds through the elimination of one Administrative Secretary position.

Adult Education

All Other (9,500)

Provides for a deappropriation of funds through a 10% reduction in grants to Literacy Volunteers of America.

Adult Education

All Other (17,000)

Provides for the deappropriation of funds through savings by deferring the review of laws and regulations and the development of a comprehensive data base system of the Adult Education Program.

Alcohol and Drug Education Services

Positions - Legislative Count (-1.0)
Personal Services (20,588)
All Other (100,000)

TOTAL (120,588)

Provides for the deappropriation of funds through the reduction of \$50,000 in grants to the regional councils and \$50,000 for training, travel, contracts, honoraria and other grants and the elimination of one Education Specialist III position.

Alcohol and Drug Education Services

Legal Defense Fund

All Other (76,658)

Provides for the deappropriation of funds through the elimination of the balance of the Legal Defense Fund.

Maine Small Business Commission

All Other (100,000)

Provides for the deappropriation of funds through disencumbering a contract with the University of Southern Maine's Small Business Development Center.

Office of Tourism

All Other (25,000)

Provides for the deappropriation of funds through the reduction in operating expenses used to conduct a study on the effectiveness of tourism efforts.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL

(2,170,000)

EDUCATION, STATE BOARD OF

State Board of Education

All Other (7,644)

Provides for the deappropriation of funds through the reduction of publication costs for information regarding parent and community volunteer programs and research costs on effective programs.

STATE BOARD OF EDUCATION TOTAL

(7,644)

Positions - Legislative Count	(-2.0)
Personal Services	(17,413)
All Other	(79,000)
TOTAL	(96,413)

Provides for the deappropriation of funds through the elimination of 2 alcohol and drug education regional offices including the elimination of 2 Education Specialist II positions and associated support costs.

Assessment of Student Performance

All Other	(267,732)
Provides for the deappropriation of funds through saving the portion of the current assessment contract estimated to be due and payable in the next fiscal year.	

Assessment of Student Performance

Positions - Legislative Count	(-5.0)
Personal Services	(92,300)
All Other	(16,175)
TOTAL	(108,475)

Provides for the deappropriation of funds through the elimination of the Division of Assessment, including the elimination of one Director position, 2 Education Specialist III positions, one Clerk Stenographer III position, one Clerk Stenographer II position and associated support costs.

Block Grants to Municipalities

All Other	(1,751,660)
Provides for the deappropriation of funds through the rescinding of the certification block grant funding for school administrative units.	

Certification, Placement and Teacher Education

Positions - Legislative Count	(-1.0)
Personal Services	(47,694)
Provides for the deappropriation of funds through the elimination of	

one Education Specialist II position.

School-based Child Care

All Other	(79,000)
Provides for the deappropriation of funds through savings in the School-based Child Care Program.	

Curriculum - Education

Positions - Legislative Count	(-1.0)
Personal Services	(45,153)
Provides for deappropriation of funds through the elimination of one Education Specialist II position.	

Curriculum - Education

Positions - Legislative Count	(-1.0)
Personal Services	(4,589)
Provides for the deappropriation of funds through savings resulting from the elimination of one Clerk Stenographer III position.	

Curriculum - Education

Positions - Legislative Count	(-1.0)
Personal Services	(27,271)
Provides for deappropriation of funds through the elimination of one Education Specialist II position.	

Curriculum - Education

Positions - Legislative Count	(-1.0)
Personal Services	(12,980)
Provides for the deappropriation of funds through savings resulting from the elimination of one Education Specialist III position.	

Curriculum - Education

Positions - Legislative Count	(-2.0)
Personal Services	(18,577)
All Other	(6,000)
TOTAL	(24,577)

Provides for the deappropriation of funds through the elimination of 2

<p>Education Specialist II positions and support costs associated with those positions.</p> <p>Curriculum - Education</p> <p>All Other (10,000)</p> <p>Provides for the deappropriation of funds through a reduction in out-of-state travel relating to positions proposed for elimination.</p> <p>Finance - Education</p> <p>Positions - Legislative Count (-1.0) Personal Services (21,285)</p> <p>Provides for the deappropriation of funds through the elimination of one Account Clerk I position in the Division of Finance.</p> <p>General Purpose Aid for Local Schools</p> <p>All Other (850,000)</p> <p>Provides for the deappropriation of funds through a projected end-of-year balance.</p> <p>General Purpose Aid for Local Schools</p> <p>All Other (945,956)</p> <p>Provides for the deappropriation of funds through the elimination of the partial subsidy payment for home-schooled students.</p> <p>General Purpose Aid for Local Schools</p> <p>All Other (75,000)</p> <p>Provides for the deappropriation of funds through unexpended and unrequired school bus purchase subsidies.</p> <p>General Purpose Aid for Local Schools</p> <p>All Other (16,110,244)</p> <p>Provides for the deappropriation of funds through the reduction of the fiscal year 1991-92 foundation and minimum education subsidy.</p> <p>Governor Baxter School for the Deaf</p>	<p>Personal Services (109,268)</p> <p>Provides for the deappropriation of funds through leaving one Clerk Typist II position, one Clerk Stenographer III position, one Teacher of the Deaf position, one Laundry Washer position, one 1/2-time Secretary position and one seasonal Watchperson position vacant for the remainder of fiscal year 1991-92.</p> <p>Handicapped Children Services - Preschool</p> <p>All Other (500,000)</p> <p>Provides for the deappropriation of funds through a reduction in the administrative structure of Child Development Services.</p> <p>Reimbursement for State Mandates</p> <p>All Other (9,768)</p> <p>Provides for the deappropriation of funds through savings in the School Nutrition Breakfast Program.</p> <p>School Facilities Program - Local Schools</p> <p>Positions - Legislative Count (-2.0) Personal Services (17,080)</p> <p>Provides for the deappropriation of funds through the elimination of 2 Education Specialist I positions.</p> <p>Special Education - Exceptional Children</p> <p>Personal Services (37,322)</p> <p>Provides for the deappropriation of funds through savings by leaving one Gifted and Talented Education Specialist II position vacant for remainder of fiscal year 1991-92.</p> <p>Curriculum - Education</p> <p>Positions - Legislative Count (-1.0) Personal Services (8,997)</p> <p>Provides for the deappropriation of funds from the elimination of an Education Specialist II position.</p> <p>DEPARTMENT OF EDUCATION TOTAL</p> <hr/> <p>(21,335,343)</p>
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**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF****Administration - Environmental Protection**

Positions - Legislative Count	(-5.0)
Personal Services	(148,502)
All Other	(4,570)
TOTAL	(153,072)

Provides for the deappropriation of funds through the elimination of one Regional Director position, one Clerk III position and one Clerk Typist II position and the transfer of one Systems Group Manager to Federal Funds and one Accountant II position to Dedicated Funds and a reduction in nonstate professional services.

Air Quality Control

Positions - Legislative Count	(-1.0)
Personal Services	(26,664)
All Other	(12,342)
TOTAL	(39,006)

Provides for the deappropriation of funds through the elimination of one Senior Meteorologist position, salary savings and general operating expenses.

Environmental Impact Studies

Positions - Legislative Count	(-1.0)
Personal Services	(18,258)
All Other	(489)
TOTAL	(18,747)

Provides for the deappropriation of funds through the elimination of the Acid Rain Monitoring Program, and the transfer of one Environmental Specialist II position to the Air Quality Control Program, Federal Funds.

Lake Restoration and Protection Fund

Positions - Legislative Count	(-1.0)
Personal Services	(28,644)
All Other	(1,106)
TOTAL	(29,750)

Provides for the deappropriation of funds through the elimination of one Assistant Engineer position and staff support funds.

Land Quality Control

Positions - Legislative Count	(-2.0)
Personal Services	(82,472)
All Other	(4,946)
TOTAL	(87,418)

Provides for the deappropriation of funds through the elimination of one Clerk IV position and one Environmental Specialist III position, salary savings and a reduction in general operating expenses.

Oil and Hazardous Materials Control

Personal Services	(5,403)
All Other	(6,003)
TOTAL	(11,406)

Provides for the deappropriation of funds through salary savings and reductions in travel, analysis and other staff support expenditures.

Solid Waste Management

Positions - Legislative Count	(-1.0)
Personal Services	(28,307)
All Other	(1,355)
TOTAL	(29,662)

Provides for the deappropriation of funds through the elimination of one Geologist position and reduced licensing, training and response activities.

Water Pollution Control Training Program

All Other	(27,500)
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Provides for the deappropriation of funds through reduced support for the Water Pollution Control Training Program.

Water Quality Control

Positions - Legislative Count	(-2.0)
Personal Services	(66,477)

All Other (7,076)
 TOTAL (73,553)

Provides for the deappropriation of funds through the transfer of one Biologist II position to Other Special Revenue Funds and the transfer of one Division Director position to the Oil and Hazardous Materials Control Program, Federal Funds and All Other allotment reserves.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 TOTAL (470,114)

ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL

Governmental Ethics and Election Practices - Commission on

Personal Services (6,124)
 All Other (1,159)
 TOTAL (7,283)

Provides for the deappropriation of funds through the reduction of one full-time Clerk Stenographer II position to 24-hours-per-week status and reductions in Personal Services allotment reserve and out-of-state travel expenses.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 TOTAL (7,283)

EXECUTIVE DEPARTMENT

Administration - Executive - Governor's Office

All Other (15,705)

Provides for the deappropriation of funds through the elimination of the 4th quarter payment for the New England Governor's Conference dues.

Administration - Community Services

Positions - Legislative Count (-2.0)
 Personal Services (45,636)

All Other 18,583
 TOTAL (27,053)

Provides for the deappropriation of funds through the elimination of the Deputy Director of the Division of Community Services position and the Assistant to the Director of the Division of Community Services position, the transfer of one Secretary position to the federal program and the transfer in of one Program Operations Manager position from the Low-Income Home Energy Assistance Program. All Other funds are necessary to cover operating expenses and to compensate for administrative funds lost due to the transfer of the Low-Income Home Energy Assistance Program to the Maine State Housing Authority.

Blaine House

Personal Services (15,000)
 All Other (3,000)
 TOTAL (18,000)

Provides for the deappropriation of funds through savings from temporary vacancies and less hours worked for intermittent employees.

Office of Child Welfare Services Ombudsman

Personal Services (5,307)

Provides for the deappropriation of funds through salary savings and reductions in insurance and retirement expenses.

Driver Education and Evaluation Program - Substance Abuse

Positions - Legislative Count (-1.0)
 Personal Services (29,723)

Provides for the deappropriation of funds through the elimination of one Alcohol Rehabilitation Counselor II position.

Energy and Weatherization

All Other (327,519)

Provides for the deappropriation of funds through the reduction of funds retained to pay for financial liabilities associated with the Penquis Weatherization Program.

Federal-State Coordinator - Executive

Personal Services (5,000)

Provides for the deappropriation of funds through salary savings and reduced retirement costs.

Head Start

Positions - Legislative Count (-1.0)
 Personal Services (4,294)
 All Other 4,294

TOTAL -0-

Provides for the deappropriation of funds through the elimination of one Accountant I position. All Other funds are necessary to cover operating expenses due to the transfer of the Low-Income Home Energy Assistance Program to the Maine State Housing Authority.

Maine Science and Technology Commission

Positions - Legislative Count (-1.0)
 Personal Services (45,689)
 All Other (354,311)

TOTAL (400,000)

Provides for the deappropriation of funds through the elimination of one Development Director position and the reduction of operating expenses and nonstate professional services.

Planning Office

Positions - Legislative Count (-2.0)
 Personal Services (80,556)
 All Other (10,137)

TOTAL (90,693)

Provides for the deappropriation of funds through the elimination of one Personnel Assistant position and one Planner II position and the reduction in All Other related expenses.

Office of Substance Abuse

All Other (393,838)
 Capital Expenditures (2,800)

TOTAL (396,638)

Provides for the deappropriation of funds through the closing of a residential rehabilitation program for women and reduction in training, prevention and outpatient services.

Office of Volunteer Services

Positions - Legislative Count (-1.0)
 Personal Services (19,254)
 All Other (3,468)

TOTAL (22,722)

Provides for the deappropriation of funds through the elimination of the Office of Volunteer Services, effective December 27, 1991.

State Planning Office - Water Resource Management Board

Personal Services (7,755)
 All Other (1,552)

TOTAL (9,307)

Provides for the deappropriation of funds unexpended at the termination of the Water Resources Program.

EXECUTIVE DEPARTMENT

TOTAL (1,347,667)

FINANCE, DEPARTMENT OF

Administration - Finance

Positions - Legislative Count (-1.0)
 Personal Services (13,525)
 All Other (2,000)

TOTAL (15,525)

Provides for the deappropriation of funds through the elimination of one Assistant to the Commissioner position effective April 1, 1992, salary savings and reductions in utilities and nonstate professional services.

Administrative Services - Finance

Positions - Legislative Count	(-1.0)
Personal Services	(15,544)
All Other	(3,900)
Capital Expenditures	(1,000)
TOTAL	(20,444)

Provides for the deappropriation of funds through the elimination of one vacant Account Clerk I position, salary savings, reductions in travel, utilities, and professional services and the elimination of all capital funds.

Accounts and Control - Bureau of

Positions - Legislative Count	(-1.0)
Personal Services	(41,697)
All Other	(13,707)
TOTAL	(55,404)

Provides for the deappropriation of funds through the elimination of one vacant Systems Group Manager position, salary savings and a reduction in data processing expenses.

State Contingency Account - Finance

Personal Services	(3,215,000)
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Provides for the deappropriation of funds resulting from collectively bargained state employee health insurance savings for fiscal year 1991-92. The Commissioner of Finance shall report to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 10, 1992 on the results of the collective bargaining process conducted pursuant to the Maine Revised Statutes, Title 26, chapters 9-B and 14 as related to this issue. These funds must be distributed to achieve these savings only after specific legislative approval.

Executive Branch Departments and Independent Agencies - Statewide

All Other	(50,000)
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Provides for the deappropriation of funds from the consolidation or

renegotiation of leases statewide. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall allocate this amount among the executive branch departments and independent agencies of State Government. The State Budget Officer and the Director of the Bureau of Public Improvements shall report to the Joint Standing Committee on Appropriations and Financial Affairs on the leases consolidated or renegotiated and the savings accrued by the Department of Finance by January 15, 1992.

Tree Growth Tax Reimbursement

All Other	(500,000)
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Provides for the deappropriation of funds through the reduction of tree growth reimbursements to municipalities. Current law provides for prorating the entitlement as required by law if appropriation is inadequate to fund full obligation. Reimbursement will have to be delayed until all qualifying claims are submitted. Municipalities failing to meet required statutory assessment ratio or filing date will be disqualified from reimbursement as provided by law.

Departmentwide

All Other	(35,000)
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Provides for the deappropriation of funds available due to the consolidation of the Department of Finance and the Department of Administration.

DEPARTMENT OF FINANCE

TOTAL	(3,891,373)
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HEALTH CARE FINANCE COMMISSION, MAINE

Maine Health Care Finance Commission

Positions - Legislative Count	(-1.0)
Personal Services	(32,913)

Provides for the deappropriation of funds through the transfer of one Administrative Secretary position to the Maine Health Care Finance Commission Other Special Revenue account, effective July 1, 1991.

Maine Health Care Finance Commission

Positions - Legislative Count	(-3.0)
Personal Services	(188,501)
All Other	(9,463)
TOTAL	(197,964)

Provides for the deappropriation of funds through the transfer of one Executive Director position, one Deputy Director position and one Legal Secretary position to the Maine Health Care Finance Commission Other Special Revenue account, effective July 1, 1991.

MAINE HEALTH CARE FINANCE COMMISSION
TOTAL

(230,877)

HEALTH POLICY ADVISORY COUNCIL, MAINE**Maine Health Policy Advisory Council**

Positions - Legislative Count	(-0.5)
Personal Services	(9,554)
All Other	64
TOTAL	(9,490)

Provides for the deappropriation of funds through the reduction of one full-time Comprehensive Health Planner II position to part-time status and an increased appropriation of funds to cover additional costs due to loss of staff.

Maine Health Policy Advisory Council

Positions - Legislative Count	(-2.5)
Personal Services	(16,004)
All Other	(2,472)
TOTAL	(18,476)

Provides for the deappropriation of funds through the elimination of the Maine Health Policy Advisory Council, including one Executive Director position, one 1/2-time Comprehensive Health Planner II position, one Clerk Typist III position and associated support costs, effective January 1, 1992.

MAINE HEALTH POLICY ADVISORY COUNCIL
TOTAL

(27,966)

HIGH-RISK INSURANCE ORGANIZATION, MAINE**Maine High-Risk Insurance Organization**

All Other (4,416)

Provides for the deappropriation of funds through the reduction of premium subsidies to eligible enrollees.

Maine High-Risk Insurance Organization

All Other 1,026,655

Provides for the appropriation of funds for the Maine High-risk Insurance Organization assessment.

MAINE HIGH-RISK INSURANCE ORGANIZATION
TOTAL

1,022,239

HISTORIC PRESERVATION COMMISSION, MAINE**Maine Historic Preservation Commission**

All Other (28,824)

Provides for the deappropriation of funds through the reduction for the Maine Historic Resources Survey Program.

Maine Historic Preservation Commission

Positions - Legislative Count (-1.0)
Personal Services (7,500)

Provides for the deappropriation of funds through the layoff of one Clerk Typist I position, effective January 1, 1992 as a result of restructuring within the cultural agencies.

MAINE HISTORIC PRESERVATION COMMISSION
TOTAL

(36,324)

HUMAN DEVELOPMENT COMMISSION, MAINE**Maine Human Development Commission**

All Other (1,608)

Provides for the deappropriation of funds through the reduction of general operating expenses for advocacy services.

Maine Human Development Commission

All Other (4,333)

Provides for the deappropriation of funds through the elimination of the Maine Human Development Commission, effective January 1, 1992.

Positions - Legislative Count (-1.0)
Personal Services (7,093)

Provides for the deappropriation of funds through the elimination of one Clerk Typist II position.

MAINE HUMAN DEVELOPMENT COMMISSION TOTAL

(5,941)

HUMAN RIGHTS COMMISSION, MAINE

Maine Human Rights Commission - Regulation

All Other (22,000)

Provides for the deappropriation of funds through reductions in general operating costs.

Child Care Services

All Other (83,700)

Provides for the deappropriation of funds through the reduction in funding for child care resource development centers and the elimination of \$12,500 for child care training. The department shall use federal block grant funds to maintain the 10 current resource development centers.

MAINE HUMAN RIGHTS COMMISSION TOTAL

(22,000)

Congregate Housing

All Other (80,000)

Provides for the deappropriation of funds through reductions in supportive services to residents of elderly subsidized housing.

HUMAN SERVICES, DEPARTMENT OF

Administration - Regional - Human Services

All Other (340,000)

Provides for the deappropriation of funds through a freeze on some leased-space rents and through reduction in general operating costs.

Elder and Adult Services - Bureau of

Positions - Legislative Count (-4.5)
Personal Services (82,837)
All Other (86,000)

TOTAL (168,837)

Provides for the deappropriation of funds through reductions in purchased supportive services and the elimination of 2 1/2-time Clerk Typist II positions, 3 full-time Caseworker Aide positions and one 1/2-time Caseworker Aide position authorized in Public Law 1991, chapter 591.

Aid to Families with Dependent Children

All Other (227,870)

Provides for the deappropriation of funds through the reduction of the standard of need by 3.5%.

Low-Cost Drugs To Maine's Elderly

All Other (250,000)

Provides for the deappropriation of funds through raising the copayment and eliminating the cap on copayments in the Elderly Low-cost Drug Program.

Birthline

All Other (25,000)

Provides for the deappropriation of funds.

Blind and Visually Impaired - Division for the

General Assistance - Reimbursement to Cities and Towns

All Other	(134,000)	program grants and reductions in health programs.	
Provides for the deappropriation of funds through the reduction of the maximum limit of aid per family in the Family Crisis Assistance Program. Also reduces the maximums in the Emergency Assistance Program for utilities, eviction-related expenses and the total expenses.			
Aid to Families with Dependent Children		Maine Health Program	
All Other	(1,000,000)	All Other	(3,247,075)
Provides for the deappropriation of funds through savings as a result of the extension of unemployment benefits and from the delay in implementing the housing special need payment. The amount of General Funds appropriated for the housing special need payment for fiscal year 1991-92 is \$1,100,000.		Provides for the deappropriation of funds through the restructuring of the Maine Health Program differential from 20% to 60%.	
General Assistance - Reimbursement to Cities and Towns		Income Maintenance - Regional	
All Other	1,000,000	Positions - Legislative Count	(-7.5)
Provides for the appropriation of funds to cover increased General Assistance expenditures.		Personal Services	(177,037)
		All Other	(22,963)
		TOTAL	(200,000)
		Provides for the deappropriation of funds through the elimination of 7 full-time and one part-time Human Service Aide III positions.	
Health Care Benefits for Uninsured Individuals		Long Term Care - Human Services	
All Other	(28,046)	All Other	(250,000)
Provides for the deappropriation of funds through the elimination of funding for the Select Commission on Access to Health Care.		Provides for the deappropriation of funds through reductions in grants to community agencies providing in-home services for elderly, disabled and dependent adults.	
Health - Bureau of		Medical Care - Payments to Providers	
Positions - Legislative Count	(-3.0)	All Other	(450,000)
Personal Services	(39,685)	Provides for the deappropriation of funds through the reduction of physician reimbursements by 10%.	
All Other	(515,000)		
TOTAL	(554,685)	Medical Care - Payments to Providers	
Provides for the deappropriation of funds through the elimination of one Word Processing Operator position and one Chemist III position, the transfer of one Sanitarian II position to Federal Block Grant funds and the elimination of Community Health		All Other	(17,000)
		Provides for the deappropriation of funds through reduced medical costs resulting from the reductions in the Aid to Families with Dependent Children case load.	
		Medical Care - Payments to Providers	
		All Other	(2,662,674)
		Provides for the deappropriation of funds through a projected surplus	

in the Medical Assistance Payment Account.

centers, reductions in the Extended Support for Persons with Head Injuries Program and the elimination of one Clerk Stenographer III position.

Medical Care - Payments to Providers

All Other (334,492)

Provides for the deappropriation of funds through savings as a result of establishing a copayment for Medicaid ambulatory services, psychologist and substance abuse services.

Rehabilitation - Vocational Rehabilitation - Bureau of

All Other (303,000)

Provides for the deappropriation of funds through the reduction of case service funds in the vocational rehabilitation program.

Medical Care - Payments to Providers

All Other (1,026,655)

Provides for the deappropriation of funds to correct Public Law 1991, chapter 591, Part Q.

State Supplement to Federal Supplemental Security Income

All Other (242,200)

Provides for the deappropriation of funds through reductions in payments to adult foster homes and through the elimination of operating funds for 16 boarding home beds in Sanford.

Medical Care - Payments to Providers

All Other (5,000)

Provides for the deappropriation of funds through the reduction of chiropractic services reimbursement by 10% in the Medicaid Program.

Welfare Employment, Education and Training

All Other (125,000)

Provides for the deappropriation of funds through the reduction in support services to food stamp recipients in the ASPIRE program and by not enrolling 100 new clients into the program.

Purchased Social Services

All Other (300,000)

Provides for the deappropriation of funds through the reduction of purchased social services that are delivered by community agencies, except for transportation for the elderly.

Intermediate Care - Payments to Providers

All Other (350,000)

Provides for the deappropriation of funds in the amount of projected recoveries from cost reports.

Purchased Social Services

All Other (205,323)

Provides for the deappropriation of funds through reductions in child care programs.

Medical Care Administration

All Other (8,000)

Provides for the deappropriation of funds from the elimination of funds to contract for staff support for the Special Select Commission on Access to Health Care.

Rehabilitation - Bureau of

Positions - Legislative Count (-1.0)
 Personal Services (7,885)
 All Other (75,000)
 TOTAL (82,885)

Provides for the deappropriation of funds through the elimination of funding for 6 speech and hearing

DEPARTMENT OF HUMAN SERVICES TOTAL

(11,708,535)

**DEPARTMENT OF INLAND FISHERIES
AND WILDLIFE****Office of the Commissioner - Inland
Fisheries and Wildlife**

Personal Services	(111)
All Other	(91,224)
Capital Expenditures	(14,536)
TOTAL	(105,871)

Provides for the deappropriation of funds through salary savings and the reduction in general operating expenses and capital for the purchase of a van.

**Administrative Services - Inland
Fisheries and Wildlife**

Personal Services	(24,672)
All Other	(61,621)
Capital Expenditures	(31,612)
TOTAL	(117,905)

Provides for the deappropriation of funds through salary savings, the reduction in general operating expenses and capital for the purchase of one vehicle and computer equipment.

ATV Safety and Educational Program

Personal Services	(117)
All Other	(6,516)
TOTAL	(6,633)

Provides for the deappropriation of funds through salary savings and the reduction of general operating expenses.

Endangered Nongame Operations

Personal Services	(917)
All Other	(2,042)
TOTAL	(2,959)

Provides for the deappropriation of funds through salary savings and the reduction in general operating expenses.

**Enforcement Operations - Inland
Fisheries and Wildlife**

Positions - Legislative Count	(-4.0)
Personal Services	(275,205)
All Other	(177,911)
Capital Expenditures	(121,700)
TOTAL	(574,816)

Provides for the deappropriation of funds through the elimination of 4 Game Warden positions, funding for 3 Game Warden positions without headcount and one intermittent Recreation Safety Coordinator position, salary savings and reductions in general operating expenses and capital for the purchase of 10 4x4 pickup trucks and 2 outboard motors.

Fisheries and Hatcheries Operations

Personal Services	(891)
All Other	(36,689)
Capital Expenditures	(47,014)
TOTAL	(84,594)

Provides for the deappropriation of funds through salary savings and reduction of general operating expenses and capital for the purchase of one 2-ton truck, small reservoir covers and other miscellaneous equipment.

**Licensing Services - Inland Fisheries
and Wildlife**

Positions - Legislative Count	(-1.0)
Personal Services	(40,428)
All Other	(113,173)
Capital Expenditures	(5,680)
TOTAL	(159,281)

Provides for the deappropriation of funds through the elimination of one Clerk Typist I position, salary savings and reduction in general operating expenses and capital for the purchase of computer equipment.

**Resource Management Services - Inland
Fisheries and Wildlife**

Positions - Legislative Count	(-1.0)
Personal Services	(26,337)
All Other	(98,353)
Capital Expenditures	(23,251)
TOTAL	(147,941)

Provides for the deappropriation of funds through the elimination of one vacant Biologist I position, salary savings, reduction of general operating expenses and the delay in purchase of 2 vehicles and other miscellaneous equipment.

Provides for the deappropriation of funds from reducing all other expenditures including maintenance expenses, telephone expenses and contractual clerical expenses, reducing contributions to judicial retirement and maintaining judicial vacancies.

Resource Management Services - Inland Fisheries and Wildlife

All Other 519,000

Notwithstanding the Maine Revised Statutes, Title 5, section 1585, provides for the transfer of funds in fiscal year 1991-92 to the Division of Forest Fire Control in the Department of Conservation to reimburse for the fire protection of wildlife habitat. This transfer is considered a "working capital advance" and these funds must be returned to the Department of Inland Fisheries and Wildlife no later June 30, 1993 from available General Fund appropriations to the Department of Conservation in fiscal year 1992-93.

Courts - Supreme, Superior, District and Administrative

All Other (26,000)

Provides for the deappropriation of funds from the Administrative Office of the Courts operations.

Indigent Defense

All Other (50,000)

Provides for the deappropriation of funds through the change in criteria for indigent defense appointment and eliminating mandatory jail terms on first offenses.

Departmentwide

All Other 681,000

Provides funds that authorize transfers to all department accounts at the commissioner's discretion to offset the deappropriations in Part A.

JUDICIAL DEPARTMENT TOTAL

(1,634,617)

LABOR, DEPARTMENT OF

Administration - Bureau of Labor Standards

Personal Services (9,813)

Provides for the deappropriation of funds through first quarter salary savings.

Administration - Bureau of Labor Standards

Personal Services (23,133)

Provides for the deappropriation of funds from salary savings.

Displaced Homemakers Program

All Other (38,112)

Provides for the deappropriation of funds through the reduction of employment and training activities of the Displaced Homemakers Program.

Displaced Homemakers Program

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE TOTAL

-0-

JUDICIAL DEPARTMENT

State Court Library Committee

All Other (23,000)

Provides for the deappropriation of funds through eliminating state stipends for certain state libraries and changing the level of others.

Courts - Supreme, Superior, District and Administrative

Personal Services (1,351,617)

All Other (184,000)

TOTAL (1,535,617)

All Other (8,000)

Provides for the deappropriation of funds from employment and training activities of the Displaced Homemakers Program.

Provides for the deappropriation of funds from career education and occupational information activities.

Regulation and Enforcement

Personal Services (5,989)

Provides for the deappropriation of funds through first quarter salary savings.

Regulation and Enforcement

Personal Services (9,363)

All Other (6,500)

TOTAL (15,863)

Provides for the deappropriation of funds from salary savings and reduced travel.

Job Training Partnership Program

Personal Services (1,379)

All Other (50,638)

TOTAL (52,017)

Provides for the deappropriation of funds through the reduction of employment and training activities of the Maine training initiative and health occupations training programs.

Labor Relations Board

Personal Services (24,406)

All Other (15,569)

TOTAL (39,975)

Provides for the deappropriation of funds through the reduction in operating expenses for the Board, the Panel of Mediators and the State Board of Arbitration and Conciliation.

STAR

Personal Services (24,158)

All Other (174,352)

TOTAL (198,510)

Provides for the deappropriation of funds through reductions in employment and training activities of the Strategic Training for Accelerated Reemployment Program.

Labor Relations Board

Personal Services (3,000)

Provides for the deappropriation of funds from salary savings.

STAR

Personal Services (13,658)

All Other (71,506)

TOTAL (85,164)

Provides for the deappropriation of funds from salary savings and employment and training activities of the Strategic Training for Accelerated Reemployment Program.

Occupational Information Coordination

Personal Services (3,500)

All Other (11,300)

TOTAL (14,800)

Provides for the deappropriation of funds through the reduction of career education and occupational information activities.

DEPARTMENT OF LABOR

TOTAL (500,880)

LEGISLATURE

Legislature

Personal Services (319,895)

All Other (485,275)

Occupational Information Coordination

All Other (6,504)

Capital Expenditures	(112,700)	All Other	(7,800)
TOTAL	<u>(917,870)</u>	Capital Expenditures	<u>(4,901)</u>
Provides for the deappropriation of funds to meet target reductions.		TOTAL	<u>(12,701)</u>
		Provides for the deappropriation of funds to meet target reductions.	
Commission on Interstate Cooperation		LEGISLATURE	
All Other	(15,678)	TOTAL	<u>(1,055,443)</u>
Provides for the deappropriation of funds to meet target reductions.		LIBRARY, MAINE STATE	
		Library Development Services	
Commission on Uniform State Laws		All Other	(212,474)
All Other	(2,003)	Provides for the deappropriation of funds through the elimination of state aid per capita to local public libraries.	
Provides for the deappropriation of funds to meet target reductions.		Library Development Services	
Special Select Committee on Access to Health Care		Positions - Legislative Count	(-2.0)
Personal Services	(1,502)	Personal Services	(62,638)
All Other	(3,789)	All Other	(28,966)
TOTAL	<u>(5,291)</u>	TOTAL	<u>(91,604)</u>
Provides for the deappropriation of funds to meet target reductions.		Provides for the deappropriation of funds from the layoff of a Librarian Section Supervisor and the elimination of a Librarian III position effective upon the approval of a pending disability retirement, but not later than June 13, 1991, a reduction in general operating expenses and a reduction in rental rights to the Interactive Television Program.	
Commission to Advise the Department of Human Services on AIDS		Reader and Information Services - Library	
All Other	(11,000)	Positions - Legislative Count	(-0.5)
Provides for the deappropriation of funds to meet target reductions.		Personal Services	(9,812)
Study Commissions - Funding		Provides for the deappropriation of funds through the elimination of one half-time vacant Word Processing Operator position effective January 1, 1992.	
All Other	(90,000)	Special Acquisition Fund - Library	
Provides for the deappropriation of funds to meet target reductions.		All Other	(10,000)
Maine-Canadian Legislative Advisory Office		Provides for the deappropriation of funds from an available balance forward.	
All Other	(900)		
Provides for the deappropriation of funds to meet target reductions.			
Law and Legislative Reference Library			

MAINE STATE LIBRARY
TOTAL _____
(323,890)

**MARINE RESOURCES,
DEPARTMENT OF**

Marine Development - Bureau of

Positions - Legislative Count (-6.0)
Personal Services (120,323)
All Other (49,406)
TOTAL _____
(169,729)

Provides for the deappropriation of funds through the elimination of one Seafood Technologist position and the transfer of 2 Marine Resource Scientist I positions and 3 Marine Resource Scientist II positions to the Federal program in the Marine Sciences program and the reduction of costs associated with marketing and general operation.

Marine Patrol - Bureau of

Positions - Legislative Count (-1.0)
Personal Services (18,121)

Provides for the deappropriation of funds through the transfer of one Marine Patrol Specialist position to the Marine Patrol Program, Watercraft Fund.

Marine Sciences - Bureau of

Positions - Legislative Count (-5.0)
Personal Services (88,320)

Provides for the deappropriation of funds through the elimination of one Marine Resource Scientist I position, one Marine Resource Scientist III position, one Marine Resource Specialist I position, one Building Custodian position and the transfer of one Marine Resource Scientist I position to the Marine Sciences Program, Federal Fund.

**DEPARTMENT OF MARINE
RESOURCES**
TOTAL _____
(276,170)

MAINE MARITIME ACADEMY

Maritime Academy - Operations

All Other (527,520)

Provides for the deappropriation of funds, which will be offset through short-term borrowing to be repaid in fiscal year 1992-93 from the June 1991 deferred payment.

MAINE MARITIME ACADEMY
TOTAL _____
(527,520)

**MENTAL HEALTH, MAINE
COMMISSION ON**

Maine Commission on Mental Health

Personal Services (2,907)
All Other (3,600)
TOTAL _____
(6,507)

Provides for the deappropriation of funds through salary savings, reduction in travel and other miscellaneous operating expenses brought on by the consolidation of the program.

Maine Commission on Mental Health

Positions - Legislative Count (-1.0)
Personal Services (12,895)
All Other (4,370)
TOTAL _____
(17,265)

Provides for the deappropriation of funds through the elimination of one Executive Director position as well as the entire Maine Commission on Mental Health program.

**MAINE COMMISSION ON MENTAL
HEALTH**
TOTAL _____
(23,772)

**MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT OF**

**Administration - Mental Health and
Mental Retardation**

All Other (80,000)
Capital Expenditures (100,000)
TOTAL _____
(180,000)

Provides for the deappropriation of funds through the reduction of supplies and capital equipment designated to implement a program to track activities as mandated by the consent decree.

Administration - Mental Health and Mental Retardation

Positions - Legislative Count	(-4.0)
Personal Services	(111,591)

Provides for the deappropriation of funds through the elimination of one Clerk Typist III position, one Director of Food and Nutrition Services position, one Legal Services Consultant position and one Director of Management Information Services position.

Augusta Mental Health Institute

Positions - Legislative Count	(-17.5)
Personal Services	(118,773)
All Other	(19,991)

TOTAL	(138,764)
--------------	------------------

Provides for the deappropriation of funds through the elimination of 9 Mental Health Worker II positions, 2 Licensed Practical Nurse positions, 2 Psychological Social Worker II positions, 2 Mental Health Worker I positions, one Mental Health Worker IV position, one Physician Assistant position and one 1/2-time Licensed Practical Nurse position, and the reduction in supplies, utilities and nonstate professional services.

Augusta Mental Health Institute

Positions - Legislative Count	(-7.5)
Personal Services	(217,374)

Provides for the deappropriation of funds through the elimination of 2 Clerk Typist II positions, one Lab Technician II position, one Occupational Therapy Assistant position, one Rehabilitation Assistant position, one 1/2-time Teacher position, one Psychologist IV position and one Supervisor of Grounds and Transportation position.

Augusta Mental Health Institute

Personal Services	(112,500)
-------------------	-----------

Provides for the deappropriation of funds through the development of Request for Proposal (RFP) for nursing home services at a cost no greater than 90% of current costs, assuming a mid-March 1992 starting date.

Bangor Mental Health Institute

Positions - Legislative Count	(-18.5)
Personal Services	(174,754)
All Other	(10,000)

TOTAL	(184,754)
--------------	------------------

Provides for the deappropriation of funds through the elimination of 11 Mental Health Worker I positions, one Team Leader position, 3 Assistant Team Leader positions, 2 Licensed Practical Nurse positions, one 1/2-time Nurse II position, one 1/2-time Hospital Ward Clerk position and the reduction to 30 hours of one Psychologist III position, one 1/2-time Institutional Custodial Worker position, one Recreational Therapy Aide position and one Psychiatric Social Worker I position, and the reduction in supplies.

Bangor Mental Health Institute

Personal Services	(225,000)
-------------------	-----------

Provides for the deappropriation of funds through the development of a Request for Proposal (RFP) for operating nursing home beds at a reduced rate of 90%, assuming a mid-March 1992 starting date.

Mental Health Services - Children

Positions - Legislative Count	(-0.5)
Personal Services	(12,573)

Provides for the deappropriation of funds through the elimination of one 1/2-time Clerk Typist II position.

Pineland Center

Positions - Legislative Count (-3.0)
Personal Services (37,810)

Provides for the deappropriation of funds through the elimination of 3 Safety Officer positions.

Pineland Center

Positions - Legislative Count (-8.0)
Personal Services (298,503)

Provides for the deappropriation of funds through the elimination of one Clerk Typist II position, one 1/2-time Clinical Dietetic Technician position, one Heavy Equipment Operator position, one Occupational Therapist I position, one Physician I position, 2 Nurse I positions, one part-time Domestic Worker I position and one Laundry Worker II position.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL

(1,518,869)

MUSEUM, MAINE STATE

Administration - Museum

Positions - Legislative Count (-2.5)
Personal Services (88,213)
All Other (11,000)
Capital Expenditures (12,490)

TOTAL (111,703)

Provides for the deappropriation of funds through the elimination of a vacant part-time Museum Technician I position, and a vacant Assistant Director position both effective January 1, 1992, a vacant Business Manager I position effective April 30, 1992, salary savings from the delay in filling one vacant Director position, suspension of reimbursement to commission members, administrative savings and the elimination of the purchase of a new van.

Exhibit Design and Preparation - Museum

All Other (5,537)

Provides for the deappropriation of funds through a reduction of general operating expenses.

Research and Collection - Museum

Positions - Legislative Count (-1.0)
Personal Services (36,749)

Provides for the deappropriation of funds through the elimination of a vacant Museum Specialist II position.

Research and Collection - Museum

All Other (20,000)

Provides for the deappropriation of funds from reductions in the Accession Account.

MAINE STATE MUSEUM

TOTAL (173,989)

PINE TREE LEGAL ASSISTANCE

Legal Assistance

All Other (12,004)

Provides for the deappropriation of funds through the reduction of legal services to clients.

PINE TREE LEGAL ASSISTANCE

TOTAL (12,004)

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Banking - Bureau of

Positions - Legislative Count (-1.0)
Personal Services (15,773)
All Other (26,669)

TOTAL (42,442)

Provides for the deappropriation of funds through the elimination of one Principal Securities Specialist position and eliminates the bureau's share of intradepartmental administrative services.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION TOTAL

(42,442)

PUBLIC SAFETY, DEPARTMENT OF

Capitol Security - Bureau of

Positions - Legislative Count (-1.0)
 Personal Services (14,778)

Provides for the deappropriation of funds through the elimination of one vacant Watchperson position.

Criminal Justice Academy

Positions - Legislative Count (-1.0)
 Personal Services (25,569)
 All Other (30,000)
 Capital Expenditures (3,365)

 TOTAL (58,934)

Provides for the deappropriation of funds through the elimination of one vacant Maine Criminal Justice Academy Training Coordinator position, the reduction of general operating expenses and the delayed purchase of miscellaneous equipment.

Emergency Medical Services

Positions - Legislative Count (-1.0)
 Personal Services (22,005)
 All Other (20,000)
 Capital Expenditures (1,228)

 TOTAL (43,233)

Provides for the deappropriation of funds through the elimination of one vacant Emergency Medical Services Licensing Agent position, the reduction in operating expenses and the elimination of the purchase of computer components.

Intergovernmental Drug Enforcement

All Other (100,000)

Provides for the deappropriation of funds through the elimination of 5 agent contracts.

Liquor Enforcement

Positions - Legislative Count (-1.0)
 Personal Services (23,545)
 Capital Expenditures (31,587)

 TOTAL (55,132)

Provides for the deappropriation of funds through the elimination of

one vacant Liquor Enforcement Officer I position and the delayed purchase of 3 vehicles.

State Police

Positions - Legislative Count (-11.0)
 Personal Services (512,819)
 Capital Expenditures (210,000)

 TOTAL (722,819)

Provides for the deappropriation of funds through the elimination of one vacant Automotive Mechanic II position, one State Police Captain position, one State Police Lieutenant position, one State Police Sergeant position, one State Police Detective position, one State Police Corporal position and 5 State Police Trooper positions and the delayed replacement of 14 vehicles.

State Police

Personal Services (1,814,307)

Provides for the deappropriation of funds no longer required in order to adjust the State Police funding ratio from the General Fund and the Highway Fund.

DEPARTMENT OF PUBLIC SAFETY
TOTAL (2,809,203)

**SECRETARY OF STATE,
 DEPARTMENT OF THE**

Administration - Archives

Positions - Legislative Count (-1.0)
 Personal Services (13,300)
 All Other (2,000)

 TOTAL (15,300)

Provides for the deappropriation of funds through the elimination of one Clerk Typist III position and a reduction in general operating expenses.

Bureau of Administrative Services and Corporations

Personal Services (14,284)
 All Other (27,000)

Capital Expenditures	(81,714)
TOTAL	(122,998)

Provides for the deappropriation of funds through the elimination of one limited period Clerk Typist II position and the reduction of All Other and Capital Expenditures due to renegotiation of the lease purchase agreement.

Elections and Commissions

Positions - Legislative Count	(-0.5)
Positions - Other Count	(-0.5)
Personal Services	(15,884)
All Other	(3,435)
TOTAL	(19,319)

Provides for the deappropriation of funds through the elimination of one part-time Clerk Typist II position and one seasonal Laborer I position and a reduction in general operating expenses.

DEPARTMENT OF THE SECRETARY OF STATE

TOTAL	(157,617)
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TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Maine Technical College System - Board of Trustees

All Other	(1,865,931)
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Provides for the deappropriation of funds that support the Maine Technical College System operation including maintaining personnel vacancies, reductions in capital equipment, delaying maintenance and repairs, reducing library and computer lab hours.

BOARD OF TRUSTEES OF THE MAINE TECHNICAL COLLEGE SYSTEM

TOTAL	(1,865,931)
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TRANSPORTATION, DEPARTMENT OF

Administration - Ports and Marine Transportation

All Other	(7,450)
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Provides for the deappropriation of funds through salary savings realized from the delay in filling one vacant Clerk IV position.

Administration - Ports and Marine Transportation

All Other	(163,344)
-----------	-----------

Provides for the deappropriation of funds through the reduction of a cash reserve that was scheduled to be used for pier improvements at Bass Harbor to accommodate the new vessel, Captain Henry Lee.

Railroad Assistance Program

Positions - Legislative Count	(-1.0)
Personal Services	(27,600)

Provides for the deappropriation of funds through the elimination of one Railroad Inspector position.

State Plane

Personal Services	(7,450)
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Provides for the deappropriation of funds through salary savings realized from the delayed return of one Executive Aircraft Chief Pilot from active duty military service.

DEPARTMENT OF TRANSPORTATION

TOTAL	(205,844)
--------------	-----------

TREASURER OF STATE, (OFFICE OF)

Administration - Treasury

All Other	(78,639)
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Provides for the deappropriation of funds through the reductions of data processing costs, bond issue costs and other operating expenses.

(OFFICE OF) TREASURER OF STATE

TOTAL	(78,639)
--------------	----------

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Educational and General Activities - University of Maine

All Other (10,839,493)

Provides for the deappropriation of funds through reduction in the grant payment to the University of Maine System.

Associate position, one Workers' Compensation Chief Specialist position, one Regional Administrator position and 2 seasonal Paralegal positions, and reductions in position support costs.

Maine Public Broadcasting Network

All Other (171,613)

Provides for the deappropriation of funds through reductions in the grant payment to the University of Maine System.

WORKERS' COMPENSATION COMMISSION TOTAL

(97,411)

WORLD TRADE ASSOCIATION, MAINE

Maine World Trade Association

All Other (12,174)

Provides for the deappropriation of funds through the reduced participation in one international trade show and the elimination of one international training course.

BOARD OF TRUSTEES OF THE UNIVERSITY OF MAINE SYSTEM TOTAL

(11,011,106)

WOMEN, MAINE COMMISSION FOR

Women - Maine Commission for

Positions - Legislative Count (-3.0)
Personal Services (23,430)
All Other (3,319)

TOTAL (26,749)

Provides for the deappropriation of funds through the elimination of the Maine Commission for Women including one Executive Director position, one Assistant to the Director position, one Clerk Typist II position and associated support costs effective January 1, 1992.

MAINE WORLD TRADE ASSOCIATION TOTAL

(12,174)

TOTAL APPROPRIATIONS SECTION A-1

(67,097,630)

Sec. A-2. Allocation. The following funds are allocated from Federal Expenditures for the fiscal year ending June 30, 1992 to carry out the purposes of this Act.

1991-92

MAINE COMMISSION FOR WOMEN TOTAL

(26,749)

AGING, MAINE COMMITTEE ON

Aging - Maine Committee on

Positions - Other Count (-1.5)
Personal Services (15,152)
All Other (3,847)

TOTAL (18,999)

Provides for the deallocation of funds through the elimination of the Maine Committee on Aging, including one part-time Advocate position, one Social Services Program Specialist II position and associated support costs effective January 1, 1992.

WORKERS' COMPENSATION COMMISSION

Workers' Compensation Commission

Positions - Legislative Count (-12.0)
Positions - Other Count (-1.0)
Personal Services (95,152)
All Other (2,259)

TOTAL (97,411)

Provides for the deappropriation of funds through the elimination of 6 Court Reporter positions, one Clerk II position, one Data Entry Operator position, one Accountant I position, one Planning and Research

MAINE COMMITTEE ON AGING TOTAL

(18,999)

CONSERVATION, DEPARTMENT OF

Forest Management, Utilization and Marketing

Positions - Other Count (1.0)
 Personal Services 16,656

Provides for the allocation of funds for one Forester I position transferred from the General Fund Forest Management, Utilization and Marketing program to administer federal cost-share stewardship programs.

DEPARTMENT OF CONSERVATION TOTAL 16,656

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Comprehensive Land Use Planning

Positions - Other Count (1.0)
 Personal Services 24,350

Provides for the allocation of funds for one Senior Planner position transferred from the General Fund.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL 24,350

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration - Environmental Protection

Personal Services 30,449
 All Other 929

TOTAL 31,378

Provides for the allocation of funds from the elimination of one Staff Development Coordinator position and the transfer of one Systems Group Manager position from the General Fund Administration - Environmental Protection program.

Air Quality Control

Positions - Other Count (1.0)
 Personal Services 18,258

All Other 557

TOTAL 18,815

Provides for the allocation of funds for one Environmental Specialist II position transferred from the General Fund Environmental Impact Studies Program to carry out Federal Clean Air Act activities.

Oil and Hazardous Materials Control

Positions - Other Count (1.0)
 Personal Services 24,698
 All Other 745

TOTAL 25,443

Provides for the allocation of funds through the transfer of one Division Director position from the General Fund Water Control Program to address the Loring Air Force Base project.

DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL 75,636

HUMAN DEVELOPMENT COMMISSION, MAINE

Human Development Commission

Positions - Other Count (-3.0)
 Personal Services (5,471)
 All Other (2,995)
 Capital Expenditures (614)

TOTAL (9,080)

Provides for the deallocation of funds through the elimination of the Maine Human Development Commission, including one Executive Director position, one Clerk Typist III position, one Clerk Typist II position and associated support costs effective January 1, 1992.

MAINE HUMAN DEVELOPMENT COMMISSION TOTAL (9,080)

HUMAN SERVICES, DEPARTMENT OF

Rehabilitation - Vocational Rehabilitation - Bureau of

Positions - Other Count (-1.0)
 Personal Services (11,749)

Provides for the deallocation of funds through the elimination of one Manager Research Evaluation and Planning position for 4 months in fiscal year 1991-92.

Medical Care - Payments to Providers

All Other (28,540)

Provides for the deallocation of funds through the reduced medical costs resulting from the reductions in the Aid to Families with Dependent Children caseload.

Administration - Regional - Human Services

All Other (510,000)

Provides for the deallocation of funds through a freeze on some leased space rents and through reductions in general operating costs.

Medical Care - Payments to Providers

All Other (4,470,125)

Provides for the deallocation of funds through a projected surplus in the Medical Assistance Payment Account.

Aid to Families with Dependent Children

All Other (379,462)

Provides for the deallocation of funds through the reduction of the standard of need by 3.5%.

Medical Care - Payments to Providers

All Other (569,549)

Provides for the deallocation of funds through savings as a result of establishing a copayment for Medicaid ambulatory services.

General Assistance - Reimbursement to Cities and Towns

All Other (134,000)

Provides for the deallocation of funds through a reduction of the maximum limit of aid per family in the Family Crisis Assistance Program.

Medical Care - Payments to Providers

All Other (8,394)

Provides for the deallocation of funds through the reduction of Chiropractic Services reimbursement by 10%.

Income Maintenance - Regional

Positions - Other Count (-7.5)
 Personal Services (183,470)

Provides for the deallocation of funds through the elimination of 7 full-time and one part-time Human Service Aide III positions authorized in Public Law 1991, chapter 591.

Welfare Employment, Education and Training

All Other (95,000)

Provides for the deallocation of funds through the reduction in support services to Food Stamp recipients in the ASPIRE program and by not enrolling 100 new clients into the program.

Medical Care - Payments to Providers

All Other (755,465)

Provides for the deallocation of funds through the reduction of physician reimbursement by 10%.

Aid to Families with Dependent Children - Foster Care

All Other 74,089

Provides for the allocation of funds for board, care, treatment and support services for 50-75 additional foster children and their families.

DEPARTMENT OF HUMAN SERVICES

TOTAL	<u>(7,071,665)</u>
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MARINE RESOURCES, DEPARTMENT OF**Marine Sciences - Bureau of**

Positions - Other Count	(5.0)
Personal Services	105,538

Provides for the allocation of funds for the transfer of 2 Marine Resource Scientist I positions and 3 Marine Resource Scientist II positions from the Marine Development program, General Fund.

DEPARTMENT OF MARINE RESOURCES

TOTAL	<u>105,538</u>
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TOTAL ALLOCATIONS SECTION A-2

	<u>(6,877,564)</u>
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Sec. A-3. Allocation. The following funds are allocated from Other Special Revenue for the fiscal year ending June 30, 1992 to carry out the purposes of this Act.

1991-92

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**Agricultural Production**

Positions - Other Count	(0.5)
Personal Services	20,000

Provides for the allocation of funds for one half-time Lab Technician III position as a result of a transfer from the General Fund Account.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

TOTAL	<u>20,000</u>
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CONSERVATION, DEPARTMENT OF**Boating Facilities Fund**

Positions - Other Count	(0.5)
Personal Services	10,948

Provides for the allocation of funds through the transfer of one

half of a split-funded Outdoor Recreational Planner position from the General Fund, Maine River Coordination program. Position will now be fully funded in this program.

DEPARTMENT OF CONSERVATION

TOTAL	<u>10,948</u>
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ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**Comprehensive Land Use Planning**

Positions - Other Count	(1.0)
Personal Services	39,785

Provides for the allocation of funds for one half-time Planner II position and one half-time Planning and Research Associate II position transferred from the General Fund.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

TOTAL	<u>39,785</u>
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ENVIRONMENTAL PROTECTION, DEPARTMENT OF**Administration - Environmental Protection**

Personal Services	1,036
All Other	32

TOTAL	<u>1,068</u>
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Provides for the allocation of funds from the elimination of one Clerk IV position and the transfer in of one Accountant II position from the General Fund, Administration - Environmental Protection Program.

Oil and Hazardous Materials Control

Positions - Other Count	(2.0)
Personal Services	48,372

Provides funds for the transfer of an Assistant Engineer position from the General Fund Lakes Restoration and Protection Program and a Biologist II position from the General Fund Water Quality Control Program to the Maine Coastal and Inland Surface Oil Clean-up Fund.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL 49,440

HEALTH CARE FINANCE COMMISSION, MAINE

Health Care Finance Commission

Positions - Other Count (4.0)

Provides for the transfer of one Administrative Secretary position, one Executive Director position, one Deputy Director position and one Legal Secretary position through a transfer from the General Fund account.

MAINE HEALTH CARE FINANCE COMMISSION

TOTAL -0-

HOUSING AUTHORITY, MAINE STATE

Housing Authority - State

All Other (2,384,114)

Provides for the deallocation of funds through the elimination of the real estate tax transfers to the Housing Opportunities for Maine Fund, effective November 1, 1991.

MAINE STATE HOUSING AUTHORITY

TOTAL (2,384,114)

LABOR, DEPARTMENT OF

Labor Relations Board

Personal Services 19,500

All Other 8,970

TOTAL 28,470

Provides for the allocation of funds associated with the assessment of user fees for the expenses of the members of the Board, the Panel of Mediators and the Board of Arbitration and Conciliation.

DEPARTMENT OF LABOR

TOTAL 28,470

MARINE RESOURCES, DEPARTMENT OF

Marine Patrol - Bureau of

Positions - Other Count (1.0)
Personal Services 18,121

Provides for the allocation of funds for one Marine Patrol Specialist position as a result of a transfer from the General Fund Marine Patrol Program.

DEPARTMENT OF MARINE RESOURCES

TOTAL 18,121

TOTAL ALLOCATIONS SECTION A-3

(2,217,350)

Sec. A-4. Allocation. The following funds are allocated from Federal Block Grant funds for the fiscal year ending June 30, 1992 to carry out the purposes of this Act.

1991-92

EXECUTIVE DEPARTMENT

Administration - Community Services

Positions - Legislative Count (-1.0)

Personal Services (2,058)

All Other 2,058

TOTAL -0-

Provides for the deallocation of funds through the elimination of one Legal Services Consultant position and one Field Examiner III position and the transfer in of one DCS Fiscal Operations Manager position from the Low-Income Home Energy Assistance Program, Federal Block Grant Funds. Additional All Other funds are necessary due to administrative funds lost due to the transfer of the Low-Income Home Energy Assistance Program to Maine State Housing Authority to cover operating expenses.

Low-Income Home Energy Assistance

Positions - Legislative Count (-13.0)

Personal Services (151,028)

All Other (11,050,143)

TOTAL (11,201,171)

Provides for the deallocation of funds through the transfer of one DCS Fiscal Operations Manager position to Administration - Community Services, Federal Block Grant Funds account and one DCS Program Operations Manager position to Administration - Community Services, General Fund, the elimination of the remaining 11 Legislative Count positions and the transfer of the Low-Income Home Energy Assistance Program to the Maine State Housing Authority.

Positions - Legislative Count (1.0)
Personal Services 10,666

Provides for the allocation of funds from the transfer of one Sanitarian II position in the Lead Poisoning program from the General Fund.

DEPARTMENT OF HUMAN SERVICES

TOTAL 10,666

TOTAL ALLOCATIONS SECTION A-4

10,666

Community Services Block Grant

All Other (220,000)

Provides for the deallocation of funds from the Division of Community Services due to the transfer of the Emergency Community Services Homeless Grant Program to the Maine State Housing Authority.

Sec. A-5. Allocation. The following funds are allocated from the Highway Fund for the fiscal year ending June 30, 1992 to carry out the purposes of this Act.

1991-92

FINANCE, DEPARTMENT OF

State Contingent Account - Finance

Personal Services (900,000)

EXECUTIVE DEPARTMENT TOTAL (11,421,171)

Provides for the deallocation of funds resulting from collectively bargained state employee health insurance savings for fiscal year 1991-92. The Commissioner of Finance shall report to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 10, 1992 on the results of the collective bargaining process, conducted pursuant to the Maine Revised Statutes, Title 26, chapters 9-B and 14, as related to this issue. These funds must be distributed to achieve these savings only after specific legislative approval.

MAINE STATE HOUSING AUTHORITY

Homeless Grant Program - MSHA

All Other 220,000

Provides for the allocation of funds to the Maine State Housing Authority due to the transfer of the Emergency Community Services Homeless Grant Program from the Division of Community Services.

DEPARTMENT OF FINANCE

TOTAL (900,000)

Low-Income Home Energy Assistance - MSHA

All Other 11,201,171

Provides for the allocation of funds for the transfer of the Low-Income Home Energy Assistance Program from the Division of Community Services.

PUBLIC SAFETY, DEPARTMENT OF

State Police

Personal Services 1,814,307

MAINE STATE HOUSING AUTHORITY

TOTAL 11,421,171

Provides funds for a change in the State Police funding ratio between the General Fund and the Highway Fund.

HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT OF PUBLIC SAFETY

TOTAL 1,814,307

Health - Bureau of

TOTAL ALLOCATIONS
SECTION A-5 _____
914,307

Sec. A-6. Allocation; State Liquor Commission. In order to provide for the necessary expenses of operation and administration of the Department of Finance, 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 operations of the State Alcoholic Beverages Fund.

1991-92

FINANCE, DEPARTMENT OF

Alcoholic Beverages - General Operation

All Other (115,821)

Provides for the deallocation of funds through the closing of state liquor stores and reduced data processing costs. Approximately 21 state liquor stores will be closed on or before May 1, 1992.

DEPARTMENT OF FINANCE
TOTAL _____
(115,821)

TOTAL ALLOCATIONS
SECTION A-6 _____
(115,821)

Sec. A-7. Allocation; State Lottery Fund. In order to provide for the necessary expenses of operation and administration of the Department of Finance, Bureau of Lottery, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the State Lottery Fund.

1991-92

FINANCE, DEPARTMENT OF

Lottery Operations

Positions - Legislative Count (-1.0)
 Personal Services (40,475)

Provides for the deallocation of funds through the elimination of one Marketing Manager position.

Lottery Operations

All Other (250,000)

Provides for the deallocation of funds through the reduction of

nonstate professional services and advertising expenses. This will result in an increase of General Fund undedicated revenue of \$250,000 in fiscal year 1991-92.

DEPARTMENT OF FINANCE
TOTAL _____
(290,475)

TOTAL ALLOCATIONS
SECTION A-7 _____
(290,475)

Sec. A-8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1992-93

EDUCATION, DEPARTMENT OF

Assessment of Student Performance

Positions - Legislative Count (-6.0)
 Personal Services (297,616)
 All Other (845,531)

TOTAL _____
(1,143,147)

Provides for the deappropriation of funds from the elimination of the Maine educational assessment program including the elimination of 6 positions.

DEPARTMENT OF EDUCATION
TOTAL _____
(1,143,147)

TOTAL APPROPRIATIONS
SECTION A-8 _____
(1,143,147)

Sec. A-9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1991-92

DEFENSE AND VETERANS' SERVICES,
DEPARTMENT OF

Administration - Maine Emergency Management Agency

All Other 250,000

Provides for the appropriation of funds for the state share of the Disaster Assistance program.

**DEPARTMENT OF DEFENSE AND
VETERANS' SERVICES****TOTAL**

250,000

EDUCATION, DEPARTMENT OF**Planning and Management Information -
Education**

Positions - Legislative Count (-2.0)
Personal Services (17,591)

Provides for the deappropriation of funds from the elimination of one Data Entry Specialist position and one Programmer Analyst position.

**Certification, Placement and
Teacher Education**

Positions - Legislative Count (-2.0)
Personal Services (19,222)

Provides for the deappropriation of funds from the elimination of one Clerk Stenographer III position and one Education Specialist II position.

Instruction - Bureau of

Positions - Legislative Count (-1.0)
Personal Services (38,905)
All Other (2,000)

TOTAL (40,905)

Provides for the deappropriation of funds from the elimination of one vacant Associate Commissioner position and related operating expenses.

Alcohol and Drug Education Services

Positions - Legislative Count (-1.0)
Personal Services (14,028)

Provides for the deappropriation of funds from the elimination of one Education Specialist III position.

Finance - Education

Positions - Legislative Count (-1.0)
Personal Services (9,005)

Provides for the deappropriation of funds from the elimination of one Account Clerk I position.

Administrative Services - Education

Personal Services (6,138)

Provides for the deappropriation of funds from savings realized from a position downgrade.

**Planning and Management Information -
Education**

All Other (35,136)

Provides for the deappropriation of funds from reductions in operating expenditures.

Nutrition Program - Local Schools

All Other (25,000)

Provides for the deappropriation of funds by changing from a 3-year to a 4-year review cycle.

Adult Education

All Other (33,735)

Provides for the deappropriation of funds from reductions in contract services for statute and rule revision and in the subsidy balance.

Departmentwide

Personal Services (50,142)

Provides for the deappropriation of funds from savings from layoffs initiated earlier than originally planned.

Alcohol and Drug Education Services

All Other (33,935)

Provides for the deappropriation of funds from eliminating training for support groups, travel and state vehicle expenses and terminating regional office leases at an earlier date than originally proposed.

Curriculum - Education

All Other (50,000)

Provides for the deappropriation of funds from the reduction of travel and training for local system staff.

Special Education - Exceptional Children

All Other (50,000)

Provides for the deappropriation of funds from cancelling conferences and reducing due process hearing costs.

Higher Education Services

All Other (19,208)

Provides for the deappropriation of funds from unencumbered balances.

State Historian

All Other (2,136)

Provides for the deappropriation of funds from unencumbered balances.

Teacher Recognition Grants

All Other (16,690)

Provides for the deappropriation of funds from unencumbered balances.

General Purpose Aid for Local Schools

All Other (100,000)

Provides for the deappropriation of funds through a projected end-of-year balance.

DEPARTMENT OF EDUCATION

TOTAL (522,871)

HUMAN SERVICES, DEPARTMENT OF

Aid to Families with Dependent Children - Foster Care

All Other 44,132

Provides for the appropriation of funds for 3 months for board, care, treatment and support services for 50-75 additional foster children and their families.

Child Welfare Services

All Other 85,670

Provides for the appropriation of funds for 3 months for board, care,

treatment and support services for 50-75 additional foster children and their families.

Purchased Social Services

All Other 207,357

Provides for the appropriation of funds for 3 months for community-based purchased support services for 750 additional child protective cases and children at risk and their families.

Social Services - Regional

Positions - Legislative Count (40.0)

Personal Services 286,730

All Other 44,898

TOTAL 331,628

Provides for the appropriation of funds for 3 months in fiscal year 1991-92 for 27 Caseworker positions, 5 Caseworker Supervisor positions and 8 Clerk Typist II positions in child protective services and operational support to provide services to 750 additional child protective cases.

Administration - Social Services

Positions - Legislative Count (3.0)

Personal Services 26,200

All Other 5,013

TOTAL 31,213

Provides for the appropriation of funds for 3 months in fiscal year 1991-92 for one Human Services Caseworker Supervisor position to supervise the out-of-home abuse investigation unit, one Social Services Program Specialist I position to investigate child abuse and neglect in licensed child care facilities and one Social Services Program Specialist I position to license child-placing agencies.

DEPARTMENT OF HUMAN SERVICES

TOTAL 700,000

TOTAL APPROPRIATIONS SECTION A-9

427,129

PART B

Sec. B-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1992 to the departments listed, the following sums.

	1991-92	
AUDIT, DEPARTMENT OF		
Audit - Unorganized Territory		
Positions - Legislative Count	(-2.0)	
Personal Services	(33,228)	
Provides for the deappropriation of funds through the elimination of one Fiscal Administrator position and one Clerk Typist II position. This will result in a loss of \$33,228 of undedicated revenue in fiscal year 1991-92.		
DEPARTMENT OF AUDIT TOTAL	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> (33,228)	
EDUCATION, DEPARTMENT OF		
General Purpose Aid for Local Schools		
All Other	(2,200,000)	
Provides for the deappropriation of funds through the reduction of \$1,900,000 of out-of-district placements and \$300,000 of special education hardship to permit a corresponding increase of funding within the same account for state agency clients and state wards.		
General Purpose Aid for Local Schools		
All Other	2,200,000	
Provides for the appropriation of funds for \$1,700,000 for state agency clients and \$500,000 for state wards through a corresponding decrease in funding within the same account.		
Vocational Training - Program Services		
Personal Services	(6,596)	
All Other	6,596	
TOTAL	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 0	

Provides for the appropriation of funds to recover shortage created in the All Other category by the payment of workers' compensation salary benefit.

DEPARTMENT OF EDUCATION TOTAL	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> -0-
HUMAN SERVICES, DEPARTMENT OF	
Administration - Regional - Human Services	
Personal Services	(2,629)
Provides for the deappropriation of funds through downgrading one Financial Resources Specialist position to one Clerk Typist II position for the Dover office and reclassifying one Clerk Typist II position to one Account Clerk position and to reclassify one Post Office Clerk I position to one Switchboard Operator position to allow switchboard coverage lost due to position eliminations in Public Law 1991, chapter 591.	
DEPARTMENT OF HUMAN SERVICES TOTAL	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> (2,629)
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF	
Fisheries and Hatcheries Operations	
Positions - Legislative Count	(1.0)
Personal Services	7,488
All Other	(7,488)
TOTAL	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> -0-
Provides for a transfer of funds for the restoration of a Fish Culturist position at the Phillips Fish Hatchery Station.	
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE TOTAL	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> -0-
MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF	

Aroostook Residential Center

All Other 20,000

Provides for the appropriation of funds through a transfer from the Mental Health Service - Community Program for unbudgeted costs associated with workers' compensation, emergency repairs and training costs for one resident.

Bath Children's Home

All Other 37,000

Provides for the appropriation of funds through the transfer from Mental Health Services - Children General Fund program to support the unbudgeted costs associated with workers' compensation and necessary repairs to the building.

Elizabeth Levinson Center

All Other 78,000
 Capital Expenditures (30,000)
 TOTAL 48,000

Provides for the appropriation of funds through the transfer from Mental Health Services - Children General Fund program to support the unbudgeted costs associated with workers' compensation and professional services provided to the center's residents as well as a transfer from Capital Expenditures to All Other.

Mental Health Services - Children

All Other (48,000)

Provides for the deappropriation of funds due to the cancellation of a contract representing the cost of an out-of-state placement.

Mental Health Services - Children

All Other (37,000)

Provides for the deappropriation of funds through a transfer to the Bath Children's Home Program due to savings from late start-up in new consent decree programs.

Mental Health Services - Community

All Other (20,000)

Provides for the deappropriation of funds through a transfer to the Aroostook Residential Center Program from savings due to late start-up in new residential programs for clients.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL

-0-

WORKERS' COMPENSATION COMMISSION

Workers' Compensation Commission

All Other (18,000)
 Capital Expenditures 18,000

TOTAL -0-

Provides for the appropriation of funds to purchase electronic recording systems as a replacement for the elimination of 6 Court Reporter positions.

WORKERS' COMPENSATION COMMISSION TOTAL

-0-

TOTAL APPROPRIATIONS SECTION B-1

(35,857)

Sec. B-2. Allocation. The following funds are allocated from Other Special Revenue for the fiscal year ending June 30, 1992 to carry out the purposes of this Act.

1991-92

AUDIT, DEPARTMENT OF

Audit - Unorganized Territory

Positions - Other Count (2.0)
 Personal Services 36,360
 All Other 11,024

TOTAL 47,384

Provides for the allocation of funds for one Fiscal Administrator position and one Clerk Typist II position and general operating expenses.

DEPARTMENT OF AUDIT
TOTAL 47,384

TOTAL ALLOCATIONS
SECTION B-2 47,384

PART C

5 MRSA §130, as amended by PL 1979, c. 541, Pt. A, §20, is further amended by inserting at the end a new paragraph to read:

Any person who makes payment of an amount due to any state department, agency, board, commission, authority or other state entity by means of a check is liable, if the check is returned unpaid by a bank on which it is drawn because of insufficient funds, for a penalty of \$20, which must be reported and paid to the Treasurer of State as undedicated revenue to the General Fund. The penalty provided by this section is in addition to any other penalties provided by law.

PART D

15 MRSA §2129, sub-§3, as repealed and replaced by PL 1981, c. 238, §5, is repealed and the following enacted in its place:

3. Representation of respondent. In all proceedings for postconviction review, the State may be represented by the prosecutorial office that earlier represented the State in the underlying criminal or juvenile proceeding. On a case-by-case basis, a different prosecutorial office may represent the State on agreement between the 2 prosecutorial offices.

PART E

PL 1991, c. 591, Pt. B, §1, under the caption "DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF" in that part relating to Military Training and Operations, is amended to read:

Military Training and Operations

Positions - Legislative Count	(-20.0)	(-20.0)
	(-21.0)	(-21.0)
Positions - Other Count	(-1.5)	(-1.5)
Personal Services	(623,018)	(685,276)
All Other	(113,354)	(56,219)
Capital Expenditures	(52,427)	(66,824)
TOTAL	(788,799)	(808,319)

Provides for the deappropriation of funds consistent with the planned functional restructuring of the operation of facilities and training sites for 4,500 National Guard personnel and the elimination of 32 Laborer II positions, 9 16.0 Building Custodian positions, one Military Adjutant

position, one Painter position, 2 one Maintenance Mechanic positions position, one Carpenter position; one Military Training Officer position, one Assistant Buyer position, one Storekeeper position, 2 one Clerk Typist II positions position, one Clerk Typist III position, one Heavy Equipment Operator II position and one Oil Burner Mechanic Foreman position and \$27,640 of the budgeted overtime.

PART F

Sec. F-1. 5 MRSA §934-A, sub-§1, ¶¶A and C, as enacted by PL 1987, c. 534, Pt. A, §§4 and 19, are repealed.

Sec. F-2. 5 MRSA §934-A, sub-§1, ¶¶D and E, as amended by PL 1987, c. 816, Pt. P, §1, are repealed.

Sec. F-3. 5 MRSA §934-A, sub-§1, ¶F, as enacted by PL 1987, c. 816, Pt. P, §2, is repealed.

Sec. F-4. 5 MRSA §934-A, sub-§1, ¶¶G to I are enacted to read:

G. Director, Administration;

H. Director, Community Development; and

I. Director, Tourism.

Sec. F-5. 5 MRSA §13051, last ¶, as enacted by PL 1987, c. 816, Pt. P, §4, is repealed.

Sec. F-6. 5 MRSA §13052, last ¶, as enacted by PL 1987, c. 816, Pt. P, §5, is repealed.

Sec. F-7. 5 MRSA §13055, sub-§1, as amended by PL 1989, c. 875, Pt. M, §§2 and 3 and affected by §13, is further amended to read:

1. Organizations. The department shall contain contains the following organizations:

A. The Office of Business Development; and

B. The Office of Community Development; and

E. The Office of Comprehensive Land Use Planning.

Sec. F-8. 5 MRSA §13072, sub-§4, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

4. Provide information. The director shall provide municipalities with information about the

department's programs and services and shall refer municipalities to the offices and programs within the State that can best assist them. The office shall make available to municipalities and regional planning agencies existing information from state agencies to be used in the development of comprehensive plans and land use ordinances.

Sec. F-9. 5 MRSA §13072, sub-§7, ¶A, as amended by PL 1987, c. 816, Pt. P, §10, is further amended to read:

A. The Community Development Block Grant Program;

Sec. F-10. 5 MRSA §13072, sub-§7, ¶¶D and E are enacted to read:

D. The Coastal Zone Management Local Grants Program;

E. The Maine Natural Heritage Program. The director shall administer the Maine Natural Heritage Program established under section 13074-A; and

F. The National Flood Insurance Program.

Sec. F-11. 5 MRSA §13072, sub-§8, as amended by PL 1987, c. 816, Pt. P, §11, is further amended to read:

8. Provide technical assistance. The director shall oversee delivery of technical assistance and resources to municipalities and regional community and economic development organizations for the purpose of encouraging economic growth while maintaining the quality of life. Additionally, the director shall oversee delivery of technical assistance and resources to municipalities for the purpose of flood plain management activities and enhancing and expanding parks, open spaces and recreational opportunities as a part of comprehensive community development. Within available resources, the director shall provide technical assistance to municipalities and regional planning organizations in the development and implementation of local comprehensive land use plans.

Sec. F-12. 5 MRSA §13072, sub-§10 is enacted to read:

10. Enforcement assistance program. The office shall administer a program of training and financial assistance for municipal code enforcement officers.

Sec. F-13. 5 MRSA §13074-A is enacted to read:

§13074-A. Maine Natural Heritage Program

The Maine Natural Heritage Program is established to perform the following functions.

1. Ongoing inventory. The Maine Natural Heritage Program shall conduct an ongoing inventory of the State's critical natural resources, including, but not limited to, rare plants, animals, natural communities and ecosystems, including their location and biological and ecological status.

2. Biological and conservation data base. The Maine Natural Heritage Program shall maintain a biological and conservation data base that must contain inventory data and other relevant biological and ecological information about critical natural resources and about ecologically significant sites harboring these resources. Information contained within the biological and conservation data base may be made available upon request for conservation and land use planning, environmental review, scientific research, education or other appropriate, noncommercial use. For the purposes of this subsection, an appropriate use is one that will not jeopardize sensitive populations or habitats.

3. Interdepartmental coordination of inventory and data management activities. The Maine Natural Heritage Program shall coordinate inventory and data management activities with the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Conservation and the State Planning Office to prevent duplication, increase efficiency and increase the flow of data and communication among those agencies and to support the mandates and programs of the cooperating agencies. The Maine Natural Heritage Program shall establish and maintain installations of the biological and conservation data base within the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection and the State Planning Office pursuant to memoranda of agreement.

4. Grants. Any person, organization or agency of the State may apply to the Maine Natural Heritage Program for a grant to undertake inventory and research about rare, endangered or threatened plants, animals and natural communities or ecosystems. The office may award grants out of the Maine Natural Heritage Fund.

5. Charges. The Maine Natural Heritage Program may levy appropriate charges to those using for commercial gain the services provided by the Maine Natural Heritage Program to recover the costs of providing the service and a reasonable portion of the costs associated with building and maintaining the biological and conservation data base. Charges must be fixed in a schedule prepared and revised as necessary by the office and must be supported and explained by accompanying information.

6. Cooperative agreements. The Maine Natural Heritage Program may enter into cooperative agreements with federal or state agencies, political subdivisions of this State or private persons or organizations to receive or disburse funds to carry out the purposes of this section.

Sec. F-14. 5 MRSA c. 383, sub-c. VI, as amended, is repealed.

Sec. F-15. 30-A MRSA §4311, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. F-16. 30-A MRSA §4312, sub-§1, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. F-17. 30-A MRSA §4312, sub-§2, ¶¶A to C, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

A. Establish, in each municipality of the State, local comprehensive planning and land use management ~~according to the schedule contained in this subchapter and consistent with the goals and policies of the State;~~

B. ~~Provide~~ Encourage municipalities ~~with to identify~~ the tools and resources to effectively plan for and manage future development within their jurisdictions with a maximum of local initiative and flexibility;

C. ~~Encourage, through state and regional technical and financial assistance and review,~~ local land use ordinances, tools and policies ~~that are based on local comprehensive plans that are prospective and inclusive of all matters determined by the Legislature to be in the best interests of the State;~~

Sec. F-18. 30-A MRSA §4312, sub-§2, ¶E, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. F-19. 30-A MRSA §4312, sub-§2, ¶¶F and G, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

F. Provide for continued direct state regulation of development proposals that occur in areas of statewide concern, that directly impact natural resources of statewide significance or that by their scale or nature otherwise affect vital state interests; and

G. Encourage the widest possible involvement by the citizens of each municipality in all aspects of the planning and implementation process, in order to ensure that the plans developed by municipalities ~~and reviewed by the State~~ have had the benefit of citizen input; and.

Sec. F-20. 30-A MRSA §4312, sub-§2, ¶H, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. F-21. 30-A MRSA §4313, as amended by PL 1991, c. 278, §1, is repealed.

Sec. F-22. 30-A MRSA §4323, first ¶, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

Through the exercise of its home rule authority, subject to the express limitations and requirements of this subchapter, every municipality ~~shall~~ may:

Sec. F-23. 30-A MRSA §4324, sub-§§1 to 3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

1. Growth management program. ~~Pursuant to the schedule established in section 4343, each~~ Each municipality ~~shall may~~ prepare a local growth management program in accordance with this section ~~and which is consistent with the goals, guidelines and other provisions of this subchapter;~~ or ~~shall may~~ amend its existing comprehensive plan and existing land use ordinances to comply with this subchapter.

2. Local planning committee. The municipal officers of a municipality or combination of municipalities ~~shall may~~ designate and establish a local planning committee.

A. The municipal officers may designate any existing planning board or district established under subchapter IV, or a former similar provision, as the local planning committee. Planning boards established under former Title 30, section 4952, subsection 1, continue to be governed by those provisions until they are superseded by municipal charter or ordinance.

B. The local planning committee ~~shall may~~ develop and maintain a comprehensive plan and ~~shall may~~ develop an initial proposed zoning ordinance or an initial revision of an existing zoning ordinance. In performing these duties, the local planning committee shall:

(1) Hold public hearings and use other methods to solicit and strongly encourage citizen input; and

(2) Prepare the comprehensive plan and proposed zoning ordinance and make recommendations to the municipal reviewing authority and municipal legislative body regarding the adoption and implementation of the program or amended program.

3. Citizen participation. In order to encourage citizen participation in the development of a local growth management program, municipalities ~~shall may~~ adopt local growth management programs only after soliciting and considering a broad range of public review and comment. The intent of this subsection is to provide for the broad dissemination of proposals and alternatives, op-

portunity for written comments, open discussions, information dissemination and consideration of and response to public comments.

Sec. F-24. 30-A MRSA §4324, sub-§5, as amended by PL 1989, c. 562, §3, is repealed.

Sec. F-25. 30-A MRSA §4324, sub-§6, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. F-26. 30-A MRSA §4324, sub-§7, as amended by PL 1989, c. 562, §4, is repealed.

Sec. F-27. 30-A MRSA §4324, sub-§8, ¶A, as amended by PL 1989, c. 562, §5, is further amended to read:

A. Notice of any public hearing ~~shall must be published in a newspaper of general circulation posted~~ in the municipality at least 2 times. ~~The date of the first publication must be at least 30 days before the hearing. This notice shall also contain a statement that the comments are expected from the office and will be available for distribution before, and for discussion at, the public hearing.~~

Sec. F-28. 30-A MRSA §4325, sub-§1, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

1. Within municipality. A municipality ~~shall may~~ exercise its land use planning and management authority over the total land area within its jurisdiction.

Sec. F-29. 30-A MRSA §4326, as amended by PL 1991, c. 278, §2, is further amended to read:

§4326. Local growth management program

A local growth management program ~~shall may~~ include at least a comprehensive plan, as described in subsections 1 to 4, and an implementation program as described in subsection 5.

1. Inventory and analysis. A comprehensive plan ~~shall may~~ include an inventory and analysis section addressing state goals under this subchapter and issues of regional or local significance the municipality considers important. The inventory ~~shall must~~ be based on information provided by the State, regional councils and other relevant local sources. The analysis ~~shall must~~ include 10-year projections of local and regional growth in population and residential, commercial and industrial activity; the projected need for public facilities; and the vulnerability of and potential impacts on natural resources.

The inventory and analysis section ~~shall may~~ include, but is not limited to:

A. Economic and demographic data describing the municipality and the region in which it is located;

B. Significant water resources such as lakes, aquifers, estuaries, rivers and coastal areas and, where applicable, their vulnerability to degradation;

C. Significant or critical natural resources, such as wetlands, wildlife and fisheries habitats, significant plant habitats, coastal islands, sand dunes, scenic areas, shorelands, heritage coastal areas as defined under Title 5, section 3316, and unique natural areas;

D. Marine-related resources and facilities such as ports, harbors, commercial moorings, commercial docking facilities and related parking, and shell fishing and worming areas;

E. Commercial forestry and agricultural land;

F. Existing recreation, park and open space areas and significant points of public access to shorelands within a municipality;

G. Existing transportation systems, including the capacity of existing and proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities;

H. Residential housing stock, including affordable housing;

I. Historical and archeological resources including, at the discretion of the municipality, stone walls, stone impoundments and timber bridges of historical significance;

J. Land use information describing current and projected development patterns; and

K. An assessment of capital facilities and public services necessary to support growth and development and to protect the environment and health, safety and welfare of the public and the costs of those facilities and services.

2. Policy development. A comprehensive plan ~~shall may~~ include a policy development section ~~which that~~ relates the findings contained in the inventory and analysis section to the state goals. The policies ~~shall must~~:

A. Promote the state goals under this subchapter;

B. Address any conflicts between state goals under this subchapter;

C. Address any conflicts between regional and local issues; and

D. Address the State's coastal policies.

3. Implementation strategy. A comprehensive plan shall may include an implementation strategy section which that contains a timetable for the implementation program, including land use ordinances, ensuring that the goals established under this subchapter are met. These implementation strategies must be consistent with state law and shall must actively promote policies developed during the planning process. The timetable shall must identify significant ordinances to be included in the implementation program. The strategies and timetable shall must guide the subsequent adoption of policies, programs and land use ordinances. In developing its strategies and subsequent policies, programs and land use ordinances, each municipality shall may employ the following guidelines consistent with the goals of this subchapter:

A. Identify and designate at least 2 basic types of geographic areas:

(1) Growth areas, which are those areas suitable for orderly residential, commercial and industrial development forecast over the next 10 years. Each municipality shall should:

(a) Establish standards for these developments;

(b) Establish timely permitting procedures;

(c) Ensure that needed public services are available within the growth area; and

(d) Prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion; and

(2) Rural areas, which are those areas where protection should be provided for agricultural, forest, open space and scenic lands within the municipality. Each municipality shall may adopt land use policies and ordinances to discourage incompatible development.

These policies and ordinances may include, without limitation: density limits; cluster or special zoning; acquisition of land or development rights; or performance standards;

B. Develop a capital investment plan for financing the replacement and expansion of public facilities

and services required to meet projected growth and development;

C. Protect, maintain and, when warranted, improve the water quality of each water body pursuant to Title 38, chapter 3, subchapter I, article 4-A;

D. Ensure that its land use policies and ordinances are consistent with applicable state law regarding critical natural resources. A municipality may adopt ordinances more stringent than applicable state law;

E. Ensure the preservation of access to coastal waters necessary for commercial fishing, commercial mooring, docking and related parking facilities. Each coastal municipality shall should discourage new development that is incompatible with uses related to the marine resources industry;

F. Ensure the protection of agricultural and forest resources. Each municipality shall should discourage new development that is incompatible with uses related to the agricultural and forest industry;

G. Ensure that its land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality shall ~~seek~~ is encouraged to achieve a level of 10% of new residential development, based on a 5-year historical average of residential development in the municipality, meeting the definition of affordable housing. Municipalities are encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to, cluster zoning, reducing minimum lot and frontage sizes, increasing densities and use of municipally owned land;

H. Ensure that the value of historical and archeological resources is recognized and that protection is afforded to those resources that merit it; and

I. Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking; and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality shall should identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting such protection.

4. Regional coordination program. A regional coordination program shall may be developed with other municipalities to manage shared resources and facilities,

such as rivers, aquifers, transportation facilities and others. This program ~~shall~~ should provide for consistency with the comprehensive plans of other municipalities for these resources and facilities.

Handicapped
Children
Early Inter-
vention

5. Implementation program. An implementation program must be adopted that is consistent with the strategies in subsection 3. ~~Except as otherwise provided in this subsection, a zoning ordinance must be adopted within 18 months of the applicable deadline date established in section 4343, subsection 1, with the remainder of the strategies adopted according to the timetable set in the plan and the provisions of section 4313. If the office has extended the deadline for submission of the zoning ordinance pursuant to section 4343, subsection 1-B, a zoning ordinance must be adopted within 6 months after the extended deadline, with the remainder of the strategies adopted according to the timetable set in the plan and the provisions of section 4313.~~

Sec. F-30. 30-A MRSA §4327, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

§4327. Monitoring and revision

A municipality shall periodically review and revise its local growth management program in a timely manner to account for changes caused by growth and development. A municipality ~~shall~~ should update its program at least once every 5 years in accordance with this section. ~~The municipality shall submit any comprehensive plan and zoning ordinance revised under this section to the office for review as provided in section 4343, subsection 4.~~

Sec. F-31. 30-A MRSA c. 187, sub-c. 2, art. 3, as amended, is repealed.

Sec. F-32. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 13082, \$520,000 must be transferred from the Community Industrial Buildings Fund Account of the Department of Economic and Community Development to General Fund undedicated revenue by June 30, 1992.

PART G

Sec. G-1. 5 MRSA §12004-G, sub-§8, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. G-2. 5 MRSA §12004-G, sub-§8-A, as enacted by PL 1989, c. 932, §1, is amended to read:

8-A. Education	Inter- partmental Coordinat- ing Com- mittee <u>Council</u> for Preschool	Expenses Only	20-A MRSA §7704
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Sec. G-3. 20-A MRSA §5001-A, sub-§3, ¶C, as enacted by PL 1987, c. 114, is repealed.

Sec. G-4. Retroactive application. That section of this Part that repeals the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3, paragraph C applies retroactively to July 1, 1991.

Sec. G-5. 20-A MRSA c. 307, first 2 lines are repealed and the following enacted in their place:

CHAPTER 307

**INFANTS AND CHILDREN,
AGES 0 TO 5, WITH DISABILITIES**

Sec. G-6. 20-A MRSA §7701, as amended by PL 1989, c. 499, §1, is repealed and the following enacted in its place:

§7701. Purpose

The purpose of this chapter is to maintain a coordinated service delivery system for the provision of "childfind" activities for children, ages 0 to 5, and free, appropriate and public education services for eligible children, ages 3 to 5, who have a disability. This chapter maintains 16 local coordinating committees to provide statewide coverage for the purpose of ensuring the provisions of this chapter through the establishment of a contractual relationship between the Department of Education and each of the local coordinating committees.

Sec. G-7. 20-A MRSA §7702, sub-§1, as repealed and replaced by PL 1989, c. 499, §2, is amended to read:

1. Allocation. "Allocation" means state and federal funds designated to the intermediate educational unit for coordination of service functions at by a local sites coordinating committee.

Sec. G-8. 20-A MRSA §7702, sub-§2, as amended by PL 1989, c. 932, §3, is repealed.

Sec. G-9. 20-A MRSA §7702, sub-§3, as enacted by PL 1989, c. 499, §2, is amended to read:

3. Child Development Services. "Child Development Services-System² Services" or "system² "CDS" means the ~~overall governance, management and personnel structure~~ intermediate educational unit established in section 7707 ~~for to ensure the provision and coordination~~ of "childfind" activities and free, appropriate and public education services for infants and to eligible children, ages 0 through 5, who are handicapped or at-risk for developmental delay.

Sec. G-10. 20-A MRSA §7702, sub-§3-A is enacted to read:

3-A. Childfind. “Childfind” means the identification, location and evaluation, at no cost to the family, of children ages 0 to 5 with disabilities.

Sec. G-11. 20-A MRSA §7702, sub-§6, as enacted by PL 1989, c. 499, §2, is repealed.

Sec. G-12. 20-A MRSA §7702, sub-§§8-A and 8-B are enacted to read:

8-A. Disabled. “Disabled” means:

A. A condition of children, ages 0 to 5, who are in need of early intervention or special education services due to a delay in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development; or

B. For children, ages 0 to 2, a diagnosed, established condition or biological factors that have a high probability of resulting in developmental delay.

8-B. Free, appropriate public education services. “Free, appropriate public education services” means those services that are designed to meet the developmental needs of eligible children, ages 3 to 5, who have a disability. These services include:

A. Early identification, screening and assessment services;

B. Medical services for diagnostic or evaluation purposes only;

C. Occupational therapy;

D. Parent counseling and training;

E. Physical therapy;

F. Psychological services;

G. Special instruction;

H. Speech pathology and audiology; and

I. Transportation.

Sec. G-13. 20-A MRSA §7702, sub-§9, as enacted by PL 1989, c. 499, §2, is amended to read:

9. Grants. “Grants” means state or federal funds designated for resource development or provision of direct services at by local sites coordinating committees. The terms of the grant must be established as a contrac-

tual agreement between Child Development Services and each of the 16 local coordinating committees.

Sec. G-14. 20-A MRSA §7702, sub-§10, as amended by PL 1989, c. 932, §3, is repealed.

Sec. G-15. 20-A MRSA §7702, sub-§11, as enacted by PL 1989, c. 499, §2, is amended to read:

11. Interdepartmental Coordinating Council for Early Intervention. “Interdepartmental Coordinating Committee Council for Preschool Handicapped Children” means the committee council established in section 7704 for the purposes purpose of ensuring interdepartmental coordination at the state level for programs and services provided under this chapter.

Sec. G-16. 20-A MRSA §7702, sub-§13, as enacted by PL 1989, c. 499, §2, is repealed.

Sec. G-17. 20-A MRSA §7702, sub-§14, as repealed and replaced by PL 1989, c. 878, Pt. A, §44, is repealed.

Sec. G-18. 20-A MRSA §7702, sub-§15, as enacted by PL 1989, c. 499, §2, is repealed.

Sec. G-19. 20-A MRSA §7702, sub-§16, as enacted by PL 1989, c. 932, §4, is repealed.

Sec. G-20. 20-A MRSA §7703, first ¶, as repealed and replaced by PL 1989, c. 499, §3, is amended to read:

The commissioner may authorize ~~the Interdepartmental Coordinating Committee for Preschool Handicapped Children to make grants and allocations; Child Development Services to expend funds from funds authorized to the department; to local coordinating committees established in accordance with subsection 4 and to agencies and school administrative units to establish local coordinated delivery systems to serve infants and young children, ages 0 through 5, who are handicapped or at-risk for developmental delay to carry out this chapter.~~

Sec. G-21. 20-A MRSA §7703, sub-§§2 to 4, as repealed and replaced by PL 1989, c. 499, §3, are amended to read:

2. Rules. The commissioner shall adopt rules necessary to implement this chapter. The rules shall assure must ensure participation at the local level by agencies currently serving infants and children, ages 0 through to 5, who are handicapped or at-risk for developmental delay with disabilities. They shall must require that existing resources for providing services to infants and children, ages 0 through to 5, who are handicapped or at-risk for developmental delay with disabilities be exhausted prior to using grant funds to provide services. The rules

shall must be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

3. Fiscal services. The Interdepartmental Coordinating Committee for Preschool Handicapped Children department shall ensure the provision of fiscal services for each local site coordinating committee receiving a grant or allocation under this chapter as described in rules promulgated adopted by the commissioner for regulating the administration of the sites local coordinating committees until June 30, 1992. Beginning July 1, 1992, each local coordinating committee is responsible for fiscal management of money allocated to it, in compliance with state and federal laws and subject to proof of an annual audit. Fiscal services may be secured as a contracted or in-kind service.

4. Local coordinating committee. The Each local coordinating committee, organized prior to application for receipt of a grant or allocation, shall be is responsible for governance of each local site its activities, including the management and oversight of its general operations. Membership shall must include representatives of pre-school programs service providers in the region to be served by the grant or allocation, representatives of the regional offices of the Department of Human Services and the Department of Mental Health and Mental Retardation, representatives of participating school administrative units, parents of infants and children who are handicapped or at-risk for developmental delay, with disabilities and other community members as determined appropriate. Terms of membership and methods of appointment for or election shall must be determined by local coordinating committee by-laws bylaws, subject to approval of the Interdepartmental Coordinating Committee for Preschool Handicapped Children department. Responsibilities of local coordinating committees shall must be defined in rules promulgated adopted by the commissioner.

Sec. G-22. 20-A MRSA §7704, as amended by PL 1989, c. 932, §5, is repealed and the following enacted in its place:

§7704. Interdepartmental Coordinating Council for Early Intervention

The Interdepartmental Coordinating Council for Early Intervention as established in Title 5, section 12004-G, subsection 8-A, referred to in this section as the "council," is established as an advisory body to the commissioner regarding the coordination of policies and programs aimed at implementing federal Public Law 99-457.

Membership of the council must be in keeping with federal Public Law 101-476, Subparts F and G, contingent upon state participation in these programs. Appointments to the council must be made by the Governor for terms defined in rules adopted by the commissioner.

The commissioner shall develop rules describing the composition, selection process and responsibility of the members.

1. Address issues. The council shall address, with the advice of the local coordinating committees, contemporary issues affecting early intervention services in the State, including, but not limited to, the following:

- A. Successful early intervention strategies;
- B. Personnel preparation and continuing education;
- C. "Childfind" activities and methods as required by federal Public Law 99-457, as amended;
- D. Public awareness as required by federal Public Law 99-457, as amended; and
- E. Contemporary research.

2. Recommendations. The council shall recommend to the department, with the advice of the local coordinating committees, legislation that is needed to maintain or further develop the statewide system of quality early intervention services.

3. Bylaws. The council shall develop and adopt bylaws for its conduct.

4. Assist. The council shall assist the department in the development and implementation of rules, to be carried out by the department, as necessary to carry out the duties and purposes of this chapter. Any rule adopted by the department must be adopted in conformity with the Maine Administrative Procedure Act.

5. Chair. The council shall annually elect one member to serve as chair.

6. Compensation. The members of the council are entitled to compensation in accordance with Title 5, section 12004-G. Agency representatives on the council are entitled to reimbursement for expenses incurred in the performance of their council duties by the appointing agencies in accordance with the provisions for state employees. Consumer members are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

7. Staffing. The department shall provide staff to the council.

8. Meetings. The council shall meet at least quarterly and adopt bylaws for the conduct of its meetings.

9. Committee and advisory activities. The council may establish committees composed of parents, professionals, advocacy group representatives, local coordinat-

ing committee representatives and employees in keeping with the bylaws adopted by the council.

10. Consensus. Any action taken by the council must be approved by a majority vote of the members present and voting.

11. Conflict resolution. The council shall identify areas of conflict for resolution by the Committee for the Interdepartmental Coordination of Services to Children and Families.

Sec. G-23. 20-A MRSA §7704-A, as enacted by PL 1989, c. 932, §6, is amended to read:

§7704-A. Conflict of interest

Notwithstanding Title 5, section 18, subsection 1, paragraph B, each member of the Interdepartmental Coordinating Committee Council for Preschool Handicapped Children Early Intervention and each employee, contractor, agent or other representative of the committee Child Development Services is deemed an "executive employee" solely for the purposes of Title 5, section 18. The committee department shall provide training to system participants to ensure compliance with conflict of interest requirements. Local coordinating committees; ~~with the assistance of the Interdepartmental Coordinating Committee for Preschool Handicapped Children;~~ may develop conflict of interest policies for local employees or local coordinating committee members and may request assistance from the department in developing those policies.

Sec. G-24. 20-A MRSA §7705, as amended by PL 1989, c. 499, §5, is further amended to read:

§7705. Early childhood consultant

The position of early childhood consultant within the Division of Special Education ~~shall be~~ is continued to ensure the department's participation in the coordinated service delivery system for infants and children, ages 0 through to 5, ~~who are handicapped or at risk for developmental delay with disabilities.~~

Additional consultant positions may be established in each of the participating departments to provide joint staffing and administrative support and ensure the departments' participation in the coordinated service delivery system for infants and children, ages 0 through to 5, ~~who are handicapped or at risk for developmental delay with disabilities.~~

Sec. G-25. 20-A MRSA §7707, as amended by PL 1989, c. 499, §6, is further amended to read:

§7707. Child Development Services

The Child Development Services System is established as a body corporate and politic and public instru-

mentality of the State and the exercise of the powers conferred by this section ~~shall be~~ is deemed and held to be the performance of essential governmental functions. ~~The system shall consist of the Interdepartmental Coordinating Committee for Preschool Handicapped Children;~~ the local coordinating committees and employees at the local sites. Child Development Services is established as an intermediate educational unit for the purposes of carrying out the duties and obligations of this chapter under the supervision and direction of the department.

1. Employees. The professional and other staff of the local sites coordinating committees funded under section 7703 ~~shall be~~ are employees of the system Child Development Services until June 30, 1992. Effective July 1, 1992, they are employees of the local coordinating committees.

2. Hiring. The system ~~shall delegate the authority to hire, fire and supervise the local staff of the local sites to~~ is the responsibility of the local coordinating committees established under section 7703, subsection 4.

~~**3. Collective bargaining.** The system is a public employer within the meaning of Title 26, section 962, subsection 7. Employees of the system are public employees within the meaning of Title 26, section 962, subsection 6. If system employees choose to be represented by a collective bargaining agent under Title 26, it is the intent of the Legislature that, in order to foster meaningful collective bargaining, bargaining units shall be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, bargaining units shall be structured on a system-wide basis with one unit for each of the following occupational groups:~~

~~A. Supervisory staff;~~

~~B. Professional and technical staff; and~~

~~C. Clerical and support staff.~~

Sec. G-26. 20-A MRSA §7708, as amended by PL 1989, c. 932, §7, is repealed.

Sec. G-27. 20-A MRSA §7710, as amended by PL 1989, c. 932, §§8 and 9, is repealed.

Sec. G-28. 20-A MRSA §7710-A is enacted to read:

§7710-A. Child Development Services; duties, powers and obligations

Child Development Services shall:

1. Policies; seal. Develop and adopt policies for the regulation of its affairs and conduct of its business and an official seal;

2. Fiscal management. Receive, expend, allocate and transfer funds as necessary to fulfill the purpose of this chapter, in accordance with all other applicable federal and state laws and rules, and in accordance with the budget, as submitted by each participating department and approved by the Legislature. Child Development Services may receive and accept, from any source, loans, aid or contributions of money, property, labor or other things of value to be held, used or applied to carry out the purposes of this chapter, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, loans, grants or gifts from any federal agency or governmental subdivision or the State or its agencies. Except as otherwise provided for in this chapter or other applicable federal or state laws or rules, Child Development Services may invest any funds not needed for immediate use, including any funds held in reserve, in property and securities in which fiduciaries in the State may legally invest funds;

3. Personnel policies. Develop and adopt personnel policies for Child Development Services. The provisions of Title 5, chapter 71, of the personnel laws do not apply to Child Development Services;

4. Fringe benefits. Determine which fringe benefits may be offered to employees, dependent on cost, ease of administration and competitiveness in recruiting and retaining qualified personnel;

5. Retirement plan. Select a nondiscriminatory employee retirement plan option that meets all applicable federal and state requirements;

6. Contracts. Subject to the approval of the department, enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter;

7. Suits. Sue and be sued in its own name;

8. Acquire supplies. Acquire supplies, materials and incidental services, through cash purchases, sole-source purchase orders, bids or contracts, as necessary or convenient to fulfill the purposes of this chapter;

9. Acquire property. Acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter;

10. Other duties. Fulfill other duties assigned by the Legislature, delegate duties and authority, but not responsibility, as necessary for the efficient operation of this chapter and do any other acts or things necessary or convenient to carry out the powers expressly granted or reasonably implied in this chapter;

11. Dissemination of information. Apply the federal Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the federal Education for All Handicapped Children Act of 1975, Public Law 94-142, to the dissemination of information about infants and children, ages 0 to 5, with disabilities and who are served through Child Development Services; and

12. Liability. All Child Development Services employees and local coordinating committee members are covered by the Maine Tort Claims Act.

Sec. G-29. 20-A MRSA §7711, as enacted by PL 1989, c. 932, §10, is repealed and the following enacted in its place:

§7711. Implementation of special education services

The department, through Child Development Services, shall ensure:

1. All children ages 0 to 5. That screening, evaluation and referral services, at no cost to the family, are accessible to all children, ages 0 to 5. Child Development Services shall adopt rules describing these services;

2. Children with disabilities. That preschool children with disabilities, ages 3 to 5, have special education available to them at no cost to the family.

A. The department shall develop, adopt and implement rules describing minimum standards for the following:

- (1) Least restrictive environment;
- (2) Nondiscrimination;
- (3) Rights of parents;
- (4) Free and appropriate public services;
- (5) Eligibility criteria;
- (6) The federal "childfind" program;
- (7) Program development, service descriptors and service delivery;
- (8) Early childhood team;
- (9) Individualized family service plan;
- (10) Statements of assurances;
- (11) Procedural safeguards and appeals processes;
- (12) Due process hearings;

(13) Confidentiality of information;

(14) Data collection, reporting and utilization;

(15) Surrogate parents; and

(16) System governance; and

3. Insurer or 3rd-party obligation. Nothing in this chapter relieves an insurer or similar 3rd party from an otherwise valid obligation to provide or pay for services provided.

Sec. G-30. 20-A MRSA §7712, as enacted by PL 1989, c. 932, §10, is amended to read:

§7712. Annual report

The department, in conjunction with the Interdepartmental Coordinating Committee Council for Preschool Handicapped Children and representatives of the local coordinating committees Early Intervention, shall report annually by March 1st to the joint standing committee of the Legislature having jurisdiction over education matters on the implementation of this subchapter.

Sec. G-31. PL 1991, c. 602, §2 is repealed.

Sec. G-32. Transition provisions. The following provisions govern the transition period between January 2, 1992 and June 30, 1992.

1. Grants, allocations and contracts. All grants, allocations and contracts of the Child Development Services System and the local coordinating committees in existence on the effective date of this Part remain in effect until June 30, 1992 or until terminated by the parties.

2. Report to Legislature. The Department of Education and representatives of the local coordinating committees shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education by January 15, 1992 on whether local coordinating committees will be designated as private nonprofit groups or individual education units.

Sec. G-33. Effective date. This Part takes effect on January 2, 1992.

PART H

Sec. H-1. 38 MRSA §480-Q, sub-§11, as amended by PL 1991, c. 240, §2, is further amended to read:

11. Soil evaluation. Borings taken to evaluate soil conditions in or adjacent to a great pond, river, stream or brook, coastal wetland, freshwater wetland or sand dune are exempt from the provisions of this article pro-

vided that no area of wetland vegetation is destroyed or permanently removed; and

Sec. H-2. 38 MRSA §480-Q, sub-§12, ¶E, as enacted by PL 1991, c. 240, §3, is amended to read:

E. A notice of intent to maintain, repair or reconstruct the access way and the description of the work to be completed are submitted to the commissioner and to the municipal reviewing authority at least 20 days before the work is performed; and

Sec. H-3. 38 MRSA §480-Q, sub-§13 is enacted to read:

13. Maine Land Use Regulation Commission jurisdiction. Any activity subject to review by the Maine Land Use Regulation Commission.

PART I

Temporary suspension of statutory mandate. Notwithstanding the Maine Revised Statutes, Title 5, chapter 312, all statutory responsibilities pursuant to the Act for a State Register of Critical Areas are suspended from January 1, 1992 to June 30, 1992.

PART J

Sec. J-1. 5 MRSA §3513, sub-§1, as enacted by PL 1983, c. 176, Pt. A, §3, is repealed.

Sec. J-2. 5 MRSA §3513, sub-§§3 and 4, as enacted by PL 1983, c. 176, Pt. A, §3, are amended to read:

3. Director. "Director" means the Director of the Office of Community Services.

4. Office. "~~Division~~" "Office" means the Division Office of Community Services.

Sec. J-3. 5 MRSA §3514, as amended by PL 1991, c. 9, Pt. I, §1, is further amended to read:

§3514. Office of Community Services

There is established, to carry out the purposes of this chapter, the Division Office of Community Services in the Executive Department, which shall carry out the responsibilities of State Government relating to planning and financing community services and community action agencies and shall administer state and federal community ~~services~~ services programs and other block grants that may be available, including, but not limited to, ~~energy assistance~~ the Community Services Block Grant and Head Start.

Sec. J-4. 5 MRSA §3515, as amended by PL 1991, c. 9, Pt. I, §2, is further amended to read:

§3515. Director of the Office of Community Services

1. Appointment. The Governor shall appoint a full-time Director of ~~the Office of Community Services; subject to confirmation by the joint standing committee of the Legislature having jurisdiction over health and institutional services.~~ The director shall serve at the pleasure of the Governor ~~and shall be paid a salary fixed by the Governor.~~

2. Powers and duties. The director shall exercise the powers of the Division Office of Community Services and ~~shall be~~ is responsible for the execution of its duties. The director shall:

A. Administer the office and adopt ~~such~~ methods of administration, not inconsistent with the law, ~~as that the director may determine~~ determines necessary to render the division office efficient;

B. Appoint and remove the staff of the office and prescribe ~~their~~ its duties as may be necessary to implement the purposes of this chapter. Professional employees ~~shall must~~ be hired as unclassified employees. All other employees ~~shall be~~ are subject to the Civil Service Law;

C. Prepare and submit, for executive and legislative action thereon, the budget of the division office;

D. Advise the Governor and other officials of State Government on matters relating to the extent and nature of poverty in this State;

E. Advise the Governor and other officials of State Government on matters relating to ~~fuel assistance programs and other~~ authorized programs and services of the division office;

F. Administer for the State any federal funds appropriated under federal law relating to the authorized programs of the division office and direct activities that are necessary for the purpose of carrying out that federal law;

G. Administer for the State aid or contributions from any source of either money, property, labor or other things of value to carry out authorized programs of the division office;

H. Enter into contracts with any other state agency, municipality, district, private corporation, copartnership, association or individual for the purpose of providing services relating to authorized programs of the division office; and

I. Be informed about the perspectives and concerns of the ~~state's~~ State's community action agen-

cies and represent their opinions to the Governor and other state officials.

Sec. J-5. 5 MRSA §3516, as amended by PL 1983, c. 480, Pt. B, §3, is further amended to read:

§3516. Rules

~~With advice from the Community Services Advisory Board, the division~~ The office shall promulgate rules to carry out all the programs it administers.

Sec. J-6. 5 MRSA §3517, as amended by PL 1989, c. 503, Pt. B, §20, is repealed.

Sec. J-7. 5 MRSA §3518, as amended by PL 1991, c. 9, Pt. I, §3, is further amended to read:

§3518. Office of Community Services; powers and duties

1. Federal, state and other funds. Through plans and contracts developed ~~with advice from the board,~~ the division office shall obtain, distribute and administer federal, state and other community services' funds, including block grants, ~~energy assistance,~~ Head Start and other funds as may become available. Any balances of funds appropriated to the division office remaining at the end of a fiscal year may not lapse, but must be carried forward from year to year to be expended for the same purpose.

2. Monitoring of poverty level. The division office shall monitor the poverty level of Maine citizens and carry out the following activities:

A. Conduct an annual survey of poverty in Maine, reporting the results of this survey to the Governor, the Legislature and the public;

B. Make recommendations annually to the Governor and the Legislature on ways and means to combat and reduce poverty in Maine;

C. Seek federal, state and private funds to combat poverty in Maine; and

D. Advise the Governor, the Legislature and local officials on the impact of state and local policies on poverty in Maine.

3. Overseeing community action agencies. The division office shall oversee community action agencies as follows.

A. The division office shall designate community action agencies every 7 years pursuant to the requirements of this chapter.

B. The division office shall establish audit requirements in accordance with the Human Services Community Agency Accounting Practices Act.

C. The division office shall evaluate community action agencies every 3 years.

4. Planning and coordination for state services. The division office shall provide planning and coordination for state services to ~~low income~~ low-income people.

5. Technical assistance. The division office shall provide technical assistance to community action agencies and other groups serving the interests of ~~low income~~ low-income people in this State.

6. Research and assistance to Governor. The division office shall provide research and assistance to the Governor as ~~he~~ the Governor may request.

7. Monitoring local program operators. The ~~division shall be~~ office is responsible for monitoring subgrantees to ensure conformance with appropriate rules.

Sec. J-8. 5 MRSA §3518-A, as amended by PL 1991, c. 9, Pt. I, §4, is repealed.

Sec. J-9. 5 MRSA §3518-B, as enacted by PL 1989, c. 884, §1, is repealed.

Sec. J-10. 5 MRSA §3519, sub-§§1 and 2, as enacted by PL 1983, c. 176, Pt. A, §3, are amended to read:

1. Designation. Community action agencies ~~shall~~ must be designated by the Division Office of Community Services to carry out the purposes of this chapter. In making these designations, the office shall solicit and consider comments from other state agencies or authorities that operate programs in which community action agencies participate. These designations ~~shall be~~ are for 7 years.

2. Designation withdrawn. The division office may withdraw its designation of a community action agency after an evaluation in which the agency has demonstrated substantial incompetency and a clear inability to carry out the purposes of this Act, unless there is or has been financial malfeasance, which may be cause for immediate withdrawal of designation. In performing these evaluations, the office shall solicit and consider comments from other state agencies or authorities that operate programs in which the community action agency participates.

The division office shall notify an agency of a pending withdrawal of designation. Upon notification, the agency ~~shall have~~ has up to 6 months to take corrective action, at which time a designation withdrawal evaluation ~~shall~~

must be performed by the division office. Failure to pass this evaluation ~~shall mean~~ results in an immediate loss of designation.

Upon the final order from the ~~division which office that~~ rescinds a community action agency's designation, the community action agency may file a petition for review of this final decision in the appropriate Superior Court within 30 days, under the Maine Rules of Civil Procedure, Rule ~~80B~~ 80C.

Sec. J-11. 5 MRSA §3520, sub-§1, as enacted by PL 1983, c. 176, Pt. A, §3, is amended to read:

1. Board of directors; establishment. A community action agency shall establish a governing board of directors ~~which shall consist that consists~~ of not less than 15 nor more than 30 members. One-third of the members ~~shall~~ must be representatives of low-income residents of the service area who are selected through a democratic process in accordance with guidelines established by the Division Office of Community Services. One-third of the members ~~shall~~ must be elected public officials or their designees or officials of public agencies operating in the service area. One-third of the members ~~shall~~ must be representatives of private sector organizations, including business and industry, as well as educational, civic, labor and religious organizations.

Sec. J-12. 5 MRSA §3522, sub-§1, as amended by PL 1985, c. 229, §6, is further amended to read:

1. Distribution of Community Services Block Grant funds. The Division Office of Community Services shall administer and distribute to community action agencies, according to Title 5, section 1670, Community Services Block Grant funds received from the Federal Government.

Sec. J-13. 5 MRSA §3522, sub-§2, ¶B, as amended by PL 1983, c. 480, Pt. B, §6, is further amended to read:

B. The balance of these funds ~~shall~~ must be distributed according to rules as promulgated by the ~~division with advice from the board~~ office.

Sec. J-14. 5 MRSA §3522, sub-§3, as amended by PL 1985, c. 229, §6, is further amended to read:

3. Block grant proposals. Proposals for Community Services Block Grant funds, submitted to the Legislature by the division office in accordance with section 1670, ~~shall~~ must be developed ~~with advice from the board~~ and ~~shall~~ must:

A. Include a description of current usages of Community Services Block Grant funds and how the plan proposes to change that distribution;

B. Retain the absolute minimum necessary for state administrative costs; and

C. Provide for maximum flexibility within community action agencies for the usage of Community Services Block Grant funds.

Sec. J-15. 5 MRSA §3523, sub-§1, ¶¶A and B, as enacted by PL 1985, c. 229, §7, are amended to read:

A. Any information acquired by a state agency, municipality, district, private corporation, copartnership, association, fuel vendor, private contractor, individual or an employee or agent of any of those persons or entities, providing services relating to authorized programs of the ~~Division Office~~ Office of Community Services or programs administered by community action agencies, when that information was provided by the applicant for those services or by any 3rd person; and

B. Any statements of financial condition or information pertaining thereto submitted to any of the persons or entities set forth in paragraph A in connection with an application for services relating to authorized programs of the ~~Division Office~~ Office of Community Services or programs administered by community action agencies.

Sec. J-16. 5 MRSA §3523, sub-§4, as enacted by PL 1985, c. 229, §7, is amended to read:

4. Reports to State Government or Federal Government. Notwithstanding subsection 1, the ~~Division Office~~ Office of Community Services may make such full and complete reports concerning its administration of authorized programs as may be required by the Legislature, the Federal Government or any agency or department thereof.

Sec. J-17. 5 MRSA §3524, as enacted by PL 1985, c. 527, §7, is repealed.

Sec. J-18. 5 MRSA §12004-I, sub-§3, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. J-19. 10 MRSA §1100-N, sub-§2, as amended by PL 1985, c. 344, §96, is further amended by amending the first paragraph to read:

2. Loan criteria and procedures. The authority may, ~~after consultation with the Community Services Advisory Board, established by Title 5, section 3517~~, promulgate rules to implement the Maine Job-start Program, which shall include, but not be limited to, the following loan criteria:

Sec. J-20. 30-A MRSA §4722, sub-§1, ¶W, as enacted by PL 1991, c. 9, Pt. I, §7 and affected by §8, is amended to read:

W. Obtain Pursuant to the purpose of the Act to provide housing assistance to persons of low income and in accordance with rules adopted under the Maine Administrative Procedure Act, operate programs to provide energy conservation and fuel assistance on behalf of persons of low income in connection with single-family or multi-unit residential housing and accept, obtain, distribute and administer federal and state funds, including block grants, for energy conservation and fuel assistance for the purpose of operating those programs; and

Sec. J-21. 30-A MRSA §4741, sub-§§13 and 14, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

13. Allocation of federal ceilings. By rulemaking under Title 5, chapter 375, subchapter II, the Maine State Housing Authority ~~shall have the power to may~~ establish a process that is different from the federal formula for allocating that portion of the ceiling on the issuance of certain tax-exempt bonds established by the United States Code, Title 26, which has been allocated to the Maine State Housing Authority under Title 10, section 363, and may also limit the types of projects ~~which that~~ are eligible to receive allocations or carryforward designations from the Maine State Housing Authority; ~~and~~

14. State housing credit agency. The Maine State Housing Authority is designated the housing credit agency for the State and ~~shall have the power to may~~ receive and allocate, according to a process established by rulemaking pursuant to Title 5, chapter 375, subchapter II, the annual state housing credit ceiling for the low-income housing credit established by the United States Code, Title 26; ~~and~~

Sec. J-22. 30-A MRSA §4741, sub-§15 is enacted to read:

15. State weatherization, conservation and fuel assistance agency. The Maine State Housing Authority is designated the weatherization, energy conservation and fuel assistance agency for the State and may apply for, receive, distribute and administer federal funds on behalf of the State for weatherization, energy conservation and fuel assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy and the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services in accordance with rules adopted under the Maine Administrative Procedure Act.

Sec. J-23. 30-A MRSA c. 201, sub-c. XIII is enacted to read:

SUBCHAPTER XIII**FUEL ASSISTANCE****§4991. Fuel assistance program**

The Maine State Housing Authority shall administer a fuel assistance program as provided in this subchapter. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. “Authority” means the Maine State Housing Authority.

2. Fuel assistance. “Fuel assistance” means assistance paid to eligible households or to fuel vendors on behalf of an eligible household or directly to eligible tenants who pay heating costs as an undesignated portion of rent.

§4992. Administration

The authority may select local program operators as long as they comply with the program operating standards established by the authority by rule in accordance with the Maine Administrative Procedure Act. The authority, by rule, shall provide, at a minimum, the following standards that apply to local program operators and administrators:

1. Accounting and bookkeeping standards. Standards that require generally accepted accounting and bookkeeping procedures that meet the requirements of the Federal Government and the authority;

2. Conflict of interest standards. Standards that prohibit conflicts of interest by local program operators and administrators. These standards must, at a minimum, meet the standards that apply to Legislators as defined in Title 1, section 1014;

3. Confidentiality standards. Standards requiring the adherence of the local program operators to confidentiality with respect to program recipients;

4. Availability standards. Standards requiring local program operators and administrators to be available to the general public for a minimum specified period of time each week; and

5. Expeditious provision of assistance standards. Standards that ensure that qualified program recipients are expeditiously provided with assistance by the local program operator or administrator.

A person who the authority finds to be in violation of the standards adopted by the authority pursuant to this section may be prohibited from acting as a local program operator or administrator of the fuel assistance program.

§4993. Penalty

A person who knowingly uses, transfers, acquires or possesses fuel provided through fuel assistance in any manner not authorized by this subchapter or the rules issued under this subchapter commits a Class E crime.

Sec. J-24. Transition provisions. The following provisions apply to the transfer of the Low-income Home Energy Assistance Program, the Emergency Community Services Homeless Grant and the Temporary Housing Assistance Program from the Division of Community Services to the Maine State Housing Authority.

1. The Maine State Housing Authority is the successor in every way to the powers, duties and functions of the Division of Community Services in the area of fuel assistance programs and programs for the homeless, including, but not limited to, the rules, state plan and procedures adopted in connection with those plans and procedures, except the State shall indemnify the Maine State Housing Authority for all costs, expenses and losses of any kind and nature arising out of the division's activities and operations in the area of fuel assistance programs and programs for the homeless prior to the effective date of this Part.

2. All forms, licenses, contracts and agreements pertaining to the Low-income Home Energy Assistance Program and programs for the homeless and grants are transferred to the Maine State Housing Authority on January 1, 1992.

3. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued assets, balances or appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Division of Community Services in connection with the fuel assistance program and programs for the homeless are transferred to the Maine State Housing Authority.

4. All records, property and equipment of the Division of Community Services allocated to the fuel assistance program and programs for the homeless become the property of the Maine State Housing Authority on January 1, 1992.

5. The Division of Community Services retains a portion of the administrative funds from the Low-income Home Energy Assistance Program grant to cover operating expenses incurred up to and including the first quarter of the federal fiscal year 1992. In addition, the Division of Community Services retains enough administrative funds to cover expenses related to the layoffs of staff existing in the Low-income Home Energy Assistance Program account, including unemployment and vacation accrual. Any funds retained for these purposes that are not used must be returned to the Maine State Housing Authority by September 30, 1992.

Sec. J-25. Effective date. This Part takes effect on January 1, 1992.

PART K

Sec. K-1. 5 MRSA §135, first ¶, as repealed and replaced by PL 1987, c. 769, Pt. A, §8, is amended to read:

The Treasurer of State may deposit the money, including trust funds of the State, in any of the banking institutions or trust companies or state or federal savings and loan associations or mutual savings banks organized under the laws of this State or in any national bank or banks or state or federal savings and loan associations located in the State, except as provided in chapter 161. When there is excess money in the State Treasury ~~which~~ that is not needed to meet current obligations, the Treasurer of State may invest, with the concurrence of the State Controller or the Commissioner of Finance and with the consent of the Governor, those amounts in bonds, notes, certificates of indebtedness or other obligations of the United States ~~which~~ that mature not more than 24 months from the date of investment or in repurchase agreements secured by obligations of the United States ~~which~~ that mature within the succeeding 24 months, prime commercial paper, tax-exempt obligations or banker's acceptances. The Treasurer of State may participate in the securities loan market by loaning state-owned bonds, notes or certificates of indebtedness of the Federal Government, provided that the loans are fully collateralized by treasury bills or cash. The Treasurer of State shall seek competitive bids for investments except when, after a reasonable investigation, it appears that an investment of the desired maturity is procurable by the State from only one source. Interest earned on those investments of money ~~shall~~ must be credited to the respective funds, except that interest earned on investments of special revenue funds ~~shall~~ must be credited to the General Fund of the State. Effective November 1, 1991, interest earned on investments of the Highway Fund must be credited to the General Fund. Interest earned on funds of the Department of Inland Fisheries and Wildlife ~~shall~~ must be credited to ~~that fund~~ the General Fund. Interest earned on funds of the Baxter State Park Authority ~~shall~~ must be credited to the Baxter State Park Fund. This section ~~shall~~ does not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of ~~such~~ state funds ~~as may be~~ required by the terms of custodial contracts or agreements ~~as may be~~ negotiated in accordance with the laws of this State. All custodial contracts and agreements ~~shall be~~ are subject to the approval of the Governor.

Sec. K-2. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 5, section 135, first paragraph is retroactive to November 1, 1991.

Sec. K-3. 28-A MRSA §453, sub-§2-A is enacted to read:

2-A. Replacement of state liquor stores closed in fiscal year 1991-92. The commission may replace a state liquor store closed after July 1, 1990 with 3 agency liquor stores if:

A. The agency stores are within a 10-mile radius of the location of the closed state liquor store; and

B. The commission does not issue to a person or corporation more than 2 of the 3 licenses issued to replace a state liquor store. For purposes of this restriction, each partner of a partnership, each corporation that owns an interest in another corporation and each person who owns 20% or more of the shares or other interest in a corporation is deemed to own a license granted to the partnership or corporation.

Sec. K-4. 28-A MRSA §453, sub-§4, as amended by PL 1989, c. 502, Pt. B, §§26 to 28, is repealed.

Sec. K-5. 28-A MRSA §453, sub-§5, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. K-6. 28-A MRSA §§453-A and 453-B are enacted to read:

§453-A. Issuance of agency liquor store license

The commission shall issue a license for an agency liquor store within a municipality or unincorporated place by the following procedure.

1. Bidding. The commission shall solicit bids from the general public for each agency liquor store license to be issued. For licenses to replace an existing store, the commission may not accept a bid lower than 1% of the taxable retail sales of the store being replaced, determined for the fiscal year that ended immediately before the closure of the store.

2. Public notice and solicitation of bids. The commission shall, in accordance with the Maine Administrative Procedure Act, give public notice that an agency liquor store may be established in a particular municipality or unincorporated place. The commission shall summarize in the public notice the bidding requirements for the agency store license, including the minimum bid required. The commission shall request all parties in the municipality or unincorporated place interested in bidding on a license to establish an agency liquor store there to submit bids and applications to the commission.

3. Information to applicants. The commission shall provide all applicants with the necessary information for the establishment of an agency liquor store.

4. Notice to municipality. Upon receipt of all applications for an agency liquor store license in a municipality and at least 15 days before the final selection of an applicant or applicants by the commission, the commission shall notify the municipal officers of that municipality of the proposed location of each applicant.

5. Licensing decisions. The commission shall conduct an investigation to determine the feasibility of the location and type of facility for the agency liquor store and shall issue the license to one or more of the applicants, taking into consideration the bid offered and any other factors the commission considers appropriate.

6. Denial of application. The commission shall notify any applicant denied a license of the reasons for the denial by certified mail to the mailing address given by the applicant in the application for an agency liquor store license.

7. Aggrieved applicants. Any applicant aggrieved by a decision made by the commission may appeal the decision by filing a complaint with the Administrative Court and serving a copy of the complaint upon the commission. The complaint must be filed and served within 15 days of the mailing of the commission's decision.

§453-B. Annual license fee

1. Agency liquor store. The annual license fee for an agency liquor store is \$300. The fee must be paid on renewal of the license.

2. Seasonal agency liquor stores. The license fee for a seasonal agency liquor store licensed under section 456 is \$150 for each 6-month seasonal license.

Sec. K-7. 28-A MRSA §456-A, sub-§1, as enacted by PL 1991, c. 367, is amended to read:

1. Licensing of seasonal agency liquor stores. The commission may issue 6-month seasonal licenses to no more than 6 15 special agency stores.

Sec. K-8. 28-A MRSA §606, sub-§1-B is enacted to read:

1-B. Price of sales to agency liquor stores. The commission shall sell spirits to agency liquor stores for 92% of the retail sales price set in accordance with chapters 65 and 67.

Sec. K-9. 36 MRSA §4641-B, last ¶, as enacted by PL 1991, c. 591, Pt. P, §16, is repealed and the following enacted in its place:

For the period beginning November 1, 1991 and ending June 30, 1992, the State Tax Assessor shall pay all net receipts to the Treasurer of State who shall credit

all such revenue to the General Fund. For the period beginning July 1, 1992 and ending June 30 1993, the State Tax Assessor shall pay all net receipts to the Treasurer of State, who shall pay \$1,500,000 of the revenues to the Maine State Housing Authority in 12 equal monthly installments for deposit in the Housing Opportunities for Maine Fund created in Title 30-A, section 4843, and shall credit the balance of the revenues to the General Fund. This paragraph is repealed June 30, 1993.

Sec. K-10. Retroactivity. Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 4641-B are retroactive to November 1, 1991.

Sec. K-11. PL 1991, c. 591, Pt. N, §24, under that part designated "FINANCE, DEPARTMENT OF" in that part relating to "Bureau of Taxation" is amended by amending the 6th to 19th lines to read:

Provides funds to restore 3 Revenue Agent positions, ~~one Senior Revenue Agent position~~; 2 Tax Enforcement Officer positions, one Senior Tax Examiner position and to establish the following new positions: nine Principal Revenue Agent positions, ~~one Tax Section Manager position~~ ~~one District Tax Audit Manager position~~, 4 2 Tax Enforcement Officer positions, ~~one~~ 2 Senior Tax Examiner positions, 3 4 Tax Examiner positions, ~~one Clerk Typist III position~~ and 2 ~~one Clerk III positions position~~. The Principal Revenue Agent positions are part of a package to reorganize the Audit Division. Additionally, 2 Senior Revenue Agent positions (PR-23) are downgraded to Revenue Agent positions (PR-20); 5 Tax Section Manager positions are upgraded to District Tax Audit Manager positions (PR-26 to PR-28); and one Clerk Typist III position is upgraded to a Clerk IV position.

Sec. K-12. State liquor store closure; agency liquor store replacements. Notwithstanding the Maine Revised Statutes, Title 28-A, section 401-A, the State Liquor Commission shall close 16 state liquor stores by April 30, 1992. The 16 stores must be among those whose operating costs as a percentage of sales for fiscal year 1990-91 exceeded 13%. The State Liquor Commission may close an additional 5 state liquor stores by April 30, 1992, determined at the discretion of the commission. The State Liquor Commission shall solicit bids for agency liquor stores to replace all state liquor stores closed after July 1, 1990 in accordance with Title 28-A, sections 453 and 453-A.

Sec. K-13. State Liquor Commission recommendations. The State Liquor Commission shall submit recommendations regarding operation of the state and agency liquor store system to the Joint Standing Committee on Legal Affairs by February 15, 1992.

Sec. K-14. Merger of Bureau of Alcoholic Beverages and Bureau of Lottery. The Department of Finance is authorized to proceed with preliminary steps to merge the Bureau of Alcoholic Beverages and the Bureau of Lottery into a Bureau of Alcoholic Beverages and Lottery Operations as recommended to the Special Commission on Governmental Restructuring. Preliminary steps toward the complete merger of the 2 bureaus may commence on the effective date of this Act and may include the acquisition, renovation or construction of office space to house the administrative staff of the merged bureau; expenditure and position reductions authorized by this Act; and the relocation of capital equipment, supplies and staff of the 2 bureaus. A complete plan must be submitted to the Second Regular Session of the 115th Legislature recommending the position and allocation adjustments and changes to certain provisions of law necessary to implement the remaining components of the merger. The complete merger is effective on July 1, 1992.

Sec. K-15. Department of Finance; lease-purchase proposal for acquisition, construction or renovation of office space for merger of Bureau of Alcoholic Beverages and Bureau of Lottery. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Finance may enter into a lease-purchase financing agreement for the acquisition, construction or renovation of office space for the merger of the Bureau of Alcoholic Beverages and the Bureau of Lottery. The agreement may not exceed 3 years in length and the cost may not exceed \$200,000 in principal plus interest. Interest costs are estimated at \$21,493 at a rate of 6.75%. The annual principal and interest costs must be paid from the All Other and Capital Expenditures allocations to the Bureau of Alcoholic Beverages and the Bureau of Lottery. The lease-purchase agreement must provide that the State will become the ultimate owner of the acquired, constructed or renovated facility and the future principal and interest payments may be discontinued if the Legislature does not allocate funds for this purpose.

Sec. K-16. Department of Mental Health and Mental Retardation; lease-purchase proposal for computer equipment. The Department of Mental Health and Mental Retardation is authorized, pursuant to the Maine Revised Statutes, Title 5, section 1587, to enter into a lease with option to purchase or a lease-purchase financing agreement for computer hardware and software to meet tracking requirements imposed by the consent decree. The term of the agreement may not exceed 3 years and may not exceed \$225,000 in principal plus interest costs estimated at \$24,180 at 6.75%. The

Department of Mental Health and Mental Retardation shall finance the cost with All Other funds within the department's regular appropriations budget. The lease-purchase financing agreement must provide that the State becomes the ultimate owner of the computer hardware and software and that future principal and interest payments may discontinue in the event the Legislature does not appropriate funds for this purpose.

PART L

Sec. L-1. 3 MRSA §162, sub-§16, as amended by PL 1989, c. 410, §3, is further amended to read:

16. Funds from State, Federal Government and private sources. To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source; ~~and~~

Sec. L-2. 3 MRSA §162, sub-§17, as enacted by PL 1989, c. 410, §4, is amended to read:

17. Approve plans to preserve and develop the State House and the immediate grounds. To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council ~~shall also have~~ has authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The Legislative Council ~~shall have~~ has the power to enter into contracts and other powers necessary to implement this subsection and chapter 31-; ~~and~~

Sec. L-3. 3 MRSA §162, sub-§18 is enacted to read:

18. Out-of-state travel report. To submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Legislature. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip.

Sec. L-4. 4 MRSA §17, sub-§14, as amended by PL 1987, c. 137, §2, is further amended to read:

14. Perform duties and attend other matters. Perform ~~such~~ other duties and attend to ~~such~~ other matters consistent with the powers delegated ~~herein assigned~~ to ~~him~~ the State Court Administrator by the Chief Justice and the Supreme Judicial Court; ~~and~~

Sec. L-5. 4 MRSA §17, sub-§15, as amended by PL 1991, c. 570, §1, is further amended to read:

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to

ensure the orderly conduct of judicial proceedings. This includes the authority to contract for the services of qualified deputy sheriffs and other qualified individuals as needed on a per diem basis to perform court security-related functions and services. "Qualified deputy sheriffs and other qualified individuals" means those individuals who hold valid certification as law enforcement officers, as defined by the Maine Criminal Justice Academy, pursuant to Title 25, chapter 341, to include successful completion of such additional training in court security as provided by the academy or equivalent training. When under such contract and then only for the assignment specifically contracted for, the qualified deputy sheriffs or other qualified individuals have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties. Qualified deputy sheriffs performing these contractual services continue to be employees of the counties in which they are deputized. Other qualified individuals performing such contractual services may not be considered employees of the State for any purpose, provided that the other qualified individuals are treated as employees of the State for purposes of the Maine Tort Claims Act and the Workers' Compensation Act. They must be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. Notwithstanding any other provision of law, such plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency.

In addition to the foregoing authority, the State Court Administrator may employ other qualified individuals to perform court security-related functions and services. These employees must have a valid certification as law enforcement officers, as defined by Title 25, chapter 341, including successful completion of additional training in court security as provided by the Maine Criminal Justice Academy or equivalent training and, when on assignment for court security functions, have the same powers and duties throughout the counties of the State as sheriffs have in their respective counties. These individuals are state employees for all purposes; and

Sec. L-6. 4 MRSA §17, sub-§16 is enacted to read:

16. Report on out-of-state travel. Submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip.

Sec. L-7. 5 MRSA §44-A is enacted to read:

§44-A. Out-of-state travel report

All state agencies shall, within 15 days after the end of each quarter, submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of that quarter's out-of-state travel activity. For the purposes of this section, a state agency is any state department or agency, or any part of a state department or agency, that receives an appropriation or an allocation through the state budget process. The report must reflect, for each individual who has been authorized by the agency to travel, the destination, purpose and cost by funding source of each trip.

Sec. L-8. 5 MRSA §12004-G, sub-§22, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. L-9. 22 MRSA §3189, sub-§4, ¶A, as enacted by PL 1989, c. 588, Pt. A, §43, is amended to read:

A. The committee ~~shall be~~ is composed of ~~12~~ 11 members. The Governor shall appoint the following members: one representative of hospitals, to be appointed taking into account the recommendation of the Maine Hospital Association; one representative of providers of mental health, substance abuse or chiropractic services, to be appointed taking into account the recommendations of statewide organizations representing those providers; one representative of physicians, to be appointed taking into account a joint recommendation of the Maine Osteopathic Association and the Maine Medical Association; one health policy researcher, to be appointed taking into account the recommendations of the Maine Public Health Association; and one representative of the nursing profession, taking into account the recommendation of the Maine State Nurses' Association and the Maine Nursing Organization, a coalition of nursing organizations. The following members ~~shall be~~ are appointed jointly by the President of the Senate and the Speaker of the House of Representatives: 2 representatives of health care consumers; ~~one representative of the Special Select Commission on Access to Health Care created by Title 24-A, section 6071;~~ and one representative of community health centers, to be appointed taking into account the recommendation of the Maine Ambulatory Care Coalition. The President of the Senate shall appoint one Senator and the Speaker of the House of Representatives shall appoint one member of the House of Representatives to serve on the committee. The Superintendent of Insurance or the superintendent's designee shall also serve on the committee.

Sec. L-10. 24-A MRSA c. 72, as amended, is repealed.

Sec. L-11. Salaries of Legislators. Notwithstanding the Maine Revised Statutes, Title 3, section 2, each Senator and member of the House of Representatives is entitled to \$7,125 in the 2nd year of the 115th legislative biennium beginning January 8, 1992. The salaries of the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders and the assistant majority and minority leaders of the Senate and the House of Representatives for the 2nd year of the 115th legislative biennium must be adjusted above the salary of \$7,125 in accordance with the percentage adjustments contained in Title 3, section 2, except that the percentages must be calculated using the salary set by this Part.

Sec. L-12. Salaries of Representatives of Indian tribes. Notwithstanding the Maine Revised Statutes, Title 3, section 2, the member of the Penobscot Indian Nation and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the Legislature are entitled to \$104.50 for each day's attendance during the Second Regular Session of the 115th Legislature beginning January 8, 1992.

Sec. L-13. Reduce constituent service allowance. Notwithstanding the Maine Revised Statutes, Title 3, section 2, the annual allowance for constituent services to be paid to each member for the Second Regular Session of the 115th Legislature must be paid as follows: Each Senator is entitled to a total allowance of \$900, \$550 of which must be paid at the start of the Second Regular Session and \$350 of which must be paid in the month following adjournment of the second regular session; and each member of the House of Representatives is entitled to a total allowance of \$675, \$425 of which must be paid at the start of the second regular session and \$250 of which must be paid in the month following adjournment of the second regular session.

PART M

Sec. M-1. 22 MRSA §254, first ¶, as amended by PL 1991, c. 591, Pt. P, §3, is further amended to read:

The Department of Human Services may conduct a program to provide low-cost prescription and nonprescription drugs, medication and medical supplies to disadvantaged, elderly individuals. In any year in which this program is conducted, if the program must include any prescription drugs used for the treatment of chronic obstructive lung disease. To fund the addition of drugs for this ailment, the amount that a recipient pays toward the cost of any covered purchase is ~~3~~ 6 for generic or single-source drugs or ~~5~~ 10 for brand-name, multisource drugs. If the initial projections for expenditures in the chronic obstructive lung disease program indicate that funding for the total program will be inadequate for the

remainder of the fiscal year, that part of the program dealing with chronic obstructive lung disease must be discontinued for the remainder of the fiscal year. The department shall keep cost and utilization records necessary to evaluate the chronic obstructive lung disease program and report on this program to the Legislature by January 1989.

Sec. M-2. 22 MRSA §254, 2nd ¶, as amended by PL 1991, c. 591, Pt. P, §4, is further amended to read:

In any year in which this program is conducted, if the program must include antiarthritic drugs and the amount that a recipient pays toward the cost of any covered purchase is ~~3~~ 6 for generic or single-source drugs or ~~5~~ 10 for brand-name, multisource drugs.

Sec. M-3. 22 MRSA §254, sub-§4-A, as amended by PL 1991, c. 591, Pt. P, §6, is further amended to read:

4-A. Payment for drugs provided. The commissioner may establish the amount of payment to be made by recipients toward the cost of prescription or nonprescription drugs, medication and medical supplies furnished under this program provided that the total cost for any covered purchase of a prescription or nonprescription drug or medication does not exceed ~~3~~ 6 for generic or single-source drugs or ~~5~~ 10 for brand-name, multisource drugs; and

Sec. M-4. 22 MRSA §254, sub-§4-B, as enacted by PL 1991, c. 591, Pt. P, §7, is repealed.

Sec. M-5. Effective date. That section of this Part that repeals the Maine Revised Statutes, Title 22, section 254, subsection 4-B takes effect on January 1, 1992.

Sec. M-6. 22 MRSA §396-G, sub-§5, ¶A is enacted to read:

A. The commission shall provide that any differential determined pursuant to this section for the Maine Health Program must be equal to 60% for the period July 1, 1991 to June 30, 1992.

Sec. M-7. Retroactivity. That section of this Part that enacts the Maine Revised Statutes, Title 22, section 396-G, subsection 5, paragraph A is retroactive to July 1, 1991.

Sec. M-8. 22 MRSA §1708, sub-§4 is enacted to read:

4. Medicaid savings. Nursing facilities shall submit payment to the department equal to 50% of any Medicaid savings due the State pursuant to the principles of reimbursement and reported in an unaudited cost re-

port for fiscal years ending December 31, 1991 and thereafter. Payment is due with the cost report. After audit, any amount submitted in excess of savings allocated to the facility pursuant to the principles of reimbursement must be returned to the facility.

Sec. M-9. Effective date. That section of this Part that enacts the Maine Revised Statutes, Title 22, section 1708, subsection 4 takes effect January 1, 1992.

Sec. M-10. 22 MRSA §1812-H is enacted to read:

§1812-H. Participation in the Medicare health insurance for the aged program

1. Medicare. Any nursing facility with over 50 beds that participates in the Medicaid program must participate in the Medicare health insurance for the aged program as a skilled nursing facility.

2. Compliance. Any nursing facility required to participate in the Medicare health insurance for the aged program shall:

A. File an application to become a Medicare provider by March 31, 1992;

B. Follow required federal procedures for certification and become certified within 90 days of the department's recommendation for certification;

C. Submit an annual application for Medicare participation at the same time applications for licensure and Medicaid certification are due; and

D. Participate in the Medicare program by billing Medicare for care provided to eligible recipients prior to billing Medicaid.

3. Sanctions. Failure to comply with any of the provisions listed in subsection 2 may result in the imposition of a penalty. The department may impose a penalty of \$100 per bed for failure to comply with any of these provisions. This penalty must be imposed for each day a facility fails to comply with subsection 2, paragraph D. A repeated failure to comply with any provision results in fines of \$200 per bed. The imposition and collection of these penalties are governed by section 7946.

Sec. M-11. 22 MRSA §3173-C, sub-§6 is enacted to read:

6. Designated copayment. Except as provided in subsections 3 and 4, the following Medicaid services require the designated copayment:

A. Outpatient hospital clinic services, \$3;

B. Home health services, \$2;

C. Mental health clinic services, \$3;

D. Durable medical equipment services, \$3;

E. Ambulance services, \$2;

F. Private duty nursing and personal care service, \$5 per month;

G. Physical therapy services, \$2;

H. Occupational therapy services, \$2;

I. Speech therapy services, \$2;

J. Substance abuse services, \$3;

K. Podiatry services, \$2;

L. Psychologist services, \$3; and

M. Chiropractic services, \$2.

Sec. M-12. 22 MRSA §3273, sub-§8 is enacted to read:

8. Rulemaking. In addition to any other rule-making authority granted under this chapter, the department may adopt emergency rules. The need to reduce benefits to eligible recipients and payments to boarding homes via vendor payments in accordance with the appropriations made available for this purpose is considered an emergency for the purpose of emergency rulemaking.

Sec. M-13. 22 MRSA §3760-D, sub-§1, as enacted by PL 1991, c. 591, Pt. SS, §2, is repealed and the following enacted in its place:

1. Amount of payment. The department shall provide a special housing allowance in the amount of \$75 per month for each assistance unit to recipients of Aid to Families with Dependent Children whose shelter expenses for rent, mortgage or similar payments, property insurance and property taxes equal or exceed 75% of their monthly assistance unit income. For purposes of this subsection "monthly assistance unit income" means the total of the unit's Aid to Families with Dependent Children monthly benefit, plus income countable under Aid to Families with Dependent Children program rules, plus child support received by the unit, excluding the so-called \$50 pass-through payment.

Sec. M-14. 22 MRSA §3760-D, sub-§2, as enacted by PL 1991, c. 591, Pt. SS, §2, is repealed.

Sec. M-15. 22 MRSA §3760-D, sub-§2-A is enacted to read:

2-A. Calculation of shelter expenses. Total shelter expenses include the same items considered in determining the total shelter expenses of a household, and are calculated in the same manner as shelter expenses are calculated, under the federal Food Stamp Program, 7 United States Code, Sections 2011 to 2030. If the department uses the standard utility allowance to calculate the assistance unit's food stamp benefit or if the department would use the standard utility allowance if the assistance unit were eligible for or receiving food stamps, the department must use the standard utility allowance in calculating the assistance unit's eligibility for an Aid to Families with Dependent Children housing special needs payment under this section.

Sec. M-16. 22 MRSA §3760-D, sub-§3, as enacted by PL 1991, c. 591, Pt. SS, §2, is repealed.

Sec. M-17. 22 MRSA §3760-D, sub-§3-A is enacted to read:

3-A. Federal approval. In the event that federal approval for the Aid to Families with Dependent Children housing special needs payment described in this section is not given, the department is directed to negotiate with the appropriate federal agency to seek such approval. Notwithstanding any provision in this section, the department may implement a different method or standard for determining the housing special need for the purposes of obtaining federal approval, so long as the target population described in subsection 1 receives substantially the same benefit. The department is directed to consult with advocates for recipients of Aid to Families with Dependent Children during any negotiations with a federal agency for approval of the housing special needs payment.

Sec. M-18. 22 MRSA §3760-E, sub-§1, as enacted by PL 1991, c. 591, Pt. SS, §2, is repealed and the following enacted in its place:

1. Standard of need. The department may reduce, effective January 1, 1992, the standard of need in the Aid to Families with Dependent Children program in an amount not to exceed 3.5% of the standard of need in effect on that date.

Sec. M-19. 22 MRSA §3781, sub-§2, as amended by PL 1991, c. 9, Pt. M, §4, is further amended to read:

2. Purpose. The purpose of this program is to provide services and support to recipients of Aid to Families with Dependent Children ~~and food stamps~~ and to reduce dependence on public assistance to the extent that adequate funding is available for that purpose. The principal goal is to assist the recipient in securing stable employment that pays wages sufficient to maintain adequate family income without public assistance and to increase the basic life skills and self-confidence of the

recipient. If the department determines that funding is inadequate, services and support may be reasonably limited or reduced. The department shall adopt rules that include the methods to achieve this purpose.

Sec. M-20. 22 MRSA §4301, sub-§6, as repealed and replaced by PL 1989, c. 840, §1, is amended to read:

6. Household. "Household" means an individual or a group of individuals who share a dwelling unit ~~or other basic necessities~~. When an applicant shares a ~~basic necessity, such as housing,~~ dwelling unit with one or more individuals, ~~eligible applicants shall receive assistance for their pro rata share of the cost of the basic necessity according to the maximum levels of assistance or the cost of obtaining an alternative even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. Nothing in this subsection overrides the provisions of section 4309, subsection 3.~~ The income of household members not legally liable for supporting the household ~~must be~~ is considered as available to the applicant only when there is a pooling of income.

Sec. M-21. 22 MRSA §4301, sub-§7, as amended by PL 1991, c. 9, Pt. U, §3, is further amended to read:

7. Income. "Income" means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds and household income from any other source, including relatives or unrelated household members.

The following items are not available within the meaning of this subsection and subsection 10:

- A. Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- B. Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transpor-

tation costs to and from work, special equipment costs and child care expenses; or

C. Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation ~~shall be~~ is a 30-day period commencing on the date of the application. This prospective calculation ~~shall does~~ not disqualify an applicant who has exhausted income to purchase basic necessities; ~~provided that if~~ that income does not exceed the income standards established by the municipality. Notwithstanding this prospective calculation, if an applicant or recipient receives a lump sum payment after an initial application, that payment must be prorated over future months. The period of proration ~~must be~~ is determined by disregarding ~~the first \$1,000 plus~~ any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities ~~and, including but not limited to:~~ all basic necessities provided by general assistance; ~~payment of funeral or burial expenses for a family member; travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; and payment of bills earmarked for the purpose for which the lump sum is paid.~~ The period of proration is then determined by dividing the remainder of the lump sum payment by the maximum monthly amount of assistance that the household may receive. ~~That dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment.~~ The prorated sum for each month must be considered available to the household for ~~6~~ 12 months from the date of application or during the period of proration, whichever is less, except that an applicant may not be considered ineligible to receive emergency assistance under section 4308, subsection 2, or under section 4310 during the period of proration. The lump sum provisions of this subsection apply only to applicants or recipients who have received prior notice of the provisions. ~~They do not apply to applicants or recipients whose actual weekly income is less than 40 times the federal minimum hourly wage prescribed by 29 United States Code, Section 206(a)(1).~~

Sec. M-22. 22 MRSA §4301, sub-§12-A is enacted to read:

12-A. Pooling of income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any comingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of

eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumption of pooling income.

Sec. M-23. 22 MRSA §4305, sub-§3-B is enacted to read:

3-B. Temporary maximum levels. Notwithstanding subsection 3-A, municipalities shall establish an aggregate maximum level of assistance that is 110% of the applicable existing housing fair market rents as established by the United States Department of Housing and Urban Development pursuant to 24 Code of Federal Regulations, Section 888.115, applying the zero-bedroom level for one person, the one-bedroom level for 2 persons, the 2-bedroom level for 3 persons, the 3-bedroom level for 4 persons and the 4-bedroom level for 5 persons. For each additional person, the aggregate maximum level increases by \$75. For the purposes of this subsection, municipalities with populations greater than 10,000 are deemed Standard Metropolitan Statistical Areas in those counties for which there are 2 fair market rent values. This subsection is repealed on June 30, 1992.

Sec. M-24. 22 MRSA §4315, first and 3rd ¶¶, as enacted by PL 1983, c. 577, §1, are amended to read:

Whoever knowingly and willfully makes any false representation of a material fact to the overseer of any municipality or to the department or its agents for the purpose of causing himself that or any other person to be granted assistance by the municipality or by the State may be ineligible for assistance for a period of ~~up to 60~~ 90 days and is guilty of a Class E crime.

If the fair hearing officer finds that ~~the~~ a recipient made a false representation to the overseer in violation of this section, that recipient ~~shall be~~ is required to reimburse the municipality for any assistance rendered for which ~~he~~ that recipient was ineligible and ~~shall be~~ is ineligible from receiving further assistance for a period of ~~up to 60~~ 90 days.

Sec. M-25. 22 MRSA §4316-A, sub-§1, as amended by PL 1991, c. 591, Pt. 000, §3, is further amended to read:

1. Ineligibility for assistance. An applicant is ineligible for assistance for ~~60~~ 90 days in all municipalities in the State if when any municipality establishes that the applicant, without just cause:

- A. Refuses to search for employment when that search is reasonable and appropriate;
- B. Refuses to register for work;
- C. Refuses to accept a suitable job offer under this section;

D. Refuses to participate in a training or educational program that would assist the applicant in securing employment;

E. Quits work after an initial application for assistance;

F. ~~Willfully Refuses to perform or willfully~~ fails to perform a job assigned under subsection 2;

G. Willfully performs a job assigned under subsection 2 below the average standards of that job; or

H. Has been discharged from employment due to misconduct as defined in Title 26, section 1043, subsection 23.

A person may not be required to work under this subsection if that person is physically or mentally incapable of performing the work assigned.

Sec. M-26. 22 MRSA §4316-A, sub-§4, as amended by PL 1991, c. 591, Pt. OOO, §4, is further amended to read:

4. Eligibility regained. A person who has been disqualified by any municipality for not complying with any work requirement of this section may regain eligibility during the ~~60-day~~ 90-day period by becoming employed or otherwise complying with the work requirements of this section. An applicant who is disqualified due to failure to comply with the municipal work program ~~must~~ may be given ~~at least only~~ one opportunity to regain eligibility during the ~~60-day~~ 90-day disqualification period. ~~Municipalities may provide additional opportunities to regain eligibility during that period.~~

Sec. M-27. 22 MRSA §4318, as amended by PL 1991, c. 9, Pt. U, §15, is further amended by adding after the first paragraph a new paragraph to read:

Notwithstanding any other provision of law, municipalities have a lien for the value of all general assistance payments made to a recipient on any lump sum payment made to that recipient under the Workers' Compensation Act or similar law of any other state.

Sec. M-28. 22 MRSA §4319, sub-§2, as enacted by PL 1989, c. 370, is amended to read:

2. Exception. A municipality or the State may decide not to make payments for rental assistance on behalf of an otherwise eligible individual when the rental payments would be made to a parent ~~or~~, grandparent, ~~by consanguinity, child, grandchild, sibling, parent's sibling or any of their children,~~ unless the municipality finds that the rental arrangement has existed for 3 months prior to the application for assistance and is necessary to provide the ~~parent or grandparent~~ relative with basic necessities.

Sec. M-29. 22 MRSA §7907, sub-§2, as amended by PL 1989, c. 502, Pt. A, §83, is further amended to read:

2. Boarding care facilities. Reimburse all boarding care facilities of 6 or fewer beds, except as provided in section 7906-A, on a flat rate basis, ~~which rate shall be increased effective as of July 1, 1986, and on January 1st of each year after 1986 by the estimated percentage increase in the cost of goods and services purchased by health care facilities during the prior year, as published by Data Resources, Inc.~~

Sec. M-30. 39 MRSA §67, as amended by PL 1987, c. 861, §31, is further amended to read:

§67. Invalidity of waiver of rights; claims not assignable

~~No~~ An agreement by an employee, unless approved by the commission or by the Commissioner of Labor, to waive ~~his~~ rights to compensation under this Act ~~may be~~ is not valid. ~~No~~ Claims for compensation under this Act ~~may be~~ are not assignable or subject to attachment or liable in any way for debt, except for the enforcement of a current support obligation or support arrears pursuant to Title 19, chapter 7, subchapter V or Title 19, chapter 14-A, or for reimbursement of general assistance pursuant to Title 22, section 4318.

Sec. M-31. Reduction plan; Department of Mental Health and Mental Retardation. Notwithstanding the Maine Revised Statutes, Title 22, section 1708, subsection 2-A, and section 3186, for the fiscal year 1991-92, the General Fund appropriation for funds for principles of reimbursement established for intermediate care facilities for the mentally retarded is reduced by \$1,260,000. The Department of Mental Health and Mental Retardation shall report to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 15, 1992 on its plan for meeting the targeted reduction.

Sec. M-32. Sanford boarding home beds. The elimination of operating funds in fiscal year 1991-92 within the State Supplement to Federal Supplemental Security Income Program in the Department of Human Services for 16 boarding home beds in Sanford does not affect the authorization to establish these beds in fiscal year 1992-93 or beyond within the amounts available in the State Supplement to Federal Supplemental Security Income Program.

PART N

Sec. N-1. 4 MRSA §193, as enacted by PL 1981, c. 510, §1, is amended to read:

§193. System of law libraries

There ~~shall~~ must be a system of law libraries within the State, under the supervision of the State Court Library Committee. These libraries ~~shall~~ must be arranged in a tier system according to the extent of potential use.

Tier I libraries ~~shall~~ must be located in:

Cumberland County, Portland; and
Penobscot County, Bangor.

Tier II libraries ~~shall~~ must be located in:

Androscoggin County, Auburn;
~~Aroostook County, Houlton; and~~
Hancock County, Ellsworth; and
York County, Alfred.

Tier III libraries ~~shall~~ must be located in:

~~Franklin County, Farmington;~~
Aroostook County, Caribou;
Knox County, Rockland;
Lincoln County, Wiscasset;
Oxford County, South Paris;
~~Sagadahoc County, Bath;~~
Somerset County, Skowhegan; and
Washington County, Machias; and
~~York County, Alfred.~~

Tier IV libraries ~~shall~~ be located in:

~~Aroostook County, Caribou;~~
Kennebec County, Augusta;
~~Oxford County, Rumford;~~
~~Piscataquis County, Dover-Foxcroft; and~~
Waldo County, Belfast.

All funds appropriated by the Legislature for the use and benefit of the law libraries after ~~the effective date of this chapter shall~~ September 18, 1981 must be paid to the Administrative Office of the Courts and ~~shall~~ must be disbursed by that office under the direction of

the State Court Library Committee for purchase of law books, legal literature and library equipment and necessary personnel. The committee shall allocate a specific amount of any appropriation for each tier, and each library within a specific tier ~~shall~~ must receive an equal share of that amount.

The State Court Library Committee shall establish guidelines for each tier.

Sec. N-2. 17-A MRSA §4-A, sub-§5 is enacted to read:

5. Notwithstanding any other provision of law, judicial discretion as to the imposition of a sentence of imprisonment or fine may be exercised for Class D crimes otherwise requiring a mandatory sentence of imprisonment or fine exceeding \$500 when the crime represents the first conviction of the person for that crime. This subsection is repealed on July 1, 1992.

Sec. N-3. 17-A MRSA §1252, sub-§8 is enacted to read:

8. Notwithstanding any other provision of law, judicial discretion as to the imposition of a sentence of imprisonment or fine may be exercised for Class D crimes otherwise requiring a mandatory sentence of imprisonment or fine exceeding \$500 when the crime represents the first conviction of the person for that crime. This subsection is repealed on July 1, 1992.

PART O

Sec. O-1. 13 MRSA §1958-B, sub-§1, as enacted by PL 1987, c. 155, §15, is amended to read:

1. Voluntary mediation. At any time prior to the commencement of required mediation under subsection 2, a handler and a qualified association may mutually agree to obtain or may unilaterally obtain the services of a mediator. Regardless whether mediation is sought mutually or unilaterally, both parties shall participate in mediation in good faith. ~~For such mediation, the~~ The parties shall must use the services of the State's Panel of Mediators for mediation and must share all costs of mediation equally. Costs of mediation, and any applicable state cost allocation program charges must be paid into a special fund administered by the Maine Labor Relations Board. The Executive Director of the Maine Labor Relations Board shall authorize mediation services and expenditures incurred by members of the panel. All costs must be paid from that special fund. Voluntary mediation ~~shall may not last for no~~ more than 3 days for annual crops; voluntary mediation for all other commodities shall may not last no more than 5 days. Mediation may be extended by mutual agreement by the bargaining parties.

Sec. O-2. 26 MRSA §892, as amended by PL 1991, c. 92, §1, is further amended to read:

§892. Panel

A panel of mediators, as established by Title 5, section 12004-B, subsection 3, to consist of not less than 5 nor more than 10 impartial members, must be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. The Maine Labor Relations Board shall supply to the Governor nominations for filling vacancies. Vacancies occurring during a term are filled for the unexpired term. Members of the panel are entitled to compensation according to ~~the provisions of Title 5, chapter 379.~~ The costs for services rendered and expenses incurred by the panel ~~are paid by the State from an appropriation for the panel which must be included in the budget of, and any applicable state cost allocation program charges, must be shared equally by the parties to mediation and must be paid into a special fund administered by the Maine Labor Relations Board.~~ Authorization for services rendered and expenditures incurred by members of the panel is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund.

Sec. O-3. 26 MRSA §931, first ¶, as amended by PL 1987, c. 460, §2, is further amended to read:

The State Board of Arbitration and Conciliation, in this subchapter called the "board," ~~shall consist consists~~ of 3 members appointed by the Governor; from time to time upon the expiration of the terms of the several members, for terms of 3 years. One member ~~shall be~~ is an employer of labor or selected from some association representing employers of labor, and another ~~shall be~~ is an employee or selected from some bona fide trade or labor union. The 3rd member ~~shall be chairman of the board and shall represent~~ represents the public interests of the State and ~~shall serve as chair.~~ Vacancies occurring during a term ~~shall must~~ be filled for the unexpired term. Members of the board ~~shall each are entitled~~ to receive \$75 a day for their services for the time actually employed in the discharge of their official duties. They ~~shall are entitled~~ to receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by the State Board of Arbitration and Conciliation ~~shall be paid by the State from an appropriation for the board which shall be included in the budget of, and any state allocation program charges, must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board.~~ Authorization for services rendered and expenditures incurred by the State Board of Arbitration and Conciliation ~~shall be~~ is the responsibility of the Executive Director of the Maine Labor Relations Board ~~who .~~ All costs must be paid from that special fund. The Executive Director shall, annually, on or before July 1st, make a report of the activities of the State Board of Arbitration and Conciliation to the Governor. The board shall from time to time ~~make adopt~~ rules of procedure as it ~~deems determines~~ necessary.

Sec. O-4. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1991, c. 92, §2, is further amended to read:

C. A panel of mediators, to consist of not less than 5 nor more than 10 impartial members, must be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. The Maine Labor Relations Board shall supply to the Governor nominations for filling vacancies. Vacancies occurring during a term are filled for the unexpired term. Members of the panel are entitled to \$100 a day beginning July 1, 1988, for services for the time actually employed in the discharge of their official duties and also are entitled to traveling and all other necessary expenses. The costs for services rendered and expenses incurred by members of the panel of mediators ~~are paid by the State for those mediation cases not exceeding 3 days in length from an appropriation for the panel which must be included in the budget of the Maine Labor Relations Board. Any costs for services rendered and expenses incurred by the panel of mediators beyond the 3rd mediation day per case and any state cost allocation program charges must be shared equally by the parties to the proceedings; except that on a showing by either party that the payment would impose undue financial hardship, the executive director may waive all or part of the obligation. The amount waived must be paid from the appropriation and must be paid into a special fund administered by the Maine Labor Relations Board.~~ Authorization for services rendered and expenditures incurred by members of the panel is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund.

Sec. O-5. 26 MRSA §965, sub-§5, as amended by PL 1973, c. 458, §8, is further amended to read:

5. Costs. The costs for the services of the mediator, the members of the fact-finding board and of the neutral arbitrator including, if any, per diem expenses, and actual and necessary travel and subsistence expenses and the costs of hiring the premises where any mediation, fact-finding or arbitration proceedings are conducted, ~~will must~~ be shared equally by the parties to the proceedings. All other costs ~~will must~~ be assumed by the party incurring them. ~~The services of the members of the State of Maine's Panel of Mediators and of the Maine Board of Arbitration and Conciliation are available to the parties without cost.~~

Sec. O-6. 26 MRSA §965, sub-§6, as amended by PL 1989, c. 502, Pt. A, §108, is further amended to read:

6. Arbitration administration. The cost for services rendered and expenses incurred by the Maine Board

of Arbitration and Conciliation, as defined in section 931, ~~shall be paid by the State from an appropriation for said Board of Arbitration and Conciliation which shall be included in the budget of~~, and any state cost allocation program charges, must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the State Board of Arbitration and Conciliation ~~shall be~~ is the responsibility of the executive director. All costs must be paid from that special fund.

Sec. O-7. 26 MRSA §967, sub-§2, as amended by PL 1975, c. 564, §21, is further amended by amending the first paragraph to read:

2. Elections. The executive director of the board, or ~~his~~ a designee, upon signed request of a public employer alleging that one or more public employees or public employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of public employees, or upon signed petition of at least 30% of a bargaining unit of public employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members in the bargaining unit. Such an election may be conducted at suitable work locations or through the United States mail, and the procedures adopted and employed must ensure that neither the employee organizations or the management representatives involved in the election have access to information that would identify a voter.

Sec. O-8. 26 MRSA §968, sub-§1, as amended by PL 1989, c. 503, Pt. B, §109, is further amended to read:

1. Maine Labor Relations Board. The Maine Labor Relations Board established by Title 5, section 12004-B, subsection 2, ~~shall consist~~ consists of 3 members and 6 alternates to be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature. The Governor, in making appointments, shall name one member and 2 alternates to represent employees, one member and 2 alternates to represent employers and one member and 2 alternates to represent the public. The member representing the public shall be the board's chair and the alternate representing the public shall be an alternate chair. Members of the board ~~shall be compensated~~ are entitled to compensation according to the provisions of Title 5, chapter 379. The alternates ~~shall be compensated~~ are entitled to compensation at the same per diem rate as the member that the alternate replaces. The term of each member and each alternate ~~shall be for a period of~~ is 4 years; provided that of the members and alternates first appointed, one member and 2 alternates ~~shall be~~ are appointed for a period term of 4 years, one

member and 2 alternates ~~shall be~~ are appointed for a period term of 3 years and one member and 2 alternates ~~shall be~~ are appointed for a period term of 2 years. The members of the board, its alternates and its employees ~~shall~~ are entitled to receive necessary expenses. Per diem and necessary expenses for members and alternates of the board, as well as state cost allocation program charges, must be shared equally by the parties to any proceeding at which the board presides, and must be paid into a special fund administered by the board from which all costs must be paid. At its discretion, the board may allocate all costs to a party that presents a frivolous complaint or defense or that commits a blatant violation of the applicable collective bargaining law. The executive director and legal or professional personnel employed by the board ~~shall be~~ are members of the unclassified service.

Sec. O-9. 26 MRSA §979-D, sub-§5, as amended by PL 1979, c. 501, §3, is further amended to read:

5. Costs. The costs for the services of the mediator, the members of the fact-finding board and of the neutral arbitrator or arbitrators including, if any, per diem expenses, and actual and necessary travel and subsistence expenses and the costs of hiring the premises where any mediation, fact-finding or arbitration proceedings are conducted, ~~will~~ must be shared equally by the parties to the proceedings. All other costs ~~will~~ must be assumed by the party incurring them. ~~The services of the members of the State's Panel of Mediators, to a maximum of 3 mediation days per case, and of the Maine Board of Arbitration and Conciliation are available to the parties without cost.~~

Sec. O-10. 26 MRSA §1025, sub-§2, ¶A, as amended by PL 1989, c. 443, §68, is further amended to read:

A. The executive director of the board, upon signed request of the university, academy or technical college alleging that one or more university, academy or technical college employees or employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of university, academy or technical college employees, or upon signed petition of at least 30% of a bargaining unit of university, academy or technical college employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members of the bargaining unit. Such an election may be conducted at suitable work locations or through the United States mail, and the procedures adopted and employed must ensure that neither the employee organizations or the management representatives involved in the election have access to information that would identify a voter.

Sec. O-11. 26 MRSA §1026, sub-§5, as amended by PL 1979, c. 501, §4, is further amended to read:

5. Costs. ~~The costs for the first 3 days of services of the panel of mediators shall be paid by the board. The following costs shall must be shared equally by the parties to the proceedings: All costs for the panel of mediators not required to be paid by the board; the costs of the fact-finding board including, if any, per diem expenses and actual and necessary travel and subsistence expenses and the costs of the neutral arbitrator or arbitrators, including, if any, per diem expenses and actual and necessary travel and subsistence expenses; the costs of the Federal Mediation and Conciliation Service or the American Arbitration Association; and the costs of hiring the premises where any fact-finding or arbitration proceedings are conducted. All other costs shall must be assumed by the party incurring them. The services of the Panel of Mediators and the Maine Board of Arbitration and Conciliation shall be available to the parties without costs, and any state allocation program charges, must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the Panel of Mediators and the Board of Arbitration and Conciliation is the responsibility of the executive director. All costs must be paid from that special fund.~~

Sec. O-12. 26 MRSA §1285, sub-§7, as enacted by PL 1983, c. 702, is amended to read:

7. Costs. The costs for the services of the mediator, the members of the fact-finding board, the neutral arbitrator and the mediator-arbitrator, including, if any, per diem expenses, and actual and necessary travel and subsistence expenses and the costs of hiring the premises where any mediation, fact-finding, arbitration or mediation-arbitration proceedings are conducted, shall must be shared equally by the parties to the proceedings. All other costs shall must be assumed by the party incurring them. ~~The services of the members of the State of Maine's Panel of Mediators, to a maximum of 3 mediation days per case, and of the State Board of Arbitration and Conciliation are available to the parties without cost.~~

Sec. O-13. 26 MRSA §1285, sub-§8, as amended by PL 1989, c. 502, Pt. A, §111, is further amended to read:

8. Arbitration administration. The cost of services rendered and expenses incurred by the State Board of Arbitration and Conciliation, as defined in section 931, shall be paid by the State from an appropriation for the State Board of Arbitration and Conciliation, which shall be included in the budget of and any applicable state cost allocation program charges, must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations

Board. Authorization for services rendered and expenditures incurred by members of the State Board of Arbitration and Conciliation shall be is the responsibility of the executive director. All costs must be paid from that special fund.

Sec. O-14. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 26, section 61, subsection 1, \$74,112 must be transferred from the Department of Labor, Safety Education and Training Fund to General Fund Undedicated Revenue by June 30, 1992.

Sec. O-15. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 26, section 62, subsection 1, as amended by PL 1991, chapter 9, Part HH, \$35,000 must be transferred from the Department of Labor, Occupational Safety Loan Fund to General Fund Undedicated Revenue by June 30, 1992.

PART P

Legislative intent. It is the intent of the Legislature that the Department of Conservation, Bureau of Public Lands make a one-time payment from its dedicated revenue to the General Fund that is commensurate with the past years of General Fund expenditures paid for forest fire protection activities on public reserved lands. Notwithstanding the Maine Revised Statutes, Title 12, section 586, the State Controller shall transfer \$681,000 from the Public Reserved Lands Management Fund to the General Fund as undedicated revenue by June 30, 1992.

PART Q

Sec. Q-1. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 95, subsection 5, \$8,300 of the Other Special Revenue Fund Account within the Administration - Archives program in the Department of the Secretary of State must lapse to the General Fund on June 30, 1992.

Sec. Q-2. Motor vehicle computer system. Notwithstanding any other provision of law, for fiscal year 1991-92 only, the General Fund account within the Office of the Secretary of State program in the Department of the Secretary of State may bill the Highway Fund account within the Administration - Motor Vehicles program in the Department of the Secretary of State for Highway Fund activities associated with the adjustment of the motor vehicle computer system to accommodate the discontinuation of IBM's maintenance support of the existing 20-year-old hardware platform used on the effective date of this Act by the motor vehicles branch offices. These funds must be credited as General Fund undedicated revenue not to exceed \$15,000.

PART R

Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 39, section 57-D, subsection 6,

\$112,886 is authorized to be transferred from the Second Injury Fund of the Workers' Compensation Commission to General Fund undedicated revenues by June 30, 1992. The amount of \$738,660 is authorized to be transferred from the Employment Rehabilitation Fund of the Workers' Compensation Commission to the General Fund undedicated revenues by June 30, 1992.

PART S

Sec. S-1. 5 MRSA §293, as amended by PL 1989, c. 503, Pt. B, §11, is repealed.

Sec. S-2. 5 MRSA §453, as amended by PL 1989, c. 503, Pt. B, §14, is repealed.

Sec. S-3. 5 MRSA c. 19, as amended, is repealed.

Sec. S-4. 5 MRSA §1814, as amended by PL 1989, c. 503, Pt. B, §18, is repealed.

Sec. S-5. 5 MRSA c. 371, as amended, is repealed.

Sec. S-6. 5 MRSA §12004-F, sub-§12, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. S-7. 5 MRSA §12004-G, sub-§§5, 22 and 31, as enacted by PL 1987, c. 786, §5, are repealed.

Sec. S-8. 5 MRSA §12004-G, sub-§33-A, as enacted by PL 1989, c. 503, Pt. A, §19, is repealed.

Sec. S-9. 5 MRSA §12004-I, sub-§1, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. S-10. 5 MRSA §12004-I, sub-§27, as amended by PL 1989, c. 503, Pt. A, §29, is repealed.

Sec. S-11. 5 MRSA §12004-I, sub-§§30 and 37, as enacted by PL 1987, c. 786, §5, are repealed.

Sec. S-12. 5 MRSA §12004-I, sub-§42-A, as enacted by PL 1989, c. 496, §1 and c. 601, Pt. A, §§1 and 3, is repealed.

Sec. S-13. 5 MRSA §12004-I, sub-§§43, 44 and 68, as enacted by PL 1987, c. 786, §5, are repealed.

Sec. S-14. 5 MRSA §12004-I, sub-§70, as amended by PL 1989, c. 503, Pt. A, §34, is repealed.

Sec. S-15. 5 MRSA §12004-I, sub-§71-A, as enacted by PL 1989, c. 247, §§1 and 4, is repealed.

Sec. S-16. 5 MRSA §12004-I, sub-§73-A, as enacted by PL 1989, c. 609, §1, is repealed.

Sec. S-17. 5 MRSA §12004-I, sub-§77, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. S-18. 5 MRSA §12004-J, sub-§§4 and 6, as enacted by PL 1987, c. 786, §5, are repealed.

Sec. S-19. 5 MRSA §12004-J, sub-§7, as enacted by PL 1987, c. 887, §3, is repealed.

Sec. S-20. 5 MRSA c. 435, as amended, is repealed.

Sec. S-21. 10 MRSA §353, as enacted by PL 1985, c. 468, §2, is repealed.

Sec. S-22. 10 MRSA §980-B, as repealed and replaced by PL 1989, c. 857, §46, is repealed.

Sec. S-23. 12 MRSA §7367, as amended by PL 1989, c. 883, §§6 to 8, is repealed.

Sec. S-24. 12 MRSA §9621, as amended by PL 1989, c. 502, Pt. A, §37, is repealed.

Sec. S-25. 22 MRSA §1405, as amended by PL 1989, c. 503, Pt. B, §82, is repealed.

Sec. S-26. 22 MRSA §1693, as amended by PL 1989, c. 503, Pt. B, §84, is repealed.

Sec. S-27. 22 MRSA §1693-A, as amended by PL 1989, c. 503, Pt. B, §§85 and 86, is repealed.

Sec. S-28. 22 MRSA §2150-A, as enacted by PL 1989, c. 601, Pt. A, §2, is repealed.

Sec. S-29. 22 MRSA §2624, as amended by PL 1985, c. 748, §26, is repealed.

Sec. S-30. 22 MRSA c. 1455, as amended, is repealed.

Sec. S-31. 32 MRSA §1381, as amended by PL 1989, c. 878, Pt. B, §26, is repealed.

Sec. S-32. 32 MRSA §2157, as enacted by PL 1989, c. 609, §2, is repealed.

Sec. S-33. 34-B MRSA §3901, as amended by PL 1989, c. 878, Pt. A, §103, is repealed.

Sec. S-34. 34-B MRSA §3902, as amended by PL 1989, c. 335, §5, is repealed.

Sec. S-35. 34-B MRSA §3903, as enacted by PL 1987, c. 887, §8, is repealed.

Sec. S-36. 35-A MRSA c. 41, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. S-37. Resolve 1989, c. 76 is repealed.

PART T

Sec. T-1. 36 MRSA §1602, sub-§4, ¶B-1, as enacted by PL 1989, c. 881, §1, is repealed.

Sec. T-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 36, section 1605, the State Controller or Treasurer of State shall transfer \$1,270,000 from the unexpended balance of the Unorganized Territory Education and Services Fund to General Fund undedicated revenue prior to June 30, 1992 for the purposes of meeting State Cost Allocation Program obligations.

PART U

Sec. U-1. PL 1991, c. 591, Pt. OO, §1 is amended to read:

Sec. OO-1. New positions. Salary savings resulting from the delay in filling any new General Fund positions established in this Act may not be used or transferred for any other purpose, excluding the Department of Corrections, the Department of Mental Health and Mental Retardation and the Department of Human Services.

Sec. U-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 12, section 609, \$25,000 of the General Fund account within the Maine State Parks Development Fund Program in the Department of Conservation must lapse to the General Fund on June 30, 1992.

PART V

Sec. V-1. 27 MRSA §36, as amended by PL 1973, c. 626, §3, is further amended to read:

§36. Advice to local libraries; gifts; schools of library instruction

The Maine State Library shall give advice to all school, state, institutional and public libraries, and to all communities in the State ~~which that~~ may propose to establish libraries, as to the best means of establishing and administering ~~them the~~ libraries, selecting and cataloging books and other details of library management, and may send its employees to aid in organizing such libraries or assist in the improvement of those already established. ~~It The Maine State Library shall formulate and present to the Legislature a plan for state-wide statewide library development and it shall be the Maine State Library is designated as the agency for the administration of said the plan and shall be is granted the authority to administer said the plan on behalf of the State. It The Maine State Library may receive gifts of money, books or other property which that may be used or held in trust for the purpose or purposes given. The Maine State Library may establish an endowment fund. Any funds, if~~

~~given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. It The Maine State Library may publish lists and circulars of information and may cooperate with the libraries and commissions of other states in the publication of documents in order to secure the most economical administration of its work. It The Maine State Library may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the State, and cooperate with others in such those schools or institutes. It The Maine State Library shall perform such other library service as it the Maine State Library may consider for the best interests of the citizens of the State.~~

Sec. V-2. 27 MRSA §83, sub-§§3 and 4, as amended by PL 1989, c. 700, Pt. B, §19, are further amended to read:

3. Delegate powers. To delegate powers to the Museum Director necessary for the administration of this chapter; ~~and~~

4. Recommendations. To make recommendations to the Maine State Cultural Affairs Council for such legislation as may be necessary to improve the functioning of the Maine State Museum; ; ~~and~~

Sec. V-3. 27 MRSA §83, sub-§5 is enacted to read:

5. Establish fees. To establish fees for admission to the Maine State Museum. All revenues derived from these fees must be reported and paid to the Treasurer of State as undedicated revenue to the General Fund.

Sec. V-4. 27 MRSA §405, as enacted by PL 1965, c. 499, §1, is amended to read:

§405. Hearings; contracts

The commission is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available ~~therefor~~, with individuals; or organizations, and institutions for services furthering the educational objectives of the commission's programs; to enter into contracts, within the limit of funds available ~~therefor~~, with local and regional associations for cooperative endeavors furthering the educational objectives of the commission's programs; to establish an endowment fund; to accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the educational objectives of the commission's programs; to make and sign any agreements and to do and perform any acts that ~~may be are~~ necessary to carry out the purposes of this chapter. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. The commission may request and

shall receive from any department, division, board, bureau, commission or agency of the State such assistance and data as ~~will enable it properly~~ necessary to carry out its powers and duties hereunder.

Sec. V-5. 27 MRSA §506, as repealed and replaced by PL 1979, c. 21, is amended to read:

§506. Hearings; contracts

The commission may hold public and private hearings related to the field of historic preservation. The director may enter into contracts, within the limit of funds available ~~therefor~~, with individuals or organizations and institutions for services furthering the objectives of this chapter; and enter into contracts, within the limit of funds available ~~therefor~~, with public or private, local or regional organizations or associations for cooperative endeavors furthering the objective of this chapter. The director may make recommendations to the ~~commissioner~~ commission regarding the acceptance of gifts, contributions, devises and bequests of funds and objects from individuals, foundations, corporations and other organizations, and institutional or governmental bodies for the purpose of furthering the objectives of this chapter. The commission is authorized and empowered to establish an endowment fund. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds.

Sec. V-6. Legislative intent. It is the intent of the Legislature that the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine State Library and the Maine State Museum shall actively pursue the establishment of endowment funds.

PART W

34-A MRSA §1210, sub-§2, as amended by PL 1989, c. 887, §7, is further amended to read:

2. Reimbursement. Except as provided in subsection 6-A, the department shall, under this section, reimburse each county quarterly for each actual day served at that county correctional facility by:

A. Persons convicted of a Class A, Class B or Class C crime sentenced after March 31, 1987, to serve a term of imprisonment pursuant to Title 17-A, section 1203, subsection 1, or section 1252, subsection 1; and

B. Persons convicted of a Class A, Class B or Class C crime sentenced after December 31, 1988, to serve a term of imprisonment pursuant to Title 17-A, section 1203, subsection 1 or section 1252, subsection 1.

Reimbursement for periods after June 30, 1987; may not be authorized until the reimbursable costs for the operations of the jail are agreed upon by the commissioner

and the county commissioners for that county. Reimbursable costs for the operations of the jail must, to the extent practicable, be mutually agreed upon prior to the actual expenditures of funds for those costs. Prior approval of all capital expenditures is required for reimbursement of that expense item. If the commissioner and the county commissioners are unable to agree upon reimbursable costs, they shall jointly select an arbitrator to determine those costs. The arbitrator's decision is final and both the commissioner and the county commissioners are bound by that decision.

The obligation of the Department of Corrections to reimburse counties pursuant to this section may not exceed the actual amount appropriated during the fiscal years 1991-92 and 1992-93.

PART X

Sec. X-1. 20-A MRSA §4502, sub-§5, as amended by PL 1991, c. 9, Pt. II, §2 and c. 181, §1, is further amended by amending the first paragraph to read:

5. Other standards. The state board and the commissioner shall jointly adopt basic school approval rules governing school administrative units and elementary and secondary schools. These rules ~~shall~~ must set minimum standards in the following areas, incorporating such standards as are established by statute:

Sec. X-2. 20-A MRSA §4502, sub-§5, ¶B, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

B. Staffing, including student-teacher ratios, except that the approval rules in effect for the school years beginning in the fall of 1991, 1992, 1993, 1994 and 1995 must permit maximum student-teacher ratios of 25:1 school-wide for kindergarten to grade 8 and maximum student-teacher ratios of 30:1 school-wide for grades 9 to 12;

Sec. X-3. 20-A MRSA §4502, sub-§5-A is enacted to read:

5-A. Application. The provisions of subsection 5, paragraph H do not apply to the school years beginning in the fall of 1991, 1992, 1993, 1994 and 1995.

Sec. X-4. 20-A MRSA §4504, sub-§2, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

2. Comprehensive reviews. The commissioner shall, on a one-year to 5-year cycle, make a comprehensive review of each public school to determine whether the school is in compliance with basic school approval standards. These reviews ~~shall~~ must, insofar as is practicable, be coordinated with reviews of other schools in the school unit, accreditation visits, special education re-

views, federal program reviews and other required reviews or inspections, so as to reduce administrative burdens on school personnel. The provisions of this subchapter do not apply to the school years beginning in the fall of 1991, 1992, 1993, 1994 and 1995.

Sec. X-5. 20-A MRSA §4517 is enacted to read:

§4517. Waiver of requirements

The provisions of this subchapter do not apply to the school years beginning in the fall of 1991, 1992, 1993, 1994 and 1995.

Sec. X-6. 20-A MRSA §8104, sub-§1, as amended by PL 1991, c. 9, Pt. II, §4, is further amended to read:

1. Establishment. Each school administrative unit must, commencing with the 1987-88 school year, establish a plan for phasing in gifted and talented educational programs by 1995-96. No school administrative unit or part of a school administrative unit is required to comply with the provisions of its plan during the school years beginning in the fall of 1991, 1992, 1993, 1994 and 1995.

Sec. X-7. 20-A MRSA §13015, sub-§3, ¶A, as amended by PL 1989, c. 700, Pt. A, §69, is further amended to read:

A. A majority of classroom teachers, including a master teacher, if available, and other personnel such as administrators, personnel from the Department of Education or institutions of higher education and other outside consultants as the commissioner may approve. The approved support system may consist of as few as 2 teachers and one administrator. For the purposes of this paragraph, the state board shall establish by rule the definition of classroom teacher;

Sec. X-8. 20-A MRSA §13016, sub-§2, as enacted by PL 1983, c. 845, §4, is amended to read:

2. Professional teacher certificates. A professional teacher certificate may be renewed for 5-year periods in accordance with state board rules, which ~~shall~~ must require, at a minimum, ~~a recommendation of a support system and~~ that the teacher complete at least 6 hours of professional or academic study, or in-service training designed to improve the performance of the teacher in the field for which the teacher holds an endorsement, or in a related subject area. Teachers who desire to qualify for a master teacher certificate ~~shall~~ must coordinate their continuing professional education with the requirements of an applicable teacher action plan.

Sec. X-9. 21-A MRSA §755, as amended by PL 1987, c. 624, is further amended to read:

§755. Deadline

~~The office of the clerk shall be open a minimum of 4 hours on the Saturday immediately preceding a statewide regular election and any election for federal or state office to allow voters to obtain or cast absentee ballots. In order to be valid, an absentee ballot must be delivered to the municipal clerk at any time before the polls are closed.~~

Sec. X-10. 30-A MRSA §2104, sub-§6, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6. Summary of amendment. When the municipal officers, ~~with the advice of an attorney~~, determine that it is not practical to print the proposed amendment on the ballot and that a summary would not misrepresent the subject matter of the proposed amendment, the municipal officers shall include in their order a summary of the proposed amendment, prepared subject to the requirements of section 2105, subsection 3, paragraph C, and instruction to the clerk to include the summary on the ballot instead of the text of the proposed amendment.

Sec. X-11. 30-A MRSA §2105, sub-§3, ¶C, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

~~C. The municipal officers shall prepare any summary of a proposed amendment with the advice of an attorney. The~~ Any summary must fairly describe the content of the proposed amendment and ~~shall~~ may not contain information designed to promote or oppose the amendment.

Sec. X-12. 38 MRSA §438-A, first ¶, as enacted by PL 1987, c. 815, §§5 and 11, is amended to read:

With respect to all shoreland areas described in section 435, municipalities shall adopt zoning and land use control ordinances pursuant to existing enabling legislation, under home rule authority and in accordance with the following requirements. The deadline for municipalities to adopt a shoreland zoning ordinance meeting the minimum guidelines adopted by the Board of Environmental Protection is extended to July 1, 1992.

Sec. X-13. 38 MRSA §451-A, sub-§1-A, ¶A, as repealed and replaced by PL 1991, c. 9, Pt. II, §5, is amended to read:

A. Preliminary plans and engineers' estimates must be completed and submitted to the Department of Transportation by the following dates:

(1) For Priority 1 and 2 projects - January ~~1992~~ 1993;

(2) For Priority 3 project - January 1993
1994;

(3) For Priority 4 project - January 1994
1995; and

(4) For Priority 5 project - January 1995
1996.

Sec. X-14. 38 MRSA §1310-N, sub-§6, as affected by PL 1989, c. 890, Pt. A, §40 and Pt. B, §242, is further amended to read:

6. Terms and compliance schedules. Licenses are issued under the terms and conditions as the department may prescribe, and for a term not to exceed 5 years. The department may establish reasonable time schedules for compliance with this article and rules promulgated adopted by the board. Notwithstanding any rules adopted pursuant to this section, licensed or unlicensed but operating pursuant to a consent agreement municipal solid waste landfills in existence prior to October 3, 1973 may continue to operate up to December 31, 1992, unless the commissioner finds that continued operation of a landfill poses an immediate hazard to the public health or the environment, including without limitation, a threat to a public or private water supply.

Sec. X-15. Waiver of obligations. Notwithstanding the Maine Revised Statutes, Title 7, chapter 725, if license fees and other revenues retained by municipalities subject to that chapter are insufficient to reimburse the municipality for the costs associated with its obligations under that chapter and the municipal clerks of a municipality so certify to the Animal Welfare Board, then the obligations of that municipality under Title 7, chapter 725 are automatically waived for the municipality for the period from January 1, 1992 to December 31, 1994. No official, individual, person, corporation or other entity may be found in noncompliance with Title 7, chapter 725 for failure to satisfy provisions of that chapter affected by this municipal waiver.

PART Y

Sec. Y-1. 5 MRSA §12004-G, sub-§15-A, as amended by PL 1991, c. 601, §1, is further amended to read:

15-A. Substance Abuse	<u>Driver Education and Evaluation Programs Appeals Board Safety Training Operating-under-the-influence Programs Appeals Board</u>	\$75/Day	5 MRSA §20078
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Sec. Y-2. 5 MRSA §20071, sub-§§4-A and 4-B are enacted to read:

4-A. First offender. “First offender” means a client who has no previous alcohol-related or drug-related motor vehicle incident within a 6-year period.

4-B. First offender with an aggravated operating-under-the-influence offense. “First offender with an aggravated operating-under-the-influence offense” means a client who has an operating-under-the-influence offense aggravated by any of the following factors. The client:

A. Was tested as having a blood-alcohol level of 0.15% or more;

B. Was driving in excess of the speed limit by 30 miles an hour or more during the operation that resulted in the prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;

C. Eluded or attempted to elude an officer, as defined in Title 29, section 2501-A, subsection 3, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more; or

D. Failed to submit to a chemical test for the determination of that person’s blood-alcohol level, at the request of a law enforcement officer on the occasion that resulted in the conviction.

Sec. Y-3. 5 MRSA §20072, as enacted by PL 1991, c. 601, §28, is amended to read:

§20072. Safety training operating-under-the-influence programs

The Driver Education and Evaluation Programs safety training operating-under-the-influence programs are established in the Office of Substance Abuse and shall administer the alcohol and other drug education, evaluation and treatment safety training operating-under-the-influence programs as provided in this chapter. The office shall certify to the Secretary of State:

1. Completion of the safety training operating-under-the-influence programs. Those individuals who have satisfactorily completed a program prescribed by section ~~20073~~ 20073-A; and

2. Completion of treatment other than the safety training operating-under-the-influence programs. Those individuals who have satisfied the requirement for completion of treatment as defined in section 20071 by means other than a program prescribed by section ~~20073~~ 20073-A. The Office of Substance Abuse may charge an

administrative fee, not to exceed \$50, to clients under this paragraph. This fee must be transferred to the General Fund.

Sec. Y-4. 5 MRSA §20073, as enacted by PL 1991, c. 601, §28, is repealed.

Sec. Y-5. 5 MRSA §20073-A is enacted to read:

§20073-A. Program components

1. First offenders; adult. The Office of Substance Abuse program required for clients without a previous alcohol-related or drug-related motor vehicle offense and without an offense with aggravating factors as defined in section 20071, subsection 4-B, consists of an alcohol and drug assessment. The evaluation and treatment components may be recommended.

2. First offenders under 21 years of age. First offenders under 21 years of age shall attend the driver education and evaluation programs for teenagers established by this subsection. The driver education and evaluation programs for teenagers consist of the following components.

A. The education component is a program of at least 10 hours during which clients receive education, especially designed for the age group, on substance use, abuse and addiction. Education is provided through a group discussion process that includes segments on values clarification, peer pressure and decision making.

B. The assessment component is designed to make a preliminary assessment regarding the extent of a client's alcohol or other drug use or abuse or potential for abuse. A client may be referred for further evaluation based on the results of the client's preliminary assessment.

C. The evaluation component is designed to identify abusers of alcohol and other drugs. If the evaluation indicates that treatment for alcohol or other drug abuse is needed, the client must be referred to the appropriate alcohol or other drug treatment service.

D. The treatment component is designed to address the client's specific problem with or abuse of alcohol or other drugs.

3. First offender with an aggravated operating-under-the-influence offense and multiple offenders; adult. The safety training operating-under-the-influence program required for adult first offenders with an aggravated operating-under-the-influence offense and multiple offenders consists of the following components:

A. A rigorous, highly structured, residential intervention program, consisting of at least 22 hours,

using films, lectures, group discussion and individual sessions, designed to educate the client on the effects of substance use, abuse and addiction and an evaluation using assessment instruments, data collection and self-assessment; and

B. A treatment program provided by a community-based service provider, designed to address the client's specific alcohol or other drug problem and abuse, using a treatment plan based on the completion of treatment guidelines adopted by the office, if additional treatment is required as a result of the evaluation.

Sec. Y-6. 5 MRSA §20074, as enacted by PL 1991, c. 601, §28, is amended to read:

§20074. Separation of evaluation and treatment functions

A ~~Driver Education and Evaluation Programs~~ safety training operating-under-the-influence programs private practitioner or a counselor employed by a substance abuse facility approved or licensed by the office providing services under this subchapter may not provide both treatment services and evaluation services for the same individual participating in programs under this subchapter. The practitioner or counselor providing evaluation services shall give a client the name of 3 practitioners or counselors who can provide treatment services, at least one of whom may not be employed by the same agency as the practitioner or counselor conducting the evaluation.

Sec. Y-7. 5 MRSA §20076, as enacted by PL 1991, c. 601, §28, is repealed.

Sec. Y-8. 5 MRSA §20076-A is enacted to read:

§20076-A. Fees

1. First offender; adult program. The office may charge a registration fee, not to exceed \$105, to clients for assessment components. This fee must be transferred to the General Fund. The office may waive all or part of the fee for clients who provide sufficient evidence of inability to pay.

2. First offenders under 21 years of age. The office may charge a registration fee, not to exceed \$150, to clients for the education and assessment components of the program. This fee must be transferred to the General Fund. The office may waive all or part of the fee for clients who provide sufficient evidence of inability to pay.

3. First offenders with an aggravated operating-under-the-influence offense and multiple offender program. This subsection applies to multiple offenders and first offenders who participate in the multiple offender residential intervention program in accordance with this

subchapter. The fees and costs for the multiple offender program are as follows.

A. The office may charge a registration fee, not to exceed \$425, to clients for the program. This fee must be transferred to the General Fund. The office may waive all or part of the fee for clients who provide sufficient evidence of inability to pay.

B. The client is responsible for any costs associated with 2nd and subsequent evaluations or treatments.

Sec. Y-9. 5 MRSA §20078, first ¶, as enacted by PL 1991, c. 601, §28, is amended to read:

~~The Driver Education and Evaluation Programs Appeals Board Safety Training Operating-under-the-influence Programs Appeals Board~~, established by Title 5, section 12004-G, subsection 15-A, is referred to as the "board" in this subchapter and is governed by this section.

Sec. Y-10. 5 MRSA §20078, sub-§§1, 6 and 7, as enacted by PL 1991, c. 601, §28, are amended to read:

1. Qualifications. Each member of the board must have training, education, experience and demonstrated ability in successfully treating clients with substance abuse problems. Board members may not hold a current certificate to provide ~~driver education, evaluation and treatment safety training operating-under-the-influence~~ services during their terms of appointment.

6. Appeal from decision. A ~~Driver Education and Evaluation Programs~~ client of safety training operating-under-the-influence programs may appeal to the board as follows.

A. The client may appeal a failure to certify completion of treatment pursuant to section 20072, subsection 2.

B. The client may appeal an evaluation decision referring the client to treatment or a completion-of-treatment decision pursuant to section ~~20073~~ 20073-A. A client may appeal under this paragraph only after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment.

7. Appeal procedure and action. An appeal is heard and decided by one board member. The board may affirm or reverse the decision of the treatment provider or agency, require further evaluation, make a finding of completion of treatment or make an alternate recommendation. The board, after due consideration, shall make a written decision and transmit that decision to the ~~Driver Education and Evaluation Programs~~ safety training operating-under-the-influence programs and the cli-

ent who appealed the case. The decision of the board is final agency action for purposes of judicial review pursuant to Title 5, chapter 375, subchapter VII.

Sec. Y-11. 29 MRSA §1312-B, sub-§2, ¶D-1, as amended by PL 1991, c. 601, §30, is further amended to read:

D-1. In addition to the penalties provided under paragraphs B, C and D, the court shall order the defendant to participate in the alcohol and other drug ~~education, evaluation and treatment safety training operating-under-the-influence~~ program for first offenders with an aggravated operating-under-the-influence offense and multiple offenders administered by the Office of Substance Abuse, as defined in Title 5, chapter 521. The court may waive the first offender with an aggravated operating under the influence or multiple offender intervention program under Title 5, section ~~20073~~ 20073-A, subsection 4 ~~3~~, ~~paragraph A~~, if the court finds that the defendant has completed a residential treatment program, or its equivalent, subsequent to the date of the offense.

Sec. Y-12. 29 MRSA §1312-D, sub-§§2-A and 2-B, as enacted by PL 1991, c. 516, §2, are amended to read:

2-A. Special licenses for safety training operating-under-the-influence program participants. Following the expiration of the total period of suspension imposed on a first time offender pursuant to ~~subsections 1 and 1-A, section 1312-B, former section 1312-B, subsection 2 or Title 15, section 3314 or section 1312-B~~, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the ~~education and~~ assessment components of the alcohol and other drug program as set out in Title ~~22, chapter 1602~~ 5, section 20073-A. ~~A special license or permit is conditioned on the person's satisfactory completion of all of the components of the program. First offenders with an aggravated operating-under-the-influence offense are entitled to received a special license after completion of the evaluation provided by the Office of Substance Abuse.~~ A special license or permit may not be issued under this section to 2nd and subsequent offenders.

2-B. Suspension of special licenses for safety training operating-under-the-influence program participants. If the person refuses or fails to complete the alcohol and other drug program set out in Title ~~22, chapter 1602~~ 5, section 20073-A, within 6 months after receiving a special license, the Secretary of State, following notice of ~~such~~ that refusal or failure may suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the ~~driver education evaluation program~~ Office of Substance Abuse that the

person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter IV. The sole issue at the hearing is whether the person has written notification from the ~~driver education evaluation program~~ Office of Substance Abuse establishing that the person has satisfactorily completed all components of that program as set out in Title 22, ~~chapter 1602 5, section 20073-A.~~

Sec. Y-13. PL 1991, c. 591, Pt. QQ, §QQ-4 is repealed.

Sec. Y-14. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1991-92

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools

All Other (\$700,000)

Provides for the deappropriation of funds to redirect the substance abuse education funds to the Executive Department, Office of Substance Abuse.

DEPARTMENT OF EDUCATION TOTAL (\$700,000)

EXECUTIVE DEPARTMENT

Office of Substance Abuse

All Other \$700,000

Provides for the appropriation of funds to be transferred to the Department of Education, General Purpose Aid for Local Schools program, to continue to reimburse schools for substance abuse education and prevention activities.

Office of Substance Abuse

All Other 171,600

Provides funds for Block Grant Maintenance of Effort.

Office of Substance Abuse

All Other 28,400

Provides funds for Block Grant Maintenance of Effort from the Driver Education and Evaluation Programs - Substance Abuse.

Driver Education and Evaluation Programs - Office of Substance Abuse

Personal Services (28,400)

Provides for the deappropriation of funds from salary savings.

EXECUTIVE DEPARTMENT TOTAL \$871,600

PART Y TOTAL APPROPRIATIONS \$171,600

Sec. Y-15. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, for fiscal year 1991-92, \$700,000 of the funds appropriated to the Executive Department, Office of Substance Abuse must be transferred to the Department of Education, General Purpose Aid for Local Schools as reimbursement to schools for substance abuse education and prevention activities.

PART Z

Sec. Z-1. 22 MRSA §391, sub-§6, as enacted by PL 1989, c. 565, §4, is amended to read:

6. Nonhospital data collection expenses. The funds required to support the collection, storage and analysis by the commission of data from providers of health care other than hospitals ~~shall~~ must be provided ~~through appropriations from the General Fund and not~~ by means of the assessment provided for in subsection 1.

Sec. Z-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 22, section 396-D, subsection 9, paragraph A and section 396-J, \$349,735 is authorized to be transferred from the Management Support Fund Account of the Maine Health Care Finance Commission to General Fund undedicated revenues by June 30, 1992.

PART AA

Sec. AA-1. Analysis of programs. All departments and agencies of State Government shall analyze all programs within their department or agency that provide a direct service to the public but do not utilize an income test in determining eligibility for the service or do not charge a fee or copy for the service.

Sec. AA-2. Report. Each department or agency affected by section 1 of this Part shall make a

report to the Joint Standing Committee on Appropriations and Financial Affairs no later than February 3, 1992 listing the services required to be analyzed by section 1 of this Part, the expenditures, by funding source, planned for fiscal year 1991-92 and fiscal year 1992-93, the number of participants currently receiving the services and the reasons why an income test, a fee-for-service or copay for service is not employed.

PART BB

Sec. BB-1. 5 MRSA Pt. 26 is enacted to read:

PART 26

ADMINISTRATIVE AND FINANCIAL SERVICES

CHAPTER 551

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

SUBCHAPTER I

GENERAL PROVISIONS

§21001. Definitions

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

1. Bureau chief. "Bureau chief" means the administrative head of a bureau, regardless of the title assigned to the position.

2. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

3. Department. "Department" means the Department of Administrative and Financial Services.

§21002. Department of Administrative and Financial Services established; purpose

The Department of Administrative and Financial Services is established as the principal administrative and fiscal department of State Government.

1. Administrative services. The department shall:

A. Provide for the coordination of information service activities of State Government;

B. Provide for the administration of the Civil Service Law as required to meet satisfactorily the needs of state agencies and state employees; and

C. Provide general administrative services to state agencies, including, but not limited to, the purchase of materials and equipment; the construction, re-

construction and maintenance of public improvements; insurance programs as required; and labor relations.

2. Financial services. The department shall:

A. Coordinate financial planning and programming activities of departments and agencies of State Government for review and action by the Governor;

B. Prepare and report financial data and statistics to the Governor and the Legislature and maintain statewide accounting and payroll systems;

C. Provide general accounting services;

D. Administer the State's taxation programs as required by law; and

E. Administer the laws relating to sales and oversight of alcoholic beverages and lotteries in this State.

§21003. Commissioner appointment

The department is under the supervision and control of the Commissioner of Administrative and Financial Services who is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor.

§21004. Provision of services

The department and its subunits shall, in achieving the purposes for which they are established, work closely with all state departments and agencies to provide services promptly and in a cooperative manner with due regard for the special needs of some agencies.

§21005. Powers and duties of commissioner

1. Deputy; assistant; bureau chiefs. The commissioner may appoint a deputy commissioner who shall perform the duties of the commissioner during the commissioner's absence, in addition to the deputy commissioner's regular duties. The commissioner may appoint and employ bureau chiefs and an assistant to the commissioner to be under the commissioner's immediate supervision, direction and control, serve at the commissioner's pleasure and perform such duties as the commissioner prescribes, except as otherwise provided by law.

2. Other employees. The commissioner may employ such other deputies, division heads, assistants and employees as necessary, subject to the Civil Service Law.

In the event of a vacancy in the office of the commissioner because of death, resignation, removal from office

or other cause, the various bureau chiefs, deputies and assistants shall continue in office and perform such duties as prescribed or assigned to them until the vacancy is filled by the appointment and qualification of a new commissioner.

3. Duties. The commissioner shall:

A. Serve as the principal aide to the Governor on fiscal and administrative matters;

B. Coordinate planning and programming activities of departments and agencies of State Government for review and action by the Governor;

C. Prepare and report such data or statistics as may be required or requested by the Governor or the Legislature;

D. Supervise and direct the activities of the various bureaus, divisions, boards and commissions designated by law to be under the department. The commissioner shall:

(1) Require the organizations within the department to engage in short-term and long-term planning with respect to their goals and purpose and assist the organizations in developing short-term and long-term plans; and

(2) Monitor the progress and activities of the organizations within the department to ensure consistency of policies and procedures. The commissioner shall also determine whether the policies and procedures and the structure and operations of the department continue to meet the needs of state agencies as the needs of state agencies change;

E. Engage in short-term and long-term planning with respect to the administrative and fiscal needs of State Government and the means by which the collection of revenues and payment of the obligations of State Government may be realized most efficiently;

F. Meet with other departments and agencies of State Government on a regular basis to discuss administrative and fiscal problems and the needs of each agency and department.

(1) The commissioner shall act expeditiously on requests by state agencies with respect to the programs and services administered by the department.

(2) The department shall consider the unique needs of state agencies and diligently strive to meet these needs as expeditiously as possible;

G. Exercise other powers and perform other duties as designated by law; and

H. Supervise and direct the administration of the State Claims Commission.

§21006. Department organization

1. Bureaus. The commissioner shall organize the department into bureaus, each with a bureau chief, as follows:

A. The Bureau of Information Services, the chief of which is the Director of the Bureau of Information Services;

B. The Bureau of Human Resources, the chief of which is the Director of the Bureau of Human Resources;

C. The Bureau of Employee Relations, the chief of which is the Director of the Bureau of Employee Relations;

D. The Bureau of General Services, the chief of which is the Director of the Bureau of General Services;

E. The Bureau of the Budget, the chief of which is the State Budget Officer;

F. The Bureau of Accounts and Control, the chief of which is the State Controller;

G. The Bureau of Taxation, the chief of which is the State Tax Assessor; and

H. The Bureau of Alcoholic Beverages and Lottery Operations, the chief of which is the Director of the Bureau of Alcoholic Beverages and Lottery Operations.

2. Absence of bureau chiefs. In the absence of a bureau chief from the State or from official duties or in the event of a vacancy in the position of a bureau chief, the commissioner or the commissioner's authorized agent may exercise the powers and perform the duties of that bureau chief.

3. Divisions. The commissioner shall organize the Division of Personnel Services and the Division of Financial Services to carry out sections 21007 and 21008.

§21007. Financial services; staff

The commissioner shall employ persons, subject to the Civil Service Law and the office of the commissioner, to provide assistance to the commissioner with respect to financial planning and analysis, budgeting and control, accounting, purchasing, information systems planning and

auditing matters and to perform such other duties as the commissioner may designate.

§21008. Personnel services; staff

The commissioner shall employ persons, subject to the Civil Service Law and the office of the commissioner, to provide assistance to the commissioner with respect to human resources administration, labor relations, human rights and affirmative action and to perform such other related duties as the commissioner may designate.

Sec. BB-2. Department of Administrative and Financial Services; transition. The Department of Administrative and Financial Services is created within State Government. The Commissioner of Finance shall serve as the Commissioner of Administrative and Financial Services until such time as a new commissioner is appointed and confirmed.

The commissioner may appoint a deputy commissioner to assist in the administration of the department. The deputy commissioner serves at the pleasure of the commissioner. The authority and the personal services funding for the position of deputy commissioner is transferred from the existing position of the Commissioner of Administration and the funding for that position.

All duties and responsibilities of the Commissioner of Administration and the Commissioner of Finance become the duties and responsibilities of the Commissioner of Administrative and Financial Services on the effective date of this Act. The Commissioner of Administrative and Financial Services shall submit to the Legislature by January 30, 1992 specific language detailing all functions and responsibilities of the department, including a revised budget for fiscal year 1992-93, commencing July 1, 1992.

1. The Bureau of General Services is created within the department. The Bureau of General Services shall assume all responsibilities of the Bureau of Public Improvements, the Bureau of Purchases and the Division of Risk Management, which are within the Department of Administration. All duties and responsibilities of the Bureau of Public Improvements, the Bureau of Purchases and the Division of Risk Management become the duties and responsibilities of the Bureau of General Services on the effective date of this Act. All duties and responsibilities of the Director of the Bureau of Public Improvements and the State Purchasing Agent become the duties and responsibilities of the Director of the Bureau of General Services on the effective date of this Act. The Division of Risk Management becomes a division within the Bureau of General Services on the effective date of this Act. The Director of the Bureau of General Services is responsible for all duties that were, immediately prior to the effective date of this Act, the responsibility of the Commissioner of Administration relating to the duties and responsibilities of the Division of Risk Man-

agement. The Commissioner of Administrative and Financial Services shall submit to the Legislature by January 30, 1992 specific language detailing all the functions, duties and budgetary requirements of the Bureau of General Services.

2. Effective July 1, 1992, the Bureau of Alcoholic Beverages and Lottery Operations is created within the department. The Bureau of Alcoholic Beverages and Lottery Operations shall assume all duties and responsibilities of the Bureau of Alcoholic Beverages and the Bureau of Lottery, which are within the Department of Finance. The Commissioner of Administrative and Financial Services shall submit to the Legislature by January 30, 1992 specific language detailing all the functions, duties and budgetary requirements of the Bureau of Alcoholic Beverages and Lottery Operations.

3. The Division of Financial Services is created within the department. All internal financial functions that existed immediately prior to the effective date of this Act in the Department of Administration and the Department of Finance become the responsibility of the Division of Financial Services on the effective date of this Act. All positions in the Department of Administration and the Department of Finance engaged in the budgetary and financial support of those departments must be transferred administratively to this division. The division must be financed within existing appropriations and allocations of the various units of the departments. The commissioner may transfer positions, necessary funds and equipment from the various bureaus to this division.

The commissioner shall submit a revised and unified budgetary request for the division for the fiscal year commencing July 1, 1992 to the Legislature by January 30, 1992.

4. The Division of Personnel Services is created within the department. All personnel functions that existed immediately prior to the effective date of this Act in the Department of Administration and the Department of Finance become the responsibility of the Division of Personnel Services on the effective date of this Act. All positions in the office of the commissioner within the Department of Administration and the Department of Finance, Division of Administrative Services engaged in personnel administration and related functions must be transferred administratively to this division. The division must be financed within existing appropriations and allocations of the various units of the departments. The commissioner may transfer positions, necessary funds and equipment from the various bureaus to this division.

The commissioner shall submit a revised and unified budgetary request for the division for the fiscal year commencing July 1, 1992 to the Legislature by January 30, 1992.

5. The Bureau of Information Services is created within the department. All duties and responsibilities of

the Department of Administration, Office of Information Services become the duties and responsibilities of the Bureau of Information Services on the effective date of this Act. The bureau is administered by a bureau director who shall assume the duties and responsibilities of the Deputy Commissioner for Information Services on the effective date of this Act. The Bureau of Data Processing is transferred to this bureau as the Division of Data Processing. The Commissioner of Administrative and Financial Services shall submit to the Legislature by January 30, 1992 specific language detailing the statutory and budgetary changes necessary to effect the final transition from the Office of Information Services to the Bureau of Information Services. Laws affecting the Office of Information Services and the Deputy Commissioner for the Office of Information Services remain in effect until new language is adopted following the January 30, 1992 submission by the Commissioner of Administrative and Financial Services.

6. The Bureau of Accounts and Control, the Bureau of the Budget and the Bureau of Taxation within the Department of Finance and the Bureau of Employee Relations and the Bureau of Human Resources within the Department of Administration continue to perform those duties and responsibilities as directed by law in effect on the effective date of this Act. The Commissioner of Administrative and Financial Services shall submit to the Legislature by January 30, 1992 the commissioner's recommendation for any statutory and budgetary changes in the functions and personnel of the respective bureaus.

7. The Capitol Planning Commission is within the Department of Administrative and Financial Services on the effective date of this Act.

PART CC

Sec. CC-1. 36 MRSA §6257, sub-§1-B is enacted to read:

1-B. Reimbursement to taxpayers. The State Tax Assessor is authorized to reimburse taxpayers who qualified under this chapter and who have paid property taxes that would have otherwise been deferred but for the pro-rating of benefits as allowed in subsection 1-A.

Sec. CC-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1991-92

FINANCE, DEPARTMENT OF

Elderly Tax Deferral Program

All Other	\$70,000
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Provides for the appropriation of funds to reimburse taxpayers.

PART DD

Sec. DD-1. 5 MRSA §17001, sub-§4, ¶A, as amended by PL 1991, c. 616, is further amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff as a result of a Governor's Executive Order, loss of pay pursuant to an agreement of February 15, 1991 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of emergency relating to the lack of an enacted budget document for fiscal years ending June 30, 1992 and June 30, 1993, or, if a member is subject to days off without pay, not to exceed 10 days in each fiscal year ending June 30, 1992 and June 30, 1993 as a result of actions taken by local school administrative units to offset school subsidy reductions or, notwithstanding section 18202, as a result of actions of a participating local district to offset reductions in municipal revenue sharing or a combination thereof, for the fiscal years ending June 30, 1992 and June 30, 1993, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay or provided days off without pay; or

Sec. DD-2. 20-A MRSA §4801, sub-§1, ¶E is enacted to read:

E. Notwithstanding this subsection and any other provision of law, for school years 1991-92 and 1992-93, a school administrative unit may reduce the number of days for the maintenance of all its schools by 5 days a year. A school administrative unit that decides to reduce the number of school days for school year 1991-92 or 1992-93, or both, shall notify the commissioner in writing of its plan.

PART EE

Sec. EE-1. 23 MRSA §1965, sub-§1, ¶S, as amended by PL 1989, c. 503, Pt. B, §100, is further amended to read:

S. Prior to the issuance of any bonds, issue interim certificates in such manner and with such conditions as the authority may determine to be exchanged for those bonds when issued; and

Sec. EE-2. 23 MRSA §1965, sub-§1, ¶S-1 is enacted to read:

S-1. Utilize the Department of Transportation, Office of Legal Services or the Department of the Attorney General for general counsel, bond counsel, labor defense, workers' compensation, legislative issues and other required legal services on a fee-for-service basis at rates determined by those agencies; and

Sec. EE-3. Transfer. The Department of Transportation shall transfer \$3,060,587 of operating surplus funds received from the Maine Turnpike Authority to the General Fund no later than June 30, 1992. This transfer of revenue to the General Fund is considered a final repayment of the \$13,200,000 appropriated from the Maine Rainy Day Fund in Public Law 1987, chapter 793.

PART FF

Sec. FF-1. 5 MRSA §12004-G, sub-§3, as enacted by PL 1987, c. 786, §5, is amended to read:

3.	Animal Welfare Agriculture Board	Legislative Per-Diem <u>Not Autho- rized</u>	7 MRSA §3903
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Sec. FF-2. 7 MRSA §3903, sub-§3, as amended by PL 1991, c. 267, §1, is further amended to read:

3. Compensation. ~~Members of the board are compensated in accordance with Title 5, chapter 379 without compensation. One member of the board is paid compensation from the board's special revenue account consisting of license fees paid to the board in accordance with this chapter.~~

Sec. FF-3. 7 MRSA §3906, sub-§1, as enacted by PL 1987, c. 383, §3, is amended to read:

1. Dog licensing laws. Carry out the dog licensing laws ~~and furnish to municipalities all license blanks and tags;~~

Sec. FF-4. 7 MRSA §3906, sub-§3, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. FF-5. 7 MRSA §3906, sub-§7-A, as enacted by PL 1989, c. 701, §§3 and 6, is repealed.

Sec. FF-6. 7 MRSA §3906, sub-§8, as amended by PL 1989, c. 701, §§4 and 6, is further amended to read:

8. Humane agents. ~~Employ personnel, subject to the civil service law, as necessary to assist the board in enforcing this Part and in carrying out its duties and~~

~~responsibilities. The board shall~~ In its discretion, appoint part-time humane agents who ~~shall~~ serve as agents of the board in the enforcement of this Part and as otherwise provided by law. ~~These part-time agents shall be unclassified employees whose standards of employment, training, compensation and hours of employment are determined by the board.~~ The jurisdiction of each part-time humane agent ~~shall extend~~ extends throughout the State. In connection with its enforcement responsibilities, the board ~~shall be~~ is entitled to ~~and shall~~ receive the assistance of the Attorney General and of several district attorneys and may apply to the commissioner for the assistance of state veterinarians;

Sec. FF-7. 7 MRSA §3906, sub-§8-A is enacted to read:

8-A. Contracting for services. In its discretion, enter into a contract for the provision of administrative services essential to carry out the purposes of this chapter, including the services of an executive director or contract administrator, clerical support and humane agents. Contracts awarded by the board are for a term of one year and must be awarded through a competitive bidding process conducted in accordance with Title 5, chapter 155, subchapter I-A.

Sec. FF-8. 7 MRSA §3906, sub-§10, as amended by PL 1991, c. 267, §2, is further amended to read:

10. Other powers. Do any act or thing necessary or useful for carrying out any of its powers or duties; ~~and~~

Sec. FF-9. 7 MRSA §3906, sub-§11, as enacted by PL 1991, c. 267, §3, is amended to read:

11. Annual report. Report annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the activities of the board. This report must include a financial statement for the board, a status report on rulemaking by the board and a summary of cases of cruelty to animals investigated by the board;

Sec. FF-10. 7 MRSA §3906, sub-§§12 to 16 are enacted to read:

12. Inspection. Inspect pet shops, boarding kennels and animal shelters;

13. Investigate abuse. Investigate animal abuse complaints;

14. Supply license forms. Supply license forms to pet shops, boarding kennels and shelters;

15. Training. Provide training programs for humane agents; and

16. Accept donations. Accept donations from any person. All donations accepted by the board must be deposited in a dedicated account and must be used for carrying out the purposes of this chapter.

Sec. FF-11. 7 MRSA §3907, sub-§15, as enacted by PL 1987, c. 383, §3, is amended to read:

15. Humane agent. "Humane agent" means ~~an employee of a person acting under contract with the board, whether full-time or part-time, who assists the board in enforcing this Part.~~

Sec. FF-12. 7 MRSA §3913, sub-§2, as enacted by PL 1987, c. 383, §3, is amended to read:

2. Dog shelters. A shelter to which a sick, stray, injured or abandoned dog is taken, as a condition of approval by the board, shall accept the dog for a period of 8 days, unless the shelter is in quarantine or has a bona fide lack of adequate space or unless the dog has or is suspected of having a contagious disease. The acceptance entitles the shelter to receive from the ~~board municipality~~ the sum of \$2.50 a day for the period for which food and shelter are furnished to the dog. Shelters accepting dogs from municipalities not contracting with them may ~~seek assistance from the board~~ charge the municipality a per-animal fee. Shelters ~~which that~~ are not approved by the board to receive state municipal funds ~~shall are not~~ be required to accept sick, stray, injured or abandoned dogs.

Sec. FF-13. 7 MRSA §3913, sub-§3, ¶¶B and C, as enacted by PL 1987, c. 383, §3, are amended to read:

B. A shelter ~~which that~~ accepts a dog under this section, within 45 days of acceptance of the dog, shall submit a claim on a ~~board-approved municipal-approved~~ form to the clerk of the respective municipality for fees incurred in providing food and shelter ~~and, upon verification of proper notification and holding period by the clerk, the shelter shall forward the claim to the board.~~

C. If the owner claims the dog within the 8-day period, the owner may have and receive the dog upon payment of all ~~board-approved municipal-approved~~ fees as provided in subsection 2, ~~provided that as long as the dog is licensed in accordance with chapter 721.~~

Sec. FF-14. 7 MRSA §3913, sub-§4, ¶B, as enacted by PL 1987, c. 383, §3, is amended to read:

B. Otherwise dispose of the dog humanely in accordance with Title 32, section 4872.

None of the proceeds obtained from the sale, donation, adoption or other disposition of the dog ~~shall~~ may be deducted from the fee claimed.

Notwithstanding subsection 3, paragraph C, the previous owner may reacquire the dog at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered. In this case no fee may be allowed by the ~~board~~ municipality.

Sec. FF-15. 7 MRSA §3923, sub-§1, as amended by PL 1991, c. 591, Pt. S, is further amended to read:

1. License and recording fees. Except as provided in subsection 2 and section 3921, the following license and recording fees ~~shall~~ must be paid to the municipality in connection with the licensure of dogs:

A. A fee of \$6.50 must be paid to the municipal clerk for each license on all dogs 6 months of age or older capable of producing young, of which \$1 must be ~~transferred~~ paid to the Treasurer of State to be deposited as undedicated revenue to the General Fund. All dogs are considered capable of producing young, unless:

(1) A veterinarian issues a written certificate stating that the veterinarian made the dog incapable of producing young by spaying, if female, or by sterilization, if male;

(2) A veterinarian issues a written certificate that, upon examination, the dog is incapable of producing young; or

(3) By previous registration, the owner has declared that the dog is incapable of producing young.

When ~~such that~~ certificate or registration accompanies the application, a fee of \$3 must be paid for each license, of which \$2 is retained by the municipality in accordance with section 3945 and \$1 must be ~~transferred~~ paid to the Treasurer of State to be deposited as undedicated revenue to the General Fund; and

B. In addition to the amount paid for a license, each applicant shall pay the municipal clerk \$1 for recording and making a report to the board.

Sec. FF-16. 7 MRSA §3923, sub-§5 is enacted to read:

5. Retention of fees. Except for fees paid to the Treasurer of State pursuant to this section, all license and recording fees collected by a municipality under this chapter must be retained by the municipality and must be used in accordance with section 3945.

Sec. FF-17. 7 MRSA §3942, as enacted by PL 1987, c. 383, §3, is amended to read:

§3942. Issuance of dog licenses

Municipal clerks shall issue dog licenses in accordance with chapter 721, ~~receive the license fees and pay to the board all fees received for dogs capable of producing young.~~ The clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed and the sex, registered numbers and description of all dogs except those covered by a kennel license. The clerks shall make a monthly report to the board on a board-approved form of all dog licenses issued and fees received.

All license fees received from owners or keepers of dogs ~~incapable of producing young shall~~ must be retained by the municipality in accordance with section 3945.

Sec. FF-18. Transition provisions. To ensure the orderly transfer of the administrative duties of the Animal Welfare Board to private contractors, the following transition provisions apply.

1. Sections 1, 2 and 4 to 17 of this Part are effective on April 1, 1992. Section 3 of this Part is effective on July 1, 1992.

2. A person who is a member of the Animal Welfare Board on April 1, 1992 is entitled to remain a member of the board until the expiration of that member's term.

3. The board shall award an initial contract for all essential administrative services by April 1, 1992. Notwithstanding section 7 of this Part, the initial contract runs from April 1, 1992 to June 30, 1992. All subsequent contracts have a term of one year, as provided by law. While an incumbent employee of the board, a person may not participate in the preparation of a request for proposals, the review or ranking of bidders or the award of any contract issued pursuant to this Part.

4. A person who is an incumbent employee of the board may submit bids for contract proposals issued by the board pursuant to this Part.

5. The following positions are abolished within the Animal Welfare Board.

A. On the effective date of this section, one Clerk Stenographer III position and 3 full-time District Humane Agent positions are abolished.

B. On April 1, 1992, the Executive Director position, one Account Clerk I position, one Clerk Typist II position and 18 part-time State Humane Agent positions are abolished.

Sec. FF-19. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1991-92

ANIMAL WELFARE BOARD

Animal Welfare

Positions - Legislative Count	(-4.0)
Personal Services	(\$63,852)

Provides for the deappropriation of funds required to implement the privatization of the Animal Welfare Board. This deappropriation includes the abolishment of a Clerk Stenographer III position and 2 District Humane Agent positions on the effective date of this Part and the Executive Director position and 18 authorized State Humane Agent positions on April 1, 1992.

Animal Welfare

All Other	\$25,000
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Provides for the appropriation of funds for a contractual arrangement necessary to privatize the Animal Welfare Board.

ANIMAL WELFARE BOARD

TOTAL	<u>(\$38,852)</u>
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Sec. FF-20. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1991-92

ANIMAL WELFARE BOARD

Animal Welfare

Positions - Other Count	(-3.0)
Personal Services	(\$24,068)
All Other	(102,952)

Provides for the deallocation of funds required due to the elimination of dedicated funding for the Animal Welfare Board as a result of privatization. This deallocation

includes the abolishment of a District Humane Agent position on the effective date of this Part and an Account Clerk I position and a Clerk Typist II position on April 1, 1992.

ANIMAL WELFARE BOARD
TOTAL (\$127,020)

PART GG

Sec. GG-1. Calculation and transfer of administrative cost savings. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount in section 2 of this Part that applies against each General Fund account for all departments and agencies, based on the All Other line category appropriations to those accounts as adjusted pursuant to this Act and allotted within character and object codes 4000 to 5999. The State Budget Officer shall cause the calculated amount to be transferred from each account.

Sec. GG-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1991-92

FINANCE, DEPARTMENT OF

**Departments and Agencies -
 Statewide**

All Other (\$300,000)

Provides for the deappropriation of funds by an across-the-board reduction of All Other line category administrative costs excluding character and object codes 6000 and above as directed in section 1 of this Part.

PART HH

Sec. HH-1. Transfer to Local Government Fund retroactivity. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5681, subsection 5, for the period beginning January 1, 1992 and ending on June 30, 1992, all receipts from the taxes imposed under Title 36, Parts 3 and 8 must be credited to the General Fund. Beginning February 1, 1992 and ending July 31, 1992, no amounts may be transferred by the Treasurer of State to the Local Government Fund except as provided in sections HH-2 and HH-3 of this Part. This section is effective on January 1, 1992.

Sec. HH-2. Actual over-budgeted General Fund revenues. For the period January 1, 1992 to June

30, 1992, any actual General Fund revenues collected above budgeted General Fund revenues, on a cumulative basis for the 6-month period, must be transferred to the Local Government Fund and distributed no later than August 1992.

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

1991-92

TREASURER OF STATE, OFFICE OF THE

State Municipal Revenue Sharing

All Other \$14,400,000

Provides funds to be distributed to municipalities on a monthly basis in the period January 1992 through June 1992 in accordance with the provisions of the Maine Revised Statutes, Title 30-A, section 5681, subsection 4.

**OFFICE OF THE TREASURER
 OF STATE**
TOTAL \$14,400,000

PART II

Sec. II-1. Salary adjustment rescinded. Notwithstanding any other provision of law the 3% cost-of-living salary adjustment received on or subsequent to April 1, 1991 by any persons employed by the State of Maine, including probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J, and including similar employees of the Legislature, Judicial Department and independent agencies, is rescinded effective at the beginning of the pay period closest to January 1, 1992. The most recent negotiated pay raise received by nonrepresented, professional employees, chancellors or presidents of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy for any such individual whose salary exceeds \$50,000 is rescinded effective at the beginning of the pay period closest to January 1, 1992. This section does not apply to nonrepresented faculty department chairs of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. Resulting savings must be used to offset any proposed or implemented tuition increases.

Sec. II-2. Additional salary adjustment. Notwithstanding any other provision of law, the annual salary of any persons employed by the State of Maine, including probationary employees, who are in positions ex-

cluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J, and including similar employees of the Legislature, the Judicial Department, independent agencies and nonrepresented, professional employees, chancellors or presidents of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy, that exceeds \$50,000 after adjustments for time off without pay resulting from the 7% or 5% salary adjustments, or both, and the rescinding of any 3% salary adjustments is reduced by 2% effective at the beginning of the pay period closest to January 1, 1992. This section does not apply to nonrepresented faculty department chairs of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. Any savings realized by the University of Maine System, the Maine Technical College System and the Maine Maritime Academy must be used to offset any proposed or implemented tuition increases.

Sec. II-3. Calculation and transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer is authorized to calculate the amount of savings realized by the application of sections 4 to 7 of this Part that applies against each account. The State Budget Officer shall cause the calculated amount to be transferred from each account and shall forward a report on the distribution to the Joint Standing Committee on Appropriations and Financial Affairs.

Sec. II-4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1991-92
FINANCE, DEPARTMENT OF	
Executive Branch Departments and Independent Agencies - Statewide	
Personal Services	(\$42,001)
Provides for the deappropriation of funds from the 2% reduction of salaries for employees with an annual adjusted salary in excess of \$50,000 pursuant to section 2 of this Part.	
Executive Branch Departments and Independent Agencies - Statewide	
Personal Services	(213,730)
Provides for the deappropriation of funds from rescinding any 3% salary adjustment awarded to employ-	

ees on or subsequent to April 1, 1991 pursuant to section 1 of this Part.

DEPARTMENT OF FINANCE	
TOTAL	<u>(\$255,731)</u>

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative

Personal Services	(\$3,301)
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Provides for the deappropriation of funds from the 2% reduction of salaries for employees with an annual adjusted salary in excess of \$50,000 pursuant to section 2 of this Part.

Courts - Supreme, Superior, District and Administrative

Personal Services	(7,904)
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Provides for the deappropriation of funds from rescinding any 3% salary adjustment awarded to employees on or subsequent to April 1, 1991 pursuant to section 1 of this Part.

JUDICIAL DEPARTMENT	
TOTAL	<u>(\$11,205)</u>

LEGISLATURE

Legislature

Personal Services	(\$7,598)
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Provides for the deappropriation of funds from the 2% reduction of salaries for employees with an annual adjusted salary in excess of \$50,000.

LEGISLATURE	
TOTAL	<u>(\$7,598)</u>

SECTION II-4	
TOTAL APPROPRIATIONS	<u>(\$274,534)</u>

Sec. II-5. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Part.

1991-92

FINANCE, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide

Personal Services (\$4,950)

Provides for the deallocation of funds from the 2% reduction of salaries for employees with an annual adjusted salary in excess of \$50,000 pursuant to section 2 of this Part.

Executive Branch Departments and Independent Agencies - Statewide

Personal Services (29,194)

Provides for the deallocation of funds from rescinding any 3% salary adjustment awarded to employees on or subsequent to April 1, 1991 pursuant to section 1 of this Part.

DEPARTMENT OF FINANCE TOTAL (\$34,144)

SECTION II-5 TOTAL ALLOCATIONS (\$34,144)

Sec. II-6. Allocation. The following funds are allocated from the Other Special Revenue to carry out the purposes of this Part.

1991-92

FINANCE, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide

Personal Services (\$20,790)

Provides for the deallocation of funds from the 2% reduction of salaries for employees with an annual adjusted salary in excess of \$50,000 pursuant to section 2 of this Part.

Executive Branch Departments and Independent Agencies - Statewide

Personal Services (40,106)

Provides for the deallocation of funds from rescinding any 3%

salary adjustment awarded to employees on or subsequent to April 1, 1991 pursuant to section 1 of this Part.

DEPARTMENT OF FINANCE TOTAL (\$60,896)

SECTION II-6 TOTAL ALLOCATIONS (\$60,896)

Sec. II-7. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Part.

1991-92

FINANCE, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide

Personal Services (\$12,180)

Provides for the deallocation of funds from the 2% reduction of salaries for employees with an annual adjusted salary in excess of \$50,000 pursuant to section 2 of this Part.

Executive Branch Departments and Independent Agencies - Statewide

Personal Services (43,956)

Provides for the deallocation of funds from rescinding any 3% salary adjustment awarded to employees on or subsequent to April 1, 1991 pursuant to section 1 of this Part.

DEPARTMENT OF FINANCE TOTAL (\$56,136)

SECTION II-7 TOTAL ALLOCATIONS (\$56,136)

PART JJ

5 MRSA §1511, as amended by PL 1991, c. 9, Pt. E, §5, is further amended to read:

§1511. Reserve for General Fund Operating Capital

The State Controller may, at the close of each fiscal year, transfer from the Unappropriated Surplus of the General Fund to the Reserve for General Fund Operating Capital such amounts as may be available from

1991-92

time to time up to an amount of \$1,000,000 a year until a maximum of \$25,000,000 is achieved. The State Controller is further authorized, at the close of each fiscal year, to transfer from the Unappropriated Surplus of the General Fund to the Loan Insurance Reserve amounts as may be available from time to time, up to an amount of \$1,000,000 per year. The balance of this reserve must be paid to the Finance Authority of Maine if such payment does not cause the balance in the reserve fund maintained by the authority, when added to amounts held in the Finance Authority of Maine Mortgage Insurance Fund that are not committed or encumbered for another purpose, to exceed \$10,000,000. Any balance in the Loan Insurance Reserve is appropriated for this purpose. The State Controller on or before June 30, 1991 shall transfer the balance in the Reserve for General Fund Operating Capital to the Unappropriated Surplus of the General Fund. The State Controller shall transfer, on or before June 30, 1992, \$500,000 from the Reserve for General Fund Operating Capital to the Unappropriated Surplus of the General Fund.

PART KK

Sec. KK-1. P&SL 1977, c. 72, §4 is amended to read:

Sec. 4. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of such bonds by direction of the Governor; but no such bond shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of sales of such bonds, which shall be held by the Treasurer of State and paid by him the Treasurer of State upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects listed in section 7 shall lapse to the debt service account established for the retirement of these bonds no later than June 30, 1992.

Sec. KK-2. P&SL 1979, c. 108, §4 is amended to read:

Sec. 4. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of these bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of sales of these bonds, which shall be held by the Treasurer of State and paid by him the Treasurer of State upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects listed in section 7 shall lapse to the debt service account established for the retirement of these bonds no later than June 30, 1992.

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

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury

All Other (\$137,699)

Provides for the deappropriation of funds in conjunction with the authority to transfer an additional \$137,699 in fiscal year 1991-92 from the General Fund Debt Service Account set up for the retirement of bonds and notes authorized under the Maine Revised Statutes, Title 5, section 151-A which will provide sufficient funds to cover the projected debt service requirement.

PART LL

Return of surplus funds. The Finance Authority of Maine shall return to the State available funds appropriated to the Maine Job-start Program. The authority shall make a payment to the State of \$400,000 that must be deposited and credited to the General Fund as undedicated revenue no later than June 30, 1992.

PART MM

Child protective services report. The Department of Human Services shall report to the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs no later than February 1, 1992 on its progress on the child protective services implementation plan. This report must include a timetable and plan for implementing the staffing and services for child protective services and children at risk and their families as specified by the General Fund appropriations authorized by Part A, section 9 of this Act for these purposes.

PART NN

Sec. NN-1. Calculation and transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount in section 2 of this Part that applies against each General Fund account for all departments and agencies based on the total appropriations to those accounts, except for the following accounts: General Purpose Aid to Local Schools; Education in the Unorganized Territory; Debt Service - Treasury; Teacher Retirement; Aid to Families with Dependent Children; Aid to Families with Dependent Children - Foster Care; General Assistance; Maine Health Program; Intermediate Care - Payments to Pro-

viders; Medical Care - Payments to Providers; Bureau of Rehabilitation; and Bureau of Rehabilitation - Vocational Rehabilitation. The State Budget Officer shall cause the calculated amount to be transferred from each account.

Sec. NN-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1991-92

FINANCE, DEPARTMENT OF

Departments and Agencies - Statewide

All Other (\$1,000,000)

Provides for the deappropriation of funds by an across-the-board reduction of approximately .3% in fiscal year 1991-92, effective for the last 6 months, except for the General Fund accounts listed in section 1 of this Part. This reduction is in addition to the 1% deappropriation authorized in Public Law 1991, chapter 591, Part QQQ.

PART OO

5 MRSA §1811-A is enacted to read:

§1811-A. Standards

Any person or corporation that participates in the formulation of a request for proposal for a state contract for goods and services is prohibited from bidding or contracting with the State for those goods or services.

PART PP

Sec. PP-1. 10 MRSA §1169, sub-§11, as enacted by PL 1989, c. 570, §5, is amended to read:

11. Automobile arbitration assessment. ~~To defray the costs of this program, a \$1~~ A \$2 arbitration fee ~~shall~~ must be collected by the authorized dealer from the purchaser as part of ~~the~~ a new motor vehicle sale agreement. A \$1 fee must be collected by a motor vehicle dealer as defined by section 1171 for any commercial sale of a used motor vehicle. Pursuant to rules adopted by the Secretary of State, this fee ~~shall~~ must be forwarded annually by the dealer or its successor to the Secretary of State and deposited in the General Fund. At the end of each fiscal year, the Department of the Attorney General shall prepare a report listing the annual money generated and the expenses incurred in administering this arbitration program.

Sec. PP-2. 25 MRSA §2003, sub-§1, ¶E, as amended by PL 1991, c. 591, Pt. EE, §1, is further amended to read:

E. Does the following:

(1) At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Mental Health and Mental Retardation, limited to records of patient committals to Augusta Mental Health Institute and Bangor Mental Health Institute, the courts, law enforcement agencies and the military information relevant to the following:

- (a) The ascertainment of whether the information supplied on the application or any documents made a part of the application is true and correct;
- (b) The ascertainment of whether each of the additional requirements of this section has been met; and
- (c) Section 2005;

(2) If a photograph is an integral part of the permit to carry concealed firearms adopted by an issuing authority, submits to being photographed for that purpose;

(3) If it becomes necessary to resolve any questions as to identity, submits to having fingerprints taken by the issuing authority;

(4) Submits an application fee of ~~\$60~~ not to exceed \$20 for an original application; ~~\$15 of which must be retained by the municipality and \$45 of which must be paid over by the municipality to the Treasurer of State; and \$60~~ \$10 for a renewal; ~~\$15 of which must be retained by the municipality and \$45 of which must be paid over by the municipality to the Treasurer of State;~~ for a resident of the State. The fee covers both the cost of processing the application by the issuing authority and the cost of the permit to carry concealed firearms issued by the issuing authority; and

(5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has within 5 years prior to the date of application completed a course that included handgun safety

offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms instructor certified by a private firearms association recognized as knowledgeable in matters of firearms safety by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

As an alternative way of fully satisfying this requirement, an applicant may personally demonstrate knowledge of handgun safety to an issuing authority, if the issuing authority is willing to evaluate an applicant's personal demonstration of such knowledge. The issuing authority is not required to offer this 2nd option.

The demonstration of knowledge of handgun safety to the issuing authority may not be required of any applicant who holds a valid State permit to carry a concealed firearm as of April 15, 1990 or of any applicant who was or is in any of the Armed Forces of the United States and has received at least basic firearms training.

Sec. PP-3. 25 MRSA §2003, sub-§7, as amended by PL 1991, c. 591, Pt. EE, §2, is further amended to read:

7. Nonresident. Any nonresident who meets the requirements of this section may make an application to the Chief of the State Police and the application, fee and permit provisions of this section apply, except that a nonresident applicant shall submit an application fee of ~~\$80 which must be paid to the Treasurer of State~~ not to exceed \$40. The fee required under this subsection must be applied to the expenses of administering this subsection.

PART QQ

Sec. QQ-1. 22 MRSA §5106, sub-§11-C is enacted to read:

11-C. Long-term care ombudsman program. Support and maintain a long-term care ombudsman program, in accordance with the federal 1987 Older Americans Act, 42 United States Code, as amended, by agreement with such nonprofit organization as the bureau finds best able to provide the services;

Sec. QQ-2. 22 MRSA §5107-A is enacted to read:

§5107-A. Long-term care ombudsman program

In accordance with the program established pursuant to section 5106, subsection 11-C, the ombudsman may enter onto the premises of any boarding care facility licensed according to section 7801 and any nursing home facility licensed according to section 1817 to investigate complaints concerning those facilities. The ombudsman shall investigate complaints received on behalf of individuals receiving long-term care services provided by home-based care programs, the Medicaid waiver program, licensed home health agencies, certified home-maker agencies and licensed adult day care agencies. To carry out this function, any staff member or volunteer authorized by the ombudsman may enter onto the premises of any adult foster care facility, boarding care facility or nursing home during the course of an investigation, speak privately with any individual in the facility or home who consents to the conversation and inspect and copy all records pertaining to a resident as long as the resident or the legal representative of the resident consents in writing to that inspection. The consent, when required and not obtainable in writing, may be conveyed orally or otherwise to the staff of the facility or home. When a resident is not competent to grant consent and has no legal representative, the ombudsman may inspect the resident's records and may make copies that do not contain personally identifiable material without the written consent of a duly appointed legal representative. The ombudsman may authorize up to 25 persons, in addition to staff, to carry out this function. Appropriate identification must be issued to all such persons. In accordance with the federal 1987 Older Americans Act, 42 United States Code, as amended, a person may not serve as an ombudsman without training as to the rights and responsibilities of an ombudsman or without a specific plan of action under direction of the ombudsman. The ombudsman shall renew the authorization and issue identification annually. The findings of the ombudsman must be available to the public upon request.

The ombudsman and volunteers shall visit, talk with and make personal, social and legal services available to residents; inform residents of their rights, entitlements and obligations under federal and state laws by distributing education materials and meeting with groups or individuals; assist residents in asserting their legal rights regarding claims for public assistance, medical care and social security benefits or in actions against agencies responsible for those programs, as well as in all other matters in which residents are aggrieved, including, but not limited to, advising residents to litigate; and investigate complaints received from residents or concerned parties regarding care or other matters concerning residents.

Information or records maintained by the ombudsman concerning complaints may not be disclosed unless the ombudsman authorizes the disclosure. The ombudsman may not disclose the identity of any complainant or

resident unless the complainant, the resident or a legal representative of either consents in writing to the disclosure or a court orders the disclosure.

A complainant, a resident or a legal representative of either, in providing the consent, may specify to whom such identity may be disclosed and for what purposes, in which event no other disclosure is authorized.

Any person, official or institution that in good faith participates in the registering of a complaint pursuant to this section or in good faith investigates that complaint or provides access to those persons carrying out the investigation about an act or practice in any boarding care facility licensed according to section 5154 or 7801 or any nursing home licensed according to section 1817 or that participates in a judicial proceeding resulting from that complaint is immune from any civil or criminal liability that otherwise might result from these actions. For the purpose of any civil or criminal proceedings, there is a rebuttable presumption that any person acting pursuant to this section did so in good faith.

Sec. QQ-3. 22 MRSa §5112, sub-§2, as repealed and replaced by PL 1991, c. 408, is amended to read:

2. Advocate. Serve as an advocate on behalf of older people promoting and assisting activities designed to enhance at the national, state and community levels the well-being of older people; The committee shall serve as an ombudsman on behalf of individual citizens and older people as a class in matters under the jurisdiction of State Government. It shall serve as a voice on behalf of older people to officers of State Government, the Governor, the Legislature, the public-at-large and the Federal Government.

~~To serve as advocate and ombudsman for older people, the committee may enter onto the premises of any boarding care facility licensed according to section 7801 and any nursing home facility licensed according to section 1817 to investigate complaints concerning those facilities. In addition, the committee shall investigate complaints received on behalf of individuals receiving long-term care services provided by the home-based care programs, Medicaid waiver program, licensed home health agencies, certified homemaker agencies and licensed adult day care agencies. To carry out this function, any committee member, staff or volunteer authorized by the committee may enter onto the premises of any adult foster care facility, any boarding care facility or any nursing home during the course of an investigation, speak privately with any individual in the facility or home who consents to the conversation and inspect and copy all records pertaining to a resident as long as the resident or the legal representative of the resident consents in writing to that inspection. The consent, when required and not obtainable in writing, may be conveyed orally or otherwise to the staff of the facility or home. When a resi-~~

~~dent is not competent to grant consent and has no legal representative, the committee may inspect the resident's records and may make copies that do not contain personally identifiable material without the written consent of a duly appointed legal representative. The committee may authorize up to 25 persons, in addition to committee members and staff of the committee, to carry out this function. Appropriate identification must be issued to all such persons. In accordance with the federal 1987 Older Americans Act (OAA), 42 United States Code, as amended, a person may not serve as an ombudsman without training by committee staff as to the rights and responsibilities of an ombudsman or without a specific plan of action under direction of committee staff. The committee shall renew the authorization and issue identification annually. The findings of the committee must be available to the public upon request.~~

~~In addition, the committee, staff and volunteers shall visit, talk with and make personal, social and legal services available to residents; inform residents of their rights, entitlements and obligations under federal and state laws by distributing educational materials and meeting with groups or individuals; assist residents in asserting their legal rights regarding claims for public assistance, medical care and social security benefits or in actions against agencies responsible for those programs, as well as in all other matters in which residents are aggrieved, including but not limited to advising residents to litigate; and investigate complaints received from residents or concerned parties regarding the care or other matters concerning residents.~~

~~Information or records maintained by the committee concerning complaints may not be disclosed unless the ombudsman authorizes the disclosure. The ombudsman may not disclose the identity of any complainant or resident unless:~~

- ~~A. The complainant, the resident or a legal representative of either consents in writing to the disclosure; or~~
- ~~B. A court orders the disclosure.~~

~~A complainant, a resident or a legal representative of either, in providing the consent, may specify to whom such identity may be disclosed and for what purposes, in which event no other disclosure is authorized.~~

~~Any person, official or institution who in good faith participates in the registering of a complaint pursuant to this subsection, or in good faith investigates that complaint or provides access to those persons carrying out the investigation, about an act or practice in any boarding care facility licensed according to section 5154 or 7801 or any nursing home licensed according to section 1817 or who participates in a judicial proceeding resulting from that complaint is immune from any civil or criminal liability that otherwise might result from these ac-~~

tions. For the purpose of any civil or criminal proceedings, there is a rebuttable presumption that any person acting pursuant to this subsection did so in good faith;

Sec. QQ-4. PL 1991, c. 591, Pt. B, §2, under the caption "HUMAN SERVICES, DEPARTMENT OF," the 2nd part relating to "Bureau of Elder and Adult Services" is repealed.

Sec. QQ-5. PL 1991, c. 591, Pt. B, §2, under the caption "HUMAN SERVICES, DEPARTMENT OF," last line is amended to read:

TOTAL	<u>29,936,429</u>	<u>40,321,212</u>
	<u>29,879,075</u>	<u>40,263,340</u>

Sec. QQ-6. PL 1991, c. 591, Pt. B, §2, last line is amended to read:

TOTAL ALLOCATIONS	<u>28,299,041</u>	<u>38,747,955</u>
	<u>28,241,687</u>	<u>38,690,083</u>

Sec. QQ-7. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1991-92

HUMAN SERVICES, DEPARTMENT OF

Elder and Adult Services - Bureau of

Positions - Other Count	(1.5)
Personal Services	\$15,152
All Other	3,847

Provides for the allocation of funds for one part-time Advocate position, one Social Services Program Specialist II position and associated support costs for the long-term care ombudsman program.

DEPARTMENT OF HUMAN SERVICES	
TOTAL	<u>\$18,999</u>

PART RR

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

1991-92

EDUCATION, DEPARTMENT OF

Planning and Management Information - Education

Positions - Legislative Count	(1.0)
Personal Services	\$4,679

Provides funds for a Programmer Analyst position previously eliminated in Part A, section 9.

Nutrition Program - Local Schools

Personal Services	(\$4,679)
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Provides for the deappropriation of funds from salary savings.

DEPARTMENT OF EDUCATION	
TOTAL	<u>-0-</u>

TOTAL APPROPRIATION	
PART RR	<u>-0-</u>

PART SS

Sec. SS-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1991-92

ATTORNEY GENERAL, DEPARTMENT OF THE

Chief Medical Examiner - Office of

All Other	\$47,784
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Provides for the appropriation of funds for nonstate professional services and general operating expenses.

Sec. SS-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1991-92

DEVELOPMENT FOUNDATION, MAINE

Development Foundation

All Other	(\$47,784)
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Provides for the deappropriation of funds from the Maine Development Foundation.

PART TT

Report of privatization plans. Prior to implementing any plans to privatize mental health or mental retardation services and no later than February 15, 1992, the Department of Mental Health and Mental Retardation must report such plans to the Joint Standing Committee on Human Resources.

PART UU

Sec. UU-1. Commuting vehicle stipend. Notwithstanding any other provision of law, no commuting vehicle stipend may be awarded, authorized or implemented to any nonrepresented employee of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy as of the effective date of this Act. Any savings realized by the University of Maine System, the Maine Technical College System and the Maine Maritime Academy must be used to offset any proposed or implemented tuition increase.

Sec. UU-2. Report required. The University of Maine System, the Maine Technical College System and the Maine Maritime Academy shall report total cost savings pursuant to section 1 of this Part and Part II, sections 1 and 2 to the Joint Standing Committee on Appropriations and Financial Affairs by February 1, 1992.

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

Effective December 23, 1991, unless otherwise indicated.

CHAPTER 623

S.P. 211 - L.D. 538

An Act Relating to Assumption of Medical Expenses by the State in Child Protection Investigations

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

22 MRSA §4024 is enacted to read:

§4024. Department responsible for required services

If the department requires that a child receive mental health services or other medical services as an alternative to the initiation of a child protection proceeding, the department shall inform the person responsible for the child that the services must be approved by the department. If the person responsible for the child's medical expenses is unable to pay for the services required,

the department shall inform the person responsible for the child that the department will pay for the services if the services are approved by the department.

Effective April 7, 1992.

CHAPTER 624

S.P. 823 - L.D. 1991

An Act to Correct An Engrossing Error in Public Law 1991, Chapter 622

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

Whereas, an error was made in assembling the engrossed version of L.D. 1985, which became Public Law 1991, chapter 622; and

Whereas, the error needs to be corrected immediately in order that the law correctly reflects the actions of this Legislature; and

Whereas, this change must take effect 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:

Sec. 1. PL 1991, c. 622, Pt. H is repealed.

Sec. 2. PL 1991, c. 622, Pt. PP is repealed.

Sec. 3. Retroactivity. This Act is retroactive to December 23, 1991.

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

Effective January 9, 1992.

CHAPTER 625

S.P. 789 - L.D. 1986

An Act to Determine the Distribution Method of the Supplemental Reduction to General Purpose Aid for Local Schools for Fiscal Year 1991-92