

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

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

J.S. McCarthy Company
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1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

§973. Conflicts of interest

Notwithstanding Title 5, section 18, subsection 1, paragraph B, each member of the authority, each member of the ~~Natural Resource Financing and Marketing Board, each member of the Maine Veterans' Small Business Loan Board, each member of the Maine Education Assistance Board~~ and each employee, contractor, agent or other representative of the authority is deemed an "executive employee" solely for purposes of Title 5, section 18, and for no other purpose, provided except that the chief executive officer shall in addition be is deemed an "executive employee" for purposes of Title 5, section 19. ~~In addition, Title 17, section 3104, shall be applicable, in accordance with its provisions, to all such does not apply to any of those representatives of the authority.~~

PART D

Sec. D-1. 5 MRSA §12004-I, sub-§31, as amended by PL 1989, c. 503, Pt. A, §30, is repealed.

Sec. D-2. 30-A MRSA §4723, sub-§2, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. D-3. 30-A MRSA §4723, sub-§2, ¶D, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

D. Any person ~~may serve as a member of the advisory board, and any person~~ who, at the time of appointment, is a resident of the State, may serve as a commissioner, except that the director need not be a resident of the State before being appointed.

(1) Each commissioner, except for the director and the Treasurer of State, ~~and each advisory board member shall serve~~ serves a 4-year term beginning with the expiration of the term of ~~the~~ that person's predecessor, except that a vacancy occurring in ~~such~~ a position before the normal expiration of the appointment shall must be filled as soon as practicable by a new gubernatorial appointee who ~~shall serve~~ serves for the remainder of the unexpired term. Each ~~advisory board member and commissioner shall continue~~ continues to hold office after the term expires until a successor is appointed. In any instance in which more than one commissioner ~~or advisory board member~~ is serving beyond the original term, any new appointee is deemed to succeed the commissioner ~~or advisory board member~~ whose term expired first.

(2) The Secretary of State shall prepare a certificate evidencing the appointment of

each ~~advisory board member and~~ commissioner. An original of this certificate ~~shall~~ must be provided to the appointee. One authenticated copy ~~shall~~ must be retained by the Maine State Housing Authority and one by the Secretary of State. An authenticated certificate of appointment is conclusive evidence of the appointment.

See title page for effective date.

CHAPTER 360

H.P. 807 - L.D. 1093

An Act Repealing Advisory Boards on Human Resources

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

PART A

Sec. A-1. 5 MRSA §12004-G, sub-§28, as enacted by PL 1987, c. 786, §5, is amended to read:

28.	Region II Mental Health and Mental Retardation	Crisis In- tervention Program Advisory Board	Expenses Only	34-B MRSA § 3621 § <u>3624</u>
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Sec. A-2. 34-B MRSA §3624 is enacted to read:

§3624. Region II Crisis Intervention Program Advisory Board

1. Definition. As used in this section, "program" means the crisis intervention program established pursuant to section 3621.

2. Purpose. The Region II Crisis Intervention Program Advisory Board, as established by Title 5, section 12004-G, subsection 28, advises the program.

3. Members. The board consists of 12 members as follows:

A. The superintendent of the Bangor Mental Health Institute, or the superintendent's designee;

B. The chief executive officer of the hospital that participates in the program, or the chief executive officer's designee;

C. The director of community support services for the community mental health center serving Region II;

D. An individual providing services to persons who are homeless in Region II, appointed by the commissioner;

E. Four consumers or family members of consumers nominated by the Alliance for the Mentally Ill of Maine and appointed by the commissioner. Members appointed under this paragraph must represent a geographical balance within Region II;

F. One private mental health practitioner and 2 consumers of services for the mentally ill selected by a majority of the other members; and

G. The coordinator of the project, who is an ex officio member who may vote only in case of a tie.

PART B

Sec. B-1. 5 MRSA §12004-I, sub-§35, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. B-2. 22 MRSA §3773, as amended by PL 1989, c. 700, Pt. A, §84, is repealed.

PART C

Sec. C-1. 5 MRSA §12004-I, sub-§36, as enacted by PL 1987, c. 786, §5, is amended to read:

36. Human Services	Advisory Council to Maine Aid to Families with Depend- ent Children Coordinating Committee <u>Advisory Council</u>	Not Autho- rized	22 MRSA §3774
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Sec. C-2. 20-A MRSA §10908, first ¶, as amended by PL 1985, c. 779, §52, is further amended to read:

In conjunction with the Maine Aid to Families with Dependent Children ~~Coordinating Committee operating~~ Advisory Council established pursuant to Title 22, ~~chapter 1054~~ section 3774, the University of Maine System:

Sec. C-3. 22 MRSA §3772, sub-§1, as enacted by PL 1981, c. 512, §16, is amended to read:

1. Committee. "Committee" means the Maine Aid to Families with Dependent Children ~~Coordinating Com-
mittee~~ Advisory Council established in section ~~3773~~ 3774.

Sec. C-4. 22 MRSA §3774, as amended by PL 1989, c. 700, Pt. A, §85, is repealed and the following enacted in its place:

**§3774. Maine Aid to Families with Dependent Children
Advisory Council**

1. Duties. The Maine Aid to Families with De-
pendent Children Advisory Council, as established by
Title 5, section 12004-I, subsection 36, shall advise the
commissioner or the commissioner's designee regarding
education, training, job opportunities and other matters
affecting recipients of Aid to Families with Dependent
Children.

2. Members. The commissioner shall appoint the
members of the council. Members must include at least
the following:

A. Two recipients of benefits under the Aid to
Families with Dependent Children program;

B. One representative of employers within the
State;

C. One representative of organized labor;

D. One representative of women's interests; and

E. One or more representatives of organizations
or agencies that have experience in addressing the
training, education and job needs of low-income
women.

Sec. C-5. 26 MRSA §1002, sub-§9, as enacted
by PL 1989, c. 483, Pt. A, §44, is amended to read:

**9. Commitment to apprenticeships for women and
recipients of aid to families with dependent children.**
Cooperate, consult and coordinate with the ~~Maine Com-
mission for Women, the advisory council to the Maine
Aid to Families with Dependent Children Coordinating
Committee~~ Advisory Council, established by Title 22,
section ~~3773~~ 3774, and other relevant groups to identify
the obstacles which may prevent the greater participa-
tion of women and of aid to families with dependent
children recipients in apprenticeships, and the necessary
measures to be taken to overcome them.

PART D

Sec. D-1. 5 MRSA §12004-I, sub-§41, as en-
acted by PL 1987, c. 786, §5, is repealed.

Sec. D-2. 22 MRSA §2092, sub-§2, as amended
by PL 1975, c. 293, §4, is repealed.

Sec. D-3. 22 MRSA §2096, as amended by PL
1989, c. 503, Pt. B, §89, is repealed.

PART E

Sec. E-1. 3 MRSA §927, sub-§6, ¶B, as
amended by PL 1993, c. 92, §4, is repealed.

Sec. E-2. 5 MRSA §12004-I, sub-§49, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. E-3. 22 MRSA §2621, sub-§1, as amended by PL 1985, c. 748, §25, is repealed.

PART F

Sec. F-1. 34-B MRSA §6241, sub-§2, ¶¶A to C are enacted to read:

A. The committee shall monitor the adoption of rules defining the rights of children who need services and make recommendations to the department about improving the rules.

B. The committee shall provide advice and direction to the director concerning the effective and efficient management of the Bath Children's Home and the Elizabeth Levinson Center in coordination with long-range missions and priorities of the bureau. The committee may inspect the Bath Children's Home and the Elizabeth Levinson Center and may make recommendations on the management of those institutions to the director and the commissioner.

C. Annually, the committee shall submit a report to the commissioner and the joint standing committee of the Legislature having jurisdiction over human resource matters regarding the implementation of the rights of children who need services.

Sec. F-2. 34-B MRSA §6241, sub-§3 is enacted to read:

3. Access. Committee members have access to all living areas, program areas and records of the Elizabeth Levinson Center, the Bath Children's Home and facilities that contract with the Bureau of Children with Special Needs, provided that the access conforms with the laws regarding confidentiality of mental health information.

PART G

Sec. G-1. 5 MRSA §12004-I, sub-§59-A, as enacted by PL 1989, c. 688, §1, is repealed.

Sec. G-2. 34-B MRSA §1209-B, as enacted by PL 1989, c. 688, §2, is repealed.

PART H

Sec. H-1. 5 MRSA §12004-I, sub-§60-A, as enacted by PL 1991, c. 70, §1, is amended to read:

60-A. Board of Expenses 34-B MRSA
Mental Health Visitors (for Only §1403-A
and Mental certain state
Retardation institutions
under the
Department of
Mental Health
and Mental
Retardation)
, Pineland
Center

Sec. H-2. 34-B MRSA §1403-A, as enacted by PL 1991, c. 70, §2, is amended to read:

§1403-A. Pineland Center Board of Visitors

1. Appointment. The Governor shall appoint a board of 5 visitors, as authorized by Title 5, section 12004-I, subsection 60-A, for ~~each state institution under the department~~ Pineland Center.

A. The term of the visitors is for one year.

B. ~~Members of boards of visitors~~ Visitors are eligible for reappointment at the expiration of their terms.

C. A member of the Legislature may not serve ~~on any board of visitors~~ as a visitor.

D. ~~Members of boards of visitors~~ Visitors are entitled to compensation for expenses according to the provisions of Title 5, chapter 379.

2. Powers. ~~Each board of visitors~~ Visitors may inspect the institution to which it is assigned Pineland Center and may make recommendations on the management of the institution to the commissioner and the superintendent of Pineland Center.

3. Duties. ~~Boards of visitors have~~ The board of visitors has the following duties.

A. ~~Boards of visitors~~ The board of visitors shall send copies of all recommendations to the members of the joint standing committee of the Legislature having jurisdiction over human resources matters.

B. ~~Each board of visitors~~ The board of visitors shall appear before the joint standing committee of the Legislature having jurisdiction over human resources matters upon request.

4. Exceptions. This section does not apply to the Augusta Mental Health Institute, the Bangor Mental Health Institute or the Bath Children's Home.

Sec. H-3. 34-B MRSA §6253-A, sub-§1, as amended by PL 1991, c. 567, §2, is further amended to read:

1. Chief administrative officer. The chief administrative officer of the Bath Children's Home is the director. The commissioner shall, ~~with the advice of the Board of Visitors~~, appoint and set the salary for the director. The director is appointed for an indefinite term and serves at the pleasure of the commissioner until the director's successor is appointed and qualified. The director must have sufficient education and experience to administer a facility providing services to children in need of treatment.

Sec. H-4. 34-B MRSA §6253-A, sub-§6, as enacted by PL 1989, c. 749, §§2 and 3, is repealed.

PART I

Sec. I-1. 5 MRSA §12004-I, sub-§67, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. I-2. 34-B MRSA §7014, sub-§1, as enacted by PL 1983, c. 459, §7, is amended to read:

1. Confidentiality of proceedings and records. All court proceedings occurring under this chapter ~~shall be~~ are confidential and closed to the public, unless the person seeking sterilization or being considered for sterilization, personally or through ~~his~~ that person's attorney, requests that the proceedings be open to the public. Records of the court proceedings ~~shall be~~ are not be open to inspection by the public, ~~except under section 7017~~, without the consent, personally or through ~~his~~ that person's attorney, of the person seeking sterilization or for whom sterilization is being considered.

Sec. I-3. 34-B MRSA §7017, as amended by PL 1985, c. 295, §50, is repealed.

PART J

Sec. J-1. 5 MRSA §12004-I, sub-§74, as enacted by PL 1987, c. 786, §5, is repealed.

See title page for effective date.

CHAPTER 361

H.P. 810 - L.D. 1096

An Act Repealing Advisory Boards on State and Local Government Matters

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

PART A

Sec. A-1. 5 MRSA §298, 5th ¶, as amended by PL 1987, c. 816, Pt. EE, §3, is further amended to read:

The Director of Public Improvements ~~shall serve~~ serves as the secretariat of the commission in exercising its administration. The commission may, in accordance with the Maine Administrative Procedure Act, chapter 375, adopt and enforce rules as it ~~deems~~ determines necessary, except rules relating to the State Capitol Building under the jurisdiction of the ~~State Capitol Commission~~ State House and Capitol Park Commission, as it ~~deems~~ determines necessary for the purposes of carrying out this chapter. These rules ~~shall~~ have the ~~full~~ force and effect of law.

Sec. A-2. 5 MRSA §12004-I, sub-§74-B, as enacted by PL 1989, c. 503, Pt. A, §35, is repealed.

Sec. A-3. 27 MRSA §86-A, first ¶, as amended by PL 1987, c. 816, Pt. EE, §6, is further amended to read:

The Maine State Museum ~~shall hold~~ holds title, as trustee for the State, to all historical materials, other than documents or other library or archival items under the administrative jurisdiction of the Maine State Library or the Maine State Archives, ~~which that~~ are or may become the property of the State and are or may be housed in the public buildings of the State. ~~Such~~ These historical materials ~~shall~~ include the banners and flags presently housed in the State House Hall of Flags and may include, but ~~shall be~~ are not be restricted to, paintings, sculptures and other works of art dealing with historic subjects or executed by historically significant artists; flags, banners, insignia, medals, firearms, edged weapons, uniforms and other accoutrements relating to Maine military personnel or units; furnishings, utensils, implements, tools, machinery and other devices having particular historical significance to the State. The State Capitol Building ~~shall be~~ is in the jurisdiction of the ~~State Capitol Commission~~ State House and Capitol Park Commission.

PART B

Sec. B-1. 2 MRSA §1, 4th ¶, as repealed and replaced by PL 1985, c. 693, §1, is repealed.

Sec. B-2. 3 MRSA §2-A, as amended by PL 1989, c. 503, Pt. B, §2, is repealed.

Sec. B-3. 5 MRSA §12004-I, sub-§76, as enacted by PL 1987, c. 786, §5, is repealed.

PART C

Sec. C-1. 5 MRSA §350, as amended by PL 1989, c. 503, Pt. B, §13, is repealed.