

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Sec. 28. Effective date. Sections 16 to 18 of this Act take effect October 1, 1996.

See title page for effective date, unless otherwise indicated.

CHAPTER 395

H.P. 700 - L.D. 958

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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 on or immediately after July 1, 1995; 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. Supplemental appropriations from the General Fund. There are appropriated from the General Fund for the fiscal years ending June 30, 1996 and June 30, 1997, to the departments listed, the following sums.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

	1995-96	1996-97
Buildings and Grounds Operations		
Personal Services		\$74,428
Provides for the appropriation of additional funds through a transfer from Pineland Center.		
Bureau of Taxation		
Positions - Legislative Count		(2.0)
Personal Services		59,613
All Other		18,613
Capital Expenditures		13,064
TOTAL		91,290
Provides funds for one Property Appraiser II position and one Clerk-Typist II position to administer the Personal Property Tax Reform program.		
Personal Property Tax Reform		
All Other		4,746,068
Provides funds for reimbursements to businesses for personal property taxes paid on certain eligible property.		

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL

-0- \$4,911,786

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Administration - Agriculture		
All Other	(95,481)	(98,346)
Provides for the deappropriation of funds to establish a hunger prevention program as part of a reorganization to more accurately reflect program operations.		
Food Assistance Program		
All Other	95,481	98,346

<p>Provides for the appropriation of funds to establish a hunger prevention program as part of a reorganization to more accurately reflect program operations.</p>			<p>Provides for the appropriation of funds for paralegal services to support the Augusta Mental Health Institute Consent Decree.</p>
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES			Medical Care - Payments to Providers
TOTAL	-0-	-0-	All Other
			75,000
HUMAN SERVICES, DEPARTMENT OF			100,000
Elder and Adult Services - Bureau of			Provides for the appropriation of funds for state seed for the Medicaid waiver for home and community based services for Augusta Mental Health Institute class members for head injuries.
Positions - Legislative Count Personal Services	(-1.0) (33,538)	(-1.0) (32,585)	Purchased Social Services
Provides for the deappropriation of funds for one Clerk Typist III position being transferred to the Medical Care Administration account.			All Other
Medical Care Administration			60,012
Positions - Legislative Count	(-0.5)	(-0.5)	Provides for the appropriation of funds for transportation of Augusta Mental Health Institute Consent Decree class members.
Provides for a reduction in headcount to correct an error.			State Supplement to Federal Supplemental Security Income
Medical Care Administration			All Other
Positions - Legislative Count Personal Services	(1.0) 33,538	(1.0) 32,585	352,000
Provides for the appropriation of funds for one Clerk Typist III position transferred from the Bureau of Elder and Adult Services account.			Provides for the appropriation of funds for additional residential care services for Augusta Mental Health Institute Consent Decree class members.
Elder and Adult Services - Bureau of			DEPARTMENT OF HUMAN SERVICES
All Other	(20,000)	(21,000)	TOTAL
Provides for the deappropriation of funds from training and computer purchases to be transferred for paralegal services to support the Augusta Mental Health Institute Consent Decree.			135,012
Elder and Adult Services - Bureau of			512,012
All Other	20,000	21,000	MARINE RESOURCES, DEPARTMENT OF
			Administration - Marine Resources
			Positions - Legislative Count
			Personal Services
			All Other
			(2.0)
			108,508
			54,130
			TOTAL
			162,638
			163,990
			Provides for the appropriation of funds through a transfer of one Regulation and Information Officer

position from the Bureau of Marine Sciences and one Clerk Typist III position from the Bureau of Marine Patrol, as part of a departmental reorganization.

Marine Development - Bureau of

Positions - Legislative Count	(4.0)	(4.0)
Personal Services	187,755	187,487
All Other	33,005	32,950
TOTAL	220,760	220,437

Provides for the appropriation of funds through a transfer of one Marine Resources Specialist I position, one Marine Resources Technician position, one Marine Resources Scientist IV position, one Marine Resources Scientist I position and one Marine Resources Specialist II position from the Bureau of Marine Sciences and the transfer of one Marine Resources Scientist II position to the Bureau of Marine Sciences. This is part of the reorganization of the department.

Marine Development - Bureau of

Personal Services	1,415	7,332
All Other	(1,415)	(7,332)
TOTAL	-0-	-0-

Provides for the appropriation of funds through a transfer from All Other to Personal Services through the reorganization of the industry resources division. The reorganization will downgrade one Marine Scientist II position to one Microbiologist I position, upgrade one Microbiologist Supervisor position; upgrade 2 Marine Scientist I positions to 2 Marine Scientist II positions, and upgrade 2 Marine

Resource Technician positions to 2 Marine Resource Specialist positions.

Marine Sciences - Bureau of

Positions - Legislative Count	(-5.0)	(-5.0)
Personal Services	(253,347)	(253,206)
All Other	(44,005)	(43,950)
TOTAL	(297,352)	(297,156)

Provides for the deappropriation of funds through the transfer of one Regulation and Information Officer position to the Bureau of Administration; one Marine Resources Specialist I position, one Marine Resources Technician position, one Marine Resources Scientist IV position, one Marine Resources Scientist I position and one Marine Resources Specialist II position to the Bureau of Marine Development; one Marine Resources Scientist II position from the Bureau of Marine Development, as part of the reorganization of the department.

Marine Patrol - Bureau of

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(42,916)	(43,527)
All Other	(43,130)	(43,744)
TOTAL	(86,046)	(87,271)

Provides for the deappropriation of funds through the transfer of one Clerk Typist III position to the Bureau of Administration as part of the reorganization of the department.

DEPARTMENT OF MARINE RESOURCES		
TOTAL	-0-	-0-

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF		
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Administration - Mental Health and Mental Retardation			to reflect the elimination of 21.5 positions in fiscal year 1995-96 and a total of 44 Other Special Revenue positions in fiscal year 1996-97 rather than the 43.5 positions originally planned, within the hospital to reappropriate funds to expand community mental health services in compliance with the Augusta Mental Health Institute Consent Decree. Positions are on file with the Bureau of the Budget.		
Positions - Legislative Count	(1.0)	(1.0)			
Personal Services	100,000	100,000			
Provides for the appropriation of funds for one Associate Commissioner of Programs position as an offset to a previous deappropriation.					
Office of Advocacy - Mental Health and Mental Retardation			Disproportionate Share - Bangor Mental Health Institute		
Positions - Legislative Count	(8.5)	(8.5)	Personal Services	(53,775)	(92,926)
Personal Services	456,617	453,803	All Other	22,302	65,398
All Other	(321,827)	(321,185)	TOTAL	(31,473)	(27,528)
TOTAL	134,790	132,618	Provides funds to adjust a previous deappropriation to reflect the closure of one psychiatric unit in January 1996 rather than the closure of one long-term psychiatric unit in January 1996 as originally planned. Position headcounts are in Other Special Revenue and on file with the Bureau of the Budget.		
Provides for the appropriation of funds for the Office of Advocacy, including 8.5 Advocate positions as an offset to a previous deappropriation.			Freepoint Towne Square		
Disproportionate Share - Augusta Mental Health Institute			Positions - Legislative Count	(1.0)	(1.0)
Provides for the substitution of the closure of the geropsychiatric unit on July 1, 1996 with the closure of 15 admitting beds on July 1, 1996 and the substitution of the closure of an admissions unit on March 1, 1997, eliminating 109 positions with the closure of 25 admitting beds on March 1, 1997, eliminating 98 positions, contingent upon expanded community development. Under this revised plan a total of 137 Other Special Revenue headcount would be eliminated. Positions are on file with the Bureau of the Budget.			Personal Services	109,089	131,040
Disproportionate Share - Augusta Mental Health Institute			Provides for the appropriation of funds through the transfer of one position from the Pineland Center to complete the establishment of the Freepoint Towne Square as a separate organizational structure. The position is on file with the Bureau of the Budget.		
Personal Services	324,828	(639)	Medicaid Services - Mental Retardation		
All Other	172	639	All Other	(509,285)	226,521
TOTAL	325,000	-0-	Provides funds to adjust a previous appropriation for		

<p>seed for additional waiver slots for class members, Department of Mental Health and Mental Retardation community consent decree, in the home and community-based waiver program. Funds now will be used for seed for additional waiver slots in the home and community-based waiver program.</p>			<p>Provides for the deappropriation of funds by eliminating cost-of-living adjustments in fiscal year 1995-96 in order to expand community mental health services in compliance with the Augusta Mental Health Institute Consent Decree.</p>		
<p>Medicaid Services - Mental Retardation</p>			<p>Mental Health Services - Community Medicaid</p>		
<p>All Other</p>	1,748,062	2,000,668	<p>All Other</p>	(214,351)	(453,831)
<p>Provides for the appropriation of funds due to the savings from the downsizing/closing of Pineland Center, for community placements, staff retention, DRI and continuation of existing services.</p>			<p>Provides for the deappropriation of funds to substitute the closing of one long-stay unit at the Augusta Mental Health Institute and one long-term psychiatric unit at the Bangor Mental Health Institute in January 1996 with the closing of one long-term psychiatric unit at Bangor Mental Health Institute in January 1996 to continue community development.</p>		
<p>Mental Health Services - Child Medicaid</p>			<p>Mental Health Services - Community Medicaid</p>		
<p>All Other</p>		131,864	<p>All Other</p>	(500,000)	
<p>Provides for the appropriation of funds to offset a previous deappropriation and to reflect that savings from eliminating cost-of-living adjustments in fiscal year 1995-96 will be used for the state match of a federal grant and consent decree activities rather than the state match of a federal grant and seed for the home and community-based services waiver for 15 identified children as originally planned.</p>			<p>Provides for the deappropriation of funds as an offset to a previous appropriation.</p>		
<p>Mental Health Services - Community Medicaid</p>			<p>Mental Health Services - Children</p>		
<p>All Other</p>	(226,020)	(1,546,320)	<p>All Other</p>		17,518
<p>Provides for the deappropriation of funds as an offset to a previous appropriation.</p>			<p>Provides for the appropriation of funds as an offset to a previous deappropriation to reflect a change in the fiscal year 1996-97 cost-of-living adjustment.</p>		
<p>Mental Health Services - Community Medicaid</p>			<p>Mental Health Services - Community</p>		
<p>All Other</p>			<p>All Other</p>	(1,049,687)	(2,656,355)
<p>Provides for the deappropriation of funds as an offset to a previous appropriation.</p>			<p>Provides for the deappropriation of funds as an offset to a previous appropriation.</p>		
<p>Mental Health Services - Community Medicaid</p>			<p>Mental Health Services - Community</p>		
<p>All Other</p>	(259,670)	(259,670)			

<p>All Other</p> <p>Provides for an adjustment in the deappropriation of funds by reducing contracted community inpatient services and eliminating cost-of-living adjustments for fiscal years 1995-96 and 1996-97 instead of reducing outpatient services and contracted community inpatient services and eliminating cost-of-living adjustments for fiscal year 1996-97 as originally planned, in order to reappropriate funds to expand community mental health services in compliance with the Augusta Mental Health Institute Consent Decree.</p>	<p>(437,114)</p>	<p>(437,114)</p>	<p>Pineland Center</p> <p>Positions - Legislative Count</p> <p>Personal Services</p> <p>Provides for the deappropriation of funds to complete the establishment of Freeport Towne Square as a separate organizational structure through a transfer to a new account.</p> <p>Pineland Center</p> <p>Personal Services</p> <p>Provides for the deappropriation of additional funds through a transfer to the Bureau of General Services, Department of Administrative and Financial Services.</p> <p>Pineland Center</p> <p>Positions - Legislative Count</p> <p>Personal Services</p> <p>All Other</p> <p>TOTAL</p> <p>Provides for the deappropriation of funds due to the downsizing of Pineland Center with a tentative closing date of June 30, 1996. It leaves 9 positions at Pineland Center for 4 crisis beds. Positions are on file with the Bureau of the Budget.</p> <p>Consent Decree Reinvestment Program - Mental Health</p> <p>All Other</p> <p>Provides for the appropriation of funds from savings from the closing of one long-stay unit at the Augusta Mental Health Institute in January 1996 to continue community development.</p> <p>Consent Decree Reinvestment Program - Mental Health</p> <p>All Other</p> <p>Provides for the appropriation of non-</p>	<p>(-1.0)</p> <p>(-1.0)</p> <p>(-1.0)</p> <p>(-68.0)</p> <p>(-71.0)</p> <p>(-68.0)</p>	<p>(109,089)</p> <p>(131,040)</p> <p>(74,428)</p> <p>(900,000)</p> <p>(3,992)</p> <p>(3,613,084)</p> <p>(900,000)</p> <p>(4,513,084)</p> <p>453,831</p> <p>3,575,581</p>
<p>Mental Retardation Services - Community</p> <p>Positions - Legislative Count</p> <p>Personal Services</p> <p>All Other</p> <p>Capital Expenditures</p> <p>TOTAL</p> <p>Provides funds to substitute the creation of 25 positions with funds for one Crisis Systems Manager position, one Social Services Program Specialist II position and 5 Program Supervisor positions in fiscal year 1995-96; one Crisis Services Manager position, 2 Social Services Program Specialist II positions, 5 Program Supervisor positions, one Director, Division of Mental Retardation position and 15 Mental Health Worker III positions in fiscal year 1996-97 to meet the terms of the community consent decree. Services include family support, supported employment, transition services, training and consultation.</p>	<p>(-18.0)</p> <p>(431,730)</p> <p>(495,047)</p> <p>(12,000)</p> <p>(938,777)</p>	<p>(-1.0)</p> <p>25,484</p> <p>147,327</p> <p>172,811</p>			

Medicaid seed funds for the development of necessary services for class members in the Augusta Mental Health Institute Consent Decree.		
Consent Decree Reinvestment Program - Mental Health		
All Other	2,524,146	4,652,024
Provides for the appropriation of Medicaid seed funds for the development of necessary services for class members in the Augusta Mental Health Institute.		
DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION		
TOTAL	<u>2,955,769</u>	<u>1,495,106</u>
SECTION		
TOTAL APPROPRIATIONS	<u>3,090,781</u>	<u>6,918,904</u>

Sec. A-2. Allocation. The following funds are allocated from the Federal Expenditure Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	1995-96	1996-97
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Taxation, Bureau of		
All Other	71,000	71,000
Provides for the allocation of funds for the purpose of carrying out enforcement responsibilities under the diesel fuel grant.		
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	<u>71,000</u>	<u>71,000</u>

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Administration - Agriculture		
Positions - Other Count	(2.5)	(2.5)
Provides for the adjustment in headcount related to a previous deallocation of funds		

through the transfer of one part-time Planning and Research Associate II position, one part-time Clerk Typist II position and one full-time Director, Surplus Foods Property position to the newly established temporary emergency food assistance program. This is part of a reorganization to more accurately reflect program operations.		
Food Assistance Program		
Positions - Other Count	(2.5)	(2.5)
Provides for the adjustment in headcount related to a previous allocation of funds through the transfer of one part-time Clerk Typist III position, one part-time Planning and Research Associate II position, one part-time Clerk Typist II position and one full-time Director, Surplus Foods Property position to the newly established temporary emergency food assistance program. This is part of a reorganization to more accurately reflect program operations.		
Agricultural Production		
All Other	85,000	86,445
Provides for the allocation of funds for a grant to oversee and coordinate voluntary compliance.		
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
TOTAL	<u>85,000</u>	<u>86,445</u>
ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF		
Economic Conversion Division		
Positions - Other Count		(1.0)
Personal Services		47,000

<p>Provides for allocation of Department of Defense funds for one Development Project Officer position.</p>			<p>Provides for the deallocation of funds through a transfer to the Department of Labor, which can perform the services within existing resources.</p>		
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT		47,000	DEPARTMENT OF EDUCATION		(997,251) (1,185,290)
TOTAL			TOTAL		
EDUCATION, DEPARTMENT OF			ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Blind and Visually Impaired - Division for the			Oil and Hazardous Materials Control		
All Other	(300,000)	(400,000)	Positions - Other Count	(0.5)	(0.5)
Provides for the deallocation of funds for grant awards to offset a previous allocation.			Personal Services	2,696	2,664
			All Other	(5,552)	(5,521)
			TOTAL	(2,856)	(2,857)
Division of Instruction			Provides for the allocation of funds through the elimination of one 1/2-time Environmental Specialist II position and the transfer of one Clerk Typist II position from the Water Quality Control program, Federal Expenditure Fund, to be reorganized to a full-time Conservation Aide position.		
Positions - Other Count	(1.0)	(1.0)	Pollution Prevention		
Personal Services	49,375	52,299	Positions - Other Count	(1.0)	(1.0)
All Other	(49,375)	(52,299)	Personal Services	40,751	40,786
TOTAL	-0-	-0-	All Other	(39,732)	(41,806)
Provides for the allocation of funds to adjust a previous allocation including one Education Specialist III position.			TOTAL	1,019	(1,020)
Rehabilitation Services			Provides for the allocation of funds for the transfer of one Environmental Specialist III position from the Oil and Hazardous Materials Control program, Other Special Revenue fund and promotion of cleaner technologies in Maine and New England.		
All Other	(197,251)	(410,290)	Solid Waste Management		
Provides for the deallocation of funds in All Other to offset a previous allocation.			All Other	(20,750)	(20,895)
			Provides for the deallocation of funds to		
Rehabilitation Services					
All Other		147,800			
Capital Expenditures		(147,800)			
TOTAL		-0-			
Provides for the allocation of funds through a line category transfer to All Other from Capital Expenditures to offset a previous line category transfer.					
School to Work Transition					
All Other	(500,000)	(375,000)			

offset a previous allocation.

Lake Restoration and Protection Fund

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(40,751)	(40,786)
All Other	(1,019)	(1,020)
TOTAL	(41,770)	(41,806)

Provides for the deallocation of funds through the transfer of one Biologist I position to the Administration - Environmental Protection program, Other Special Revenue fund.

Municipal Sewerage Construction

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(36,877)	(36,830)
All Other	(996)	(994)
TOTAL	(37,873)	(37,824)

Provides for the deallocation of funds through the transfer of one Environmental Specialist II position to the Oil and Hazardous Materials Control program, Other Special Revenue fund.

Municipal Sewerage Construction

Capital Expenditures	(3,000)	(3,000)
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Provides for the deallocation of funds through the transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue fund.

Oil and Hazardous Materials Control

Capital Expenditures	(8,000)	(6,100)
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Provides for the deallocation of funds through the transfer of computer replacement costs to the Administration - Environmental Protection

program, Other Special Revenue fund.

Water Quality Control

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(26,699)	(26,449)
All Other	(667)	(661)
TOTAL	(27,366)	(27,110)

Provides for the deallocation of funds through the transfer of one Clerk Typist II position to the Oil and Hazardous Materials Control program, Federal Expenditure Fund.

Water Quality Control

Capital Expenditures	(60,000)	(9,000)
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Provides for the deallocation of funds through a transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue fund.

Water Quality Control

Capital Expenditures	(3,000)	(3,000)
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Provides for the deallocation of funds through a transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue fund.

Water Quality Control

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(40,751)	(40,786)
All Other	(1,100)	(1,101)
TOTAL	(41,851)	(41,887)

Provides for the deallocation of funds through the transfer of one Environmental Specialist III position to the Oil and Hazardous Materials Control program, Other Special Revenue fund.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL (245,447) (194,499)

HUMAN SERVICES, DEPARTMENT OF

Elder and Adult Services - Bureau of

Positions - Other Count (1.0) (1.0)
 Personal Services 33,538 32,585

Provides for the allocation of funds for the transfer of one Clerk Typist III position from the Bureau of Medical Services.

Health - Bureau of

Positions - Other Count (1.0) (1.0)
 Personal Services 36,720 38,153
 All Other (36,720) (38,153)

TOTAL -0- -0-

Provides for the allocation of funds for one Public Health Nurse II position for the childhood lead poisoning prevention program.

Health - Bureau of

Positions - Other Count (1.0) (1.0)
 Personal Services 26,202 26,202
 All Other (26,202) (26,202)

TOTAL -0- -0-

Provides for the allocation of funds for one Clerk Typist III position for implementing an office of disability prevention and injury control.

Medical Care Administration

Positions - Other Count (-1.0) (-1.0)
 Personal Services (33,538) (32,585)

Provides for the deallocation of funds to transfer one Clerk Typist III position to the Bureau of Elder and Adult Services program account.

Welfare Employment, Education and Training

All Other (1,791,325) (1,970,457)

Provides for the deallocation of funds as an offset to a previous allocation.

Bureau of Health

All Other 162,777 162,777

Provides for the allocation of funds for the continuation of the lead poisoning prevention program funding by the Federal Environmental Protection Agency.

DEPARTMENT OF HUMAN SERVICES

TOTAL (1,628,548) (1,807,680)

MARINE RESOURCES, DEPARTMENT OF

Administration - Marine Resources

Positions - Other Count (1.0) (1.0)
 Personal Services 48,860 53,226
 All Other 21,541 22,175
 Capital Expenditures 5,000

TOTAL 75,401 75,401

Provides for the allocation of funds to establish one Assistant to the Commissioner of Marine Resources position in a newly created federal fund account to attend federal and interstate fisheries management meetings.

Administration - Marine Resources

Positions - Other Count (1.0) (1.0)
 Personal Services 37,189 37,494
 All Other 8,047 8,129
 Capital Expenditures 1,997 1,997

TOTAL 47,233 47,620

Provides for the allocation of funds through the transfer of one Accountant I position from the Bureau of Marine Sciences as part of the reorganization of the department.

Marine Development - Bureau of

Positions - Other Count (15.5) (15.5)

Personal Services	630,522	635,701
All Other	136,434	137,825
Capital Expenditures	33,850	33,850
TOTAL	<u>800,806</u>	<u>807,376</u>
Provides for the allocation of funds through the transfer of positions from the Bureau of Marine Sciences as part of the reorganization of the department. The positions are on file in the Bureau of the Budget.		
Marine Sciences - Bureau of		
Positions - Other Count	(-18.5)	(-18.5)
Personal Services	(735,327)	(741,367)
All Other	(159,112)	(160,734)
Capital Expenditures	(39,477)	(39,477)
TOTAL	<u>(933,916)</u>	<u>(941,578)</u>
Provides for the deallocation of funds through the transfer of positions to the Bureau of Marine Patrol, Bureau of Marine Development and Bureau of Administration as part of the reorganization of the department. Positions are one file in the Bureau of the Budget.		
Marine Patrol - Bureau of		
Positions - Other Count	(2.0)	(2.0)
Personal Services	67,616	68,172
All Other	14,631	14,780
Capital Expenditures	3,630	3,630
TOTAL	<u>85,877</u>	<u>86,582</u>
Provides for the allocation of funds through the transfer of one First Mate position and one Marine Resources Specialist I position from the Bureau of Marine Sciences, as part of the reorganization of the department.		
DEPARTMENT OF MARINE RESOURCES TOTAL	<u>75,401</u>	<u>75,401</u>
SECTION TOTAL ALLOCATIONS	<u>(2,639,845)</u>	<u>(2,907,623)</u>

Sec. A-3. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	1995-96	1996-97
BAXTER STATE PARK AUTHORITY		
Baxter State Park Authority		
All Other	750,000	750,000
Provides for the allocation of funds to offset a previous deallocation.		
Baxter State Park Authority		
Positions - Other Count	(1.5)	(1.5)
Personal Services	25,214	28,952
Provides for the allocation of funds for the addition of one seasonal Campground Ranger position, one seasonal Campground Attendant position and one seasonal Clerk II position.		
Baxter State Park Authority		
Positions - Other Count	(1.5)	(1.5)
Personal Services	26,096	27,350
Provides for the allocation of funds to increase one seasonal Park Receptionist position from 14 weeks to 40 weeks, increase one seasonal Trail Supervisor position from 28 weeks to 40 weeks and increase 2 seasonal Gatehouse Attendant positions from 25 weeks to 32 weeks.		
BAXTER STATE PARK AUTHORITY TOTAL	<u>801,310</u>	<u>806,302</u>
CONSERVATION, DEPARTMENT OF		
Mining Operations		
Personal Services	9,891	11,004
All Other	(9,891)	(11,004)
TOTAL	<u>-0-</u>	<u>-0-</u>
Provides for the allocation of funds to reorganize one Geology Technician		

position to one Geologist position and associated costs to complete the legislatively mandated statewide sand and gravel aquifer mapping program.

Boating Facilities Fund

Positions - Other Count	(-2.5)	(-2.5)
Personal Services	(80,773)	(104,445)
All Other	40,300	52,200
Capital Expenditures	40,473	52,245
TOTAL	-0-	-0-

Provides for the allocation of funds through the elimination of one State Waterways Supervisor position and one Navigational Aids Supervisor position in the 2nd quarter of fiscal year 1995-96 and the elimination of one Assistant Park Ranger position at the beginning of fiscal year 1995-96 to provide additional grants to municipalities for boat site development and capital improvements at state-operated boat access sites.

DEPARTMENT OF CONSERVATION TOTAL

-0-	-0-
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ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT OF

Economic Conversion Division

All Other	1,000,000
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Provides for the allocation of funds granted by the Finance Authority of Maine to be used as the match to federal Economic Development Administration funds. The Finance Authority of Maine acquired these funds from an approved \$15,000,000 General Fund bond, which is to be utilized for economic development.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL

1,000,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration - Environmental Protection

Positions - Other Count	(1.0)	(1.0)
Personal Services	37,880	37,772
All Other	(41,736)	(41,847)
Capital Expenditures	(3,000)	
TOTAL	(6,856)	(4,075)

Provides for the allocation of funds through the transfer of one Biologist I position from the Lake Restoration and Protection Fund program, Federal Expenditure Fund, to be reorganized to a Senior Paralegal position.

Oil and Hazardous Materials Control

Positions - Other Count	(1.0)	(1.0)
Personal Services	40,751	40,786
All Other	14,699	10,719
Capital Expenditures		8,155
TOTAL	55,450	59,660

Provides for the allocation of funds for the transfer of one Environmental Specialist III position from the Water Quality Control program, Federal Expenditure Fund and for training, health monitoring services and equipment.

Oil and Hazardous Materials Control

Positions - Other Count	(0.5)	(0.5)
Personal Services	22,153	22,378
All Other	(12,099)	(12,516)
TOTAL	10,054	9,862

Provides allocation of funds for the upgrade of a seasonal full-time Conservation Aide position to a full-time

limited period position, emergency response and other equipment and support for a southern Maine spill response facility.

Oil and Hazardous Materials Control

Positions - Other Count	(1.0)	(1.0)
Personal Services	36,877	36,830
All Other	(40,419)	(41,306)
TOTAL	(3,542)	(4,476)

Provides for the allocation of funds from the transfer of one Environmental Specialist II position from the Municipal Sewerage Construction program, Federal Expenditure Fund, emergency response equipment and contributions toward a spill response storage facility.

Administration - Environmental Protection

Positions - Other Count	(7.0)	(7.0)
Personal Services	248,054	247,777
All Other	282,881	284,517
TOTAL	530,935	532,294

Provides for the allocation of funds through the transfer of 3 Clerk Typist II positions, one Clerk Typist III position, one Conservation Aide position, one Regional Director, Department of Environmental Protection position and office rental costs from the Maine Environmental Protection Fund program, Other Special Revenue and one Clerk Typist III position and office rental costs from the Oil and Hazardous Materials Control program, Other Special Revenue.

Administration - Environmental Protection

Capital Expenditures	204,500	122,600
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Provides for the allocation of funds for departmental computer equipment.

Maine Environmental Protection Fund

Positions - Other Count	(-6.0)	(-6.0)
Personal Services	(214,410)	(215,340)
All Other	(224,999)	(226,667)
TOTAL	(439,409)	(442,007)

Provides for the deallocation of funds through the transfer of 3 Clerk Typist II positions, one Clerk Typist III position, one Conservation Aide position and one Regional Director, Department of Environmental Protection position and office rental costs to the Administration - Environmental Protection program, Other Special Revenue.

Maine Environmental Protection Fund

Capital Expenditures	(52,500)	(52,500)
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Provides for the deallocation of funds through transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue.

Oil and Hazardous Materials Control

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(40,751)	(40,786)
All Other	(1,019)	(1,020)
TOTAL	(41,770)	(41,806)

Provides for the deallocation of funds through the transfer of one Environmental Specialist III position to the Pollution Prevention program, Federal Expenditures Fund.

Oil and Hazardous Materials Control

Capital Expenditures	204,500	122,600
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Positions - Other Count	(-1.0)	(-1.0)	Personal Services	(28,862)	(28,563)
Personal Services	(33,644)	(32,437)	All Other	(779)	(771)
All Other	(57,882)	(57,850)			
TOTAL	(91,526)	(90,287)	TOTAL	(29,641)	(29,334)
Provides for the deallocation of funds through the transfer of one Clerk Typist III position and office rental cost to the Administration - Environmental Protection program, Other Special Revenue.			Provides for the deallocation of funds through the elimination of one Clerk Typist III position.		
Oil and Hazardous Materials Control			DEPARTMENT OF ENVIRONMENTAL PROTECTION		
Capital Expenditures	(21,500)		TOTAL	57,695	10,931
Provides for the deallocation of funds through the transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue.			HUMAN SERVICES, DEPARTMENT OF		
Oil and Hazardous Materials Control			Health - Bureau of		
Capital Expenditures	(33,500)	(23,500)	Positions - Other Count	(1.5)	(1.5)
Provides for the deallocation of funds through the transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue.			Personal Services	56,410	56,693
Oil and Hazardous Materials Control			Provides for the allocation of funds for the transfer of one Chemist II position and 1/2 of one Laboratory Technician II position from the Other Special Revenue health account.		
Capital Expenditures	(23,000)	(25,500)	Health - Bureau of		
Provides for the deallocation of funds through the transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue.			Positions - Other Count	(-1.5)	(-1.5)
Oil and Hazardous Materials Control			Personal Services	(56,410)	(56,693)
Capital Expenditures			Provides for the deallocation of funds from the transfer of one Chemist II position and 1/2 of one Laboratory Technician II position to the public health lab account.		
Provides for the deallocation of funds through the transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue.			Health Planning and Development		
Oil and Hazardous Materials Control			All Other	65,000	65,000
Capital Expenditures			Provides for the allocation of funds for the continuation of the certificate of need program within the hospital cooperation account.		
Provides for the deallocation of funds through the transfer of computer replacement costs to the Administration - Environmental Protection program, Other Special Revenue.			DEPARTMENT OF HUMAN SERVICES		
Oil and Hazardous Materials Control			TOTAL	65,000	65,000
Positions - Other Count	(-1.0)	(-1.0)	LEGISLATURE		
			Maine Health Care Reform Commission		
			Positions - Other Count	(-1.0)	

Personal Services	(43,000)		Provides for the allocation of funds through the transfer of one Marine Research Scientist II position, 3 part-time Conservation Aide positions and one Marine Patrol Officer from the Bureau of Marine Sciences. This transfers the Shellfish Fund as part of the reorganization of the department.		
All Other	43,000				
TOTAL	<u>-0-</u>				
Provides for the allocation of funds through a line category to reflect the actions of the Legislature in Public Law 1995, chapter 5.					
LEGISLATURE					
TOTAL	<u>-0-</u>				
MARINE RESOURCES, DEPARTMENT OF			Marine Development - Bureau of		
Administration - Marine Resources			All Other	26,210	27,497
Positions - Other Count	(1.0)	(1.0)	Provides for the allocation of funds through the transfer of the Toxin Monitoring Fund from the Bureau of Marine Resources as part of the reorganization of the department.		
Personal Services	41,606	44,890			
All Other	5,000	5,000			
Capital Expenditures	5,000				
TOTAL	<u>51,606</u>	<u>49,890</u>	Marine Development - Bureau of		
Provides for the allocation of funds to establish one Special Assistant to the Commissioner of Marine Resources position in a newly created Other Special Revenue account to do outreach to the public for fisheries management.			All Other	50,514	51,035
			Provides for the allocation of funds through the transfer of the Seafood Market Development program as part of the reorganization of the department.		
Administration - Marine Resources			Marine Development - Bureau of		
Capital Expenditures	100,000	100,000	Positions - Other Count	(-1.0)	(-1.0)
Provides for the allocation of funds for the Boat Conversion account established in Public Law 1995, chapter 368 under the Bureau of Marine Sciences. This language transfers the account to the Administration - Marine Resources program as part of the reorganization of the department.			Personal Services	(43,368)	(44,653)
			All Other	(98,914)	(99,968)
			Capital Expenditures	(39,421)	(39,421)
			TOTAL	<u>(181,703)</u>	<u>(184,042)</u>
Marine Development - Bureau of			Provides for the deallocation of funds through the transfer of one Marine Research Scientist II position to the Bureau of Marine Sciences. This transfers the Salmon Aquaculture Monitoring and Research Fund as part of the reorganization of the department.		
Positions - Other Count	(4.5)	(4.5)	Marine Development - Bureau of		
Personal Services	182,579	182,045	All Other	(74,780)	(75,176)
All Other	33,916	34,212			
Capital Expenditures	40,622	40,622			
TOTAL	<u>257,117</u>	<u>256,879</u>			

<p>Provides for the deallocation of funds through the transfer of funds to the Bureau of Marine Patrol as part of the reorganization of the department.</p> <p>Marine Patrol - Bureau of</p> <p>All Other 74,780 75,176</p> <p>Provides for the allocation of funds through the transfer of the seed lobster fund account from the Bureau of Marine Development as part of the reorganization of the department.</p> <p>Marine Sciences - Bureau of</p> <p>Positions - Other Count (-4.5) (-4.5)</p> <p>Personal Services (182,579) (182,045)</p> <p>All Other (33,916) (34,212)</p> <p>Capital Expenditures (40,622) (40,622)</p> <p>TOTAL (257,117) (256,879)</p> <p>Provides for the deallocation of funds through the transfer of one Marine Research Scientist II position, 3 part-time Conservation Aide positions and one Marine Patrol Officer position to the Bureau of Marine Development. This transfers the Shellfish Fund as part of the reorganization of the department.</p> <p>Marine Sciences - Bureau of</p> <p>All Other (26,210) (27,497)</p> <p>Provides for the deallocation of funds through the transfer of the Toxin Monitoring Fund to the Bureau of Marine Development as part of the reorganization of the department.</p> <p>Marine Sciences - Bureau of</p> <p>Positions - Other Count (1.0) (1.0)</p> <p>Personal Services 43,368 44,653</p> <p>All Other 98,914 99,968</p> <p>Capital Expenditures 39,421 39,421</p> <p>TOTAL 181,703 184,042</p>	<p>Provides for the allocation of funds through the transfer of one Marine Research Scientist II position from the Bureau of Marine Development. This transfers the Salmon Aquaculture Monitoring and Research Fund as part of the reorganization of the department.</p> <p>Seafood Market Development</p> <p>All Other (50,514) (51,035)</p> <p>Provides for the deallocation of funds through the transfer of this program to the Bureau of Marine Development.</p> <p>DEPARTMENT OF MARINE RESOURCES</p> <hr/> <p>TOTAL 151,606 149,890</p> <p>MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF</p> <p>Augusta Mental Health Institute</p> <p>Positions - Other Count (11.0)</p> <p>Provides headcount to reflect the substitution of the closure of the geropsychiatric unit on July 1, 1995 with the closure of 15 admitting beds on July 1, 1996, and the substitution of the closure of an admission unit on March 1, 1997, eliminating 109 positions, with the closure of 25 admitting beds on March 1, 1997, eliminating 98 positions, contingent upon expanded community development. A total of 137 positions would be eliminated. Positions are on file with the Bureau of the Budget.</p> <p>Augusta Mental Health Institute</p> <p>Positions - Other Count (22.0) (-0.5)</p> <p>Personal Services 560,263 (1,101)</p> <p>All Other 297 1,101</p> <p>TOTAL 560,560 -0-</p>
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Provides funds to adjust a previous deallocation to reflect the elimination of a total of 21.5 positions in fiscal year 1995-96 and 44 positions in fiscal year 1996-97, rather than the 43.5 positions originally planned, within the hospital to reappropriate funds to expand community mental health services in compliance with the Augusta Mental Health Institute Consent Decree. Positions are on file with the Bureau of the Budget.

Bangor Mental Health Institute

Provides clarification that a previous deallocation of funds from the closing of one long-term psychiatric unit in January 1996 involving 16.5 positions reflected position funding for 6 months with headcount authorized for 9 months. Positions are on file with the Bureau of the Budget.

Freeport Towne Square

All Other

96,085 97,094

Provides for the allocation of funds through a transfer from the Pineland Center special revenue account to establish the Freeport Towne Square workshop as a separate organizational structure.

Pineland Center

All Other

(96,085) (97,094)

Provides for the deallocation of funds through a transfer of All Other to establish the Freeport Towne Square workshop as a separate organizational structure.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL

560,560 -0-

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation

Positions - Other Count (2.0) (2.0)
Personal Services 61,250 62,000

Provides for the allocation of funds to establish 2 Information Systems Support Technician positions as part of the reorganization of the department. These positions will serve as technical support for the department's computer users.

Banking - Bureau of

Positions - Other Count (-1.0) (-1.0)
Personal Services (33,500) (34,000)

Provides for the deallocation of funds through the elimination of one Bank Examiner position as part of the reorganization of the department.

Licensing and Enforcement

Positions - Other Count (-0.5) (-0.5)
Personal Services (12,500) (13,000)

Provides for the deallocation of funds through the elimination of one part-time Clerk Typist III position as part of the reorganization of the department.

Licensing and Enforcement

Positions - Other Count (1.0) (1.0)
Personal Services 33,250 33,800

Provides for the allocation of funds to establish one Pharmacy Inspector position to regulate a business that has greatly expanded. This is part of the department's reorganization.

Real Estate Commission

Positions - Other Count (-2.0) (-2.0)
Personal Services (48,500) (48,800)

Provides for the deallocation of funds through the elimination of one Clerk Typist II position and one Account Clerk I position as part of the reorganization of the department.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION TOTAL	-0-	-0-
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RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE

Nuclear Emergency Planning Fund - Maine

Positions - Legislative Count	(-1.0)	(-1.0)
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Provides for the elimination of one vacant Planning and Research Associate I position.

RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE TOTAL	-0-	-0-
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SECTION TOTAL ALLOCATIONS	2,636,171	1,032,123
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Sec. A-4. Allocation. The following funds are allocated from Federal Block Grant funds for the fiscal years ending June 30, 1996 and June 30, 1997 in order to carry out the purposes of this Part.

	1995-96	1996-97
HUMAN SERVICES, DEPARTMENT OF		
Health - Bureau of		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	45,914	45,914
All Other	(48,414)	(45,914)
Capital Expenditures	2,500	
TOTAL	-0-	-0-

Provides for the allocation of funds for one Comprehensive Health Planner II position to support the youth violence prevention program and related All Other and Capital Expenditures.

Health - Bureau of		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	37,737	37,737
All Other	(40,237)	(37,737)
Capital Expenditures	2,500	
TOTAL	-0-	-0-

Provides for the allocation of funds for one Public Health Educator III position to staff a rabies program.

Health - Bureau of		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	45,914	45,914
All Other	(48,914)	(45,914)
Capital Expenditures	3,000	
TOTAL	-0-	-0-

Provides for the allocation of funds for one Health Program Manager position in the preventative health account along with related All Other and Capital Expenditures.

Health - Bureau of		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	43,194	41,733
All Other	(46,194)	(41,733)
Capital Expenditures	3,000	
TOTAL	-0-	-0-

Provides for the allocation of funds for one Public Health Educator III position to support the community health promotion program.

SECTION TOTAL ALLOCATIONS	-0-	-0-
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Sec. A-5. Allocation. The following funds are allocated from the Potato Market Improvement Fund for the fiscal years ending June 30, 1996 and June 30, 1997 in order to carry out the purposes of this Part.

	1995-96	1996-97
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Capital Construction/Repairs/Improvements - Agriculture		

Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(85,519)	(85,764)
All Other	(107,336)	(108,698)
TOTAL	<u>(192,855)</u>	<u>(194,462)</u>

Provides for the deallocation of funds through a transfer of one Clerk Typist II position and one Potato Storage Consultant position to the newly established Potato Market Improvement Fund program.

Potato Market Improvement Fund

Positions - Other Count	(2.0)	(2.0)
Personal Services	85,519	85,764
All Other	107,336	108,698
TOTAL	<u>192,855</u>	<u>194,462</u>

Provides for the allocation of funds through a transfer of one Clerk Typist II position and one Potato Storage Consultant position from the Capital Construction/Repairs/Improvements program.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

Sec. A-6. Allocation. The following funds are allocated from the Island Ferry Service Fund for the fiscal years ending June 30, 1996 and June 30, 1997 in order to carry out the purposes of this Part.

	1995-96	1996-97
TRANSPORTATION, DEPARTMENT OF		
Island Ferry Service		
Positions - Other Count	(2.0)	(2.0)
Personal Services	59,453	59,695
All Other	945	949
TOTAL	<u>60,398</u>	<u>60,644</u>
Provides for the allocation of funds for one Account Clerk I position and one Account Clerk II position transferred from the Ports and Marine Fund.		
DEPARTMENT OF TRANSPORTATION TOTAL	<u>60,398</u>	<u>60,644</u>

Sec. A-7. Allocation. The following funds are allocated from the Marine Ports Fund for the fiscal years ending June 30, 1996 and June 30, 1997 in order to carry out the purposes of this Part.

	1995-96	1996-97
TRANSPORTATION, DEPARTMENT OF		
Ports and Marine Transportation		
Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(59,453)	(59,695)
All Other	(945)	(949)
Provides for the deallocation of funds through the transfer of one Account Clerk I position and one Account Clerk II position to the Island Ferry Service Fund.		
DEPARTMENT OF TRANSPORTATION TOTAL	<u>(60,398)</u>	<u>(60,644)</u>

Sec. A-8. Allocation. The following funds are allocated from the state-administered insurance fund for the fiscal years ending June 30, 1996 and June 30, 1997 in order to carry out the purposes of this Part.

	1995-96	1996-97
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Risk Management - Claims		
All Other	74,000	74,000
Provides for the allocation of funds to meet operating expenses associated with the establishment of a state-administered insurance fund in accordance with Public Law 1993, chapter 470.		
Risk Management - Claims		
All Other	1,000,000	1,000,000
Provides for the allocation of funds for the purpose of paying claims from the state-administered insurance fund in accordance with Public Law 1993, chapter 470.		

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	1,074,000	1,074,000

Sec. A-9. Allocation. The following funds are allocated from the Risk Management Fund for the fiscal years ending June 30, 1996 and June 30, 1997 in order to carry out the purposes of this Part.

	1995-96	1996-97
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Risk Management - Claims		
All Other	(11,349)	(11,539)
Provides for the deallocation of funds associated with the creation of a state-administered insurance fund in accordance with Public Law 1993, chapter 470.		

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	(11,349)	(11,539)

PART B

Sec. B-1. 5 MRSA c. 151-C is enacted to read:

CHAPTER 151-C

COMMISSION ON PERFORMANCE BUDGETING

§1710-K. Commission on Performance Budgeting established

The Commission on Performance Budgeting, referred to in this chapter as the "commission," is established to monitor, track and guide performance budgeting in State Government and to report to the Legislature and the Governor periodically on recommendations for improvements in performance budgeting.

§1710-L. Commission membership; appointment

1. Membership. The commission is composed of the following 13 members:

A. Two members of the Senate and 2 members of the House of Representatives who serve on the joint standing committee of the Legislature having jurisdiction over appropriations and financial

affairs, appointed by the presiding officers of their respective legislative bodies;

B. One member of the Senate and one member of the House of Representatives who serve on the joint standing committee of the Legislature having jurisdiction over state and local government matters, appointed by the presiding officers of their respective legislative bodies;

C. Four members representing state departments, appointed by the Governor;

D. The Director of the State Planning Office;

E. The State Budget Officer; and

F. The State Controller.

At least one of the legislative members appointed by the President of the Senate and one of the members appointed by the Speaker of the House of Representatives must belong to the political party that has the 2nd largest number of members in the legislative body of that appointed member.

2. Chair. The Governor, the President of the Senate and the Speaker of the House of Representatives shall appoint a chair from among the members of the commission.

3. Time of appointment; terms. Commission members must be appointed in July and serve 2-year terms, except that the initial commission members must be appointed within 30 days of the effective date of this section and serve until June 1997. The commission shall hold its first meeting, called by the Director of the State Planning Office, before August 1, 1995.

§1710-M. Duties of commission

The commission shall:

1. Provision of guidance and advice. Provide strategic guidance and advice to the Legislature and the Governor regarding performance budgeting in State Government, including the methods and strategies used by departments and agencies for the collection and evaluation of information related to programs and services provided, public benefits, services not provided, coordination, alternatives and impact;

2. Evaluation. Evaluate the structure and system of performance budgeting in State Government;

3. Review of performance budgeting information. Receive and review performance budgeting information on a periodic basis from the Legislature and the Governor;

4. Research. Research national trends among other states in the implementation of performance budgeting; and

5. Report. Report periodically to the Legislature and the Governor on recommendations for improvements in performance budgeting in State Government.

§1710-N. Staffing

The commission may receive staff assistance from the Legislative Council, the State Planning Office, the Bureau of the Budget, the Department of Audit and the Department of Administrative and Financial Services. The heads of all departments and agencies of State Government shall cooperate with the commission on matters related to performance budgeting including, as necessary, the provision of staff to work with the Bureau of the Budget, the State Planning Office, the Legislative Council, the Department of Audit and the Department of Administrative and Financial Services.

§1710-O. Meetings

The commission shall meet at least quarterly. Additional meetings may be called by a majority vote of the commission. All meetings are open to the public.

Sec. B-2. 5 MRSA §12004-I, sub-§29-C is enacted to read:

<u>29-C.</u>	<u>Commission</u>	<u>Not</u>	<u>5 MRSA</u>
<u>Finance</u>	<u>on Perform-</u>	<u>Authorized</u>	<u>§1710-K</u>
	<u>ance</u>		
	<u>Budgeting</u>		

Sec. B-3. 30-A MRSA §5252, sub-§2-C is enacted to read:

2-C. Commission. "Commission" means the Commission on Performance Budgeting established in Title 5, section 1710-K.

Sec. B-4. PL 1995, c. 368, Part FF is repealed.

PART C

Sec. C-1. 2 MRSA §6, sub-§2, as amended by PL 1995, c. 309, §1 and affected by §29, and amended by c. 368, Pt. GG, §1, is repealed and the following enacted in its place:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Banking;

State Tax Assessor;

Superintendent of Insurance;

Associate Commissioner for Programs, Department of Mental Health and Mental Retardation;

Associate Commissioner of Administration, Department of Mental Health and Mental Retardation;

Executive Director, Maine Waste Management Agency; and

Deputy Commissioner, Department of Administrative and Financial Services.

Sec. C-2. 34-B MRSA §1202, sub-§2, ¶B, as amended by PL 1995, c. 368, Pt. GG, §2, is further amended to read:

B. If the office of the commissioner is vacant or if the commissioner is absent or disabled, the associate commissioner for ~~administration~~ programs shall perform the duties and have the powers provided by law for the commissioner.

Sec. C-3. 34-B MRSA §1202, sub-§2, ¶D is enacted to read:

D. If the offices of the commissioner and the associate commissioner for programs are vacant or if both officials are absent or disabled, the associate commissioner for administration shall perform the duties and have the powers provided by law for the commissioner.

Sec. C-4. 34-B MRSA §1204, sub-§2, ¶B, as amended by PL 1995, c. 368, Pt. GG, §4, is further amended to read:

B. The commissioner may appoint and set the ~~salary~~ salaries for an associate commissioner for programs and an associate commissioner for administration to assist in carrying out the responsibilities of the department.

(1) The ~~Each~~ appointment must be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

(3) To be eligible for appointment as associate commissioner for administration, a person must have training and experience in general management.

(4) To be eligible for appointment as associate commissioner for programs, a person must have training and experience in the planning and administration of human services.

Sec. C-5. Reimbursement rates. Notwithstanding the Maine Revised Statutes, Title 22, sections 3186 and 3187 or any other provision of law, for fiscal year 1995-96 and fiscal year 1996-97 funds for principles of reimbursement established for intermediate care facilities for the mentally retarded and other providers of mental retardation services are not frozen at their fiscal year 1994-95 levels. Cost-of-living increases are not suspended for the 2-year period.

Sec. C-6. Bangor Mental Health Institute positions. If the Department of Mental Health and Mental Retardation proposes a change to the listing of positions at the Bangor Mental Health Institute that are, as of the effective date of this Part, scheduled for elimination, a copy of which listing is on file at the Bureau of the Budget and the Office of Fiscal and Program Review, and that change affects a position title or an effective date of elimination of any position on that listing, then the Superintendent of the Bangor Mental Health Institute must justify such changes to an ad hoc advisory panel composed of the Commissioner of Mental Health and Mental Retardation or the commissioner's designee, a member of the Alliance for the Mentally Ill of Maine and a Legislator who is a member of the Joint Standing Committee on Human Resources or show that a position is vacant and elimination of that vacant position will save a layoff. All changes must be submitted, in writing, to the Bureau of the Budget and the Office of Fiscal and Program Review at least one month before the effective date of this proposed change. All changes must generate savings equal to or greater than the savings from the position listed for elimination.

PART D

Sec. D-1. 5 MRSA §3305, sub-§1, ¶D, as repealed and replaced by PL 1989, c. 502, Pt. A, §21, is amended to read:

D. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. 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. 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. D-2. 5 MRSA §3305, sub-§1, ¶K, as amended by PL 1995, c. 345, §2, is further amended to read:

K. Coordinate the development of energy policy, including:

(1) Collecting and analyzing energy data from all available energy sources in the State. The director shall afford confidential treatment to information, documents and data dealing with sales of individual companies that are engaged in the wholesale and retail trade of petroleum products in the State, upon request of the individual companies;

(2) Preparation of an energy resources plan to be submitted to the Governor and the Legislature every 2 years that includes a description of historical energy demand by end-use sector and energy resources used to meet that demand and a forecast of energy demand by end-use sector for the next 5 years, 10 years and 20 years, which shall ~~must~~ include an electric and gas forecast;

(3) Encouragement and direction or sponsorship of research, experiments and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources that rely on renewable natural resources of the State, such as solar energy, water of tides and rivers, forests, winds and other sources that to date have not been fully explored or utilized; and

(4) Provision of conservation alternatives to proposed new electric power generating plants and assessment of the long-term and short-term energy savings realized by the conservation alternatives; ~~and~~

Sec. D-3. 5 MRSA §3305, sub-§1, ¶L, as enacted by PL 1995, c. 345, §3, is amended to read:

L. Review and update the great ponds management strategy developed by the Great Pond Task Force pursuant to Title 38, section 1843-A at least every 5 years, based on the goals and principles set forth in the original strategy report; and

Sec. D-4. 5 MRSA §3305, sub-§1, ¶M is enacted to read:

M. Administer a program of training and financial assistance for municipal code enforcement officers.

Sec. D-5. 5 MRSA §13062-A, sub-§5, as amended by PL 1993, c. 725, §1, is further amended to read:

5. Repeal. ~~The Economic Conversion Division is eliminated and this~~ This section is repealed on July 1, ~~1995~~ 1997. The Office of Business Development shall provide its recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over economic development matters concerning the need for extending authorization of the division.

Sec. D-6. 5 MRSA §13072, sub-§4, as amended by 1991, c. 622, Pt. F, §8, is further 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. D-7. 5 MRSA §13072, sub-§7, as amended by PL 1993, c. 92, §§12 and 13, is further amended to read:

7. Oversee community development resources and programs. The director shall oversee the implementation of community development programs to include at a minimum:

A. The Community Development Block Grant Program;

~~D. The Coastal Zone Management Local Grants Program; and~~

~~F. The National Flood Insurance Program.~~

Sec. D-8. 5 MRSA §13072, sub-§8, as amended by PL 1991, c. 622, Pt. F, §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. D-9. 5 MRSA §13072, sub-§10, as enacted by PL 1991, c. 622, Pt. F, §12, is repealed.

Sec. D-10. 5 MRSA §13076, sub-§1, as enacted by PL 1993, c. 92, §15, is amended to read:

1. Establishment. The Natural Areas Program is established within the Department of ~~Economic and Community Development~~ Conservation and is administered by the commissioner.

Sec. D-11. 5 MRSA §13076, sub-§2, ¶A, as enacted by PL 1993, c. 92, §15, is amended to read:

A. "Commissioner" means the Commissioner of ~~Economic and Community Development~~ Conservation.

Sec. D-12. 30-A MRSA §4301, sub-§13, as amended by PL 1991, c. 780, Pt. E, §1, is further amended to read:

13. Office. "Office" means the ~~Office of Community Development in the Department of Economic and Community Development~~ State Planning Office.

Sec. D-13. 30-A MRSA §4345, first ¶, as amended by PL 1993, c. 721, Pt. A, §6 and affected by Pt. H, §1, is further amended to read:

Under the provisions of this article, a municipality may request financial or technical assistance from the ~~Office of Community Development~~ State Planning Office, referred to in this article as the office, for the purpose of planning and implementing a local growth management program. A municipality that requests and receives a financial assistance grant shall develop and implement its growth management program in cooperation with the office and in a manner consistent with the provisions of this article.

Sec. D-14. Transition provisions. The following provisions apply to the reassignment of the duties and responsibilities of the Natural Areas Program, the local growth management program, the Coastal Zone Management Local Grants Program, the National Flood Insurance Program and the Code Enforcement Certification and Training program from the Department of Economic and Community Development to the State Planning Office and the Department of Conservation.

1. All accrued expenditures, assets, liabilities, balances, appropriations or allocations, transfers, revenues and other available funds in any account of the Natural Areas Program affected by this Part are transferred to the Department of Conservation. All

such accrued expenditures, assets, liabilities, balances, appropriations or allocations, transfers, revenues and other available funds in any account of the local growth management program, the Coastal Zone Management Local Grants Program, the National Flood Insurance Program and the Code Enforcement Certification and Training program affected by this Part are transferred to the State Planning Office.

2. All employees and positions of the Natural Areas Program are transferred to the Department of Conservation. All employees and positions of the local growth management program, the Coastal Zone Management Local Grants Program, the National Flood Insurance Program and the Code Enforcement Certification and Training program are transferred to the State Planning Office. Additionally, one employee position within the Office of Administration of the Department of Economic and Community Development is transferred to the State Planning Office. All personnel transferred by this Part retain their accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement benefits.

3. All equipment, records and property of the State used by the programs and employees transferred in this Part must be transferred to the State Planning Office. All equipment, records and property used by the Natural Areas Program and its staff must be transferred to the Department of Conservation.

4. All contracts, agreements, compacts, rules and procedures in effect and in operation pertaining to the local growth management program, the Coastal Zone Management Local Grants Program, the National Flood Insurance Program, the Code Enforcement Certification and Training program and the Natural Areas Program remain in effect until rescinded, revised or amended by the proper authority.

Sec. D-15. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1995-96	1996-97
CONSERVATION, DEPARTMENT OF		
Natural Areas Program		
All Other	\$40,000	\$40,000
Provides for the appropriation of funds through the transfer of All Other funds from the Office of Community Development. These funds are utilized as a match for federal funds.		

DEPARTMENT OF CONSERVATION TOTAL	40,000	40,000
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**ECONOMIC AND
COMMUNITY
DEVELOPMENT,
DEPARTMENT OF**

**Administration - Economic
and Community
Development**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(36,827)	(36,649)

Provides for the deappropriation of funds through the transfer of one Accountant I position from the Office of Administration.

**Office of Community
Development**

Positions - Legislative Count	(-8.0)	(-8.0)
Personal Services	(386,739)	(389,966)
All Other	(902,918)	(911,512)

TOTAL	(1,289,657)	(1,301,478)
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Provides for the deappropriation of funds through the transfer of the following positions: One Development Program Manager position, 3 Senior Planner positions, 3 Planner II positions, one Development Project Officer position and funds for the general operation of the program.

**Office of Community
Development**

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	42,950	43,850
All Other	7,688	7,910

TOTAL	50,638	51,760
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Provides for the appropriation of funds for one Development Project Officer position to remain in the department to provide the required state match to the Community Development Block Grant program.

**DEPARTMENT OF
ECONOMIC AND
COMMUNITY
DEVELOPMENT
TOTAL**

(1,275,846)	(1,286,367)
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**EXECUTIVE
DEPARTMENT**

State Planning Office

Positions - Legislative Count	(8.0)	(8.0)
Personal Services	380,616	382,765
All Other	795,730	863,602
Capital Expenditures	59,500	

Provides for the appropriation of funds through the transfer of one Development Program Manager position, 3 Senior Planner positions, 3 Planner II positions and one Accountant I position to the State Planning Office. Also provides All Other funds for the general operation and grants for technical assistance to municipalities. Also provides Capital Expenditure funds to provide computers and workstations.

**EXECUTIVE
DEPARTMENT
TOTAL**

1,235,846	1,246,367
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**SECTION
TOTAL APPROPRIATIONS**

-0-	-0-
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Sec. D-16. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Part.

**CONSERVATION,
DEPARTMENT OF**

Natural Areas Program

Positions - Other Count	(2.0)	(2.0)
Personal Services	97,600	99,490
All Other	100,000	100,000
Capital Expenditures	4,000	4,000

TOTAL	201,600	203,490
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Provides for the allocation of funds through the transfer of one Chief

Planner position and one Senior Planner position. Provides All Other and Capital Expenditure funds for the operation of the program.

Natural Areas Program

Personal Services	88,600	93,825
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Provides for the allocation of funds through the transfer from the Office of Community Development due to the reorganization of the Department of Economic and Community Development.

**DEPARTMENT OF
CONSERVATION
TOTAL**

290,200	297,315
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**ECONOMIC AND
COMMUNITY
DEVELOPMENT,
DEPARTMENT OF**

**Office of Community
Development**

Positions - Other Count	(-11.5)	(-11.5)
Personal Services	(536,769)	(537,833)
All Other	(671,767)	(673,069)
Capital Expenditures	(4,000)	(4,000)

TOTAL	(1,212,536)	(1,214,902)
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Provides for the deallocation of funds through the transfer of the following positions: Two Planning and Research Associate I positions, one Chief Planner position, 5 Senior Planner positions, 2 1/2 Planner II positions and one Clerk Typist II position and funds for the general operation of the program.

**Office of Community
Development**

Personal Services	(88,600)	(93,825)
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Provides for the deallocation of funds through the transfer to the Administrative Services - Conservation program

due to the reorganization of the Department of Economic and Community Development.

position and 1/2 Chief Planner position. Also provides All Other and Capital Expenditure funds for the operation of the program.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL

(1,301,136) (1,308,727)

EXECUTIVE DEPARTMENT

State Planning Office

Positions - Other Count (9.5) (9.5)
 Personal Services 439,169 438,343
 All Other 571,767 573,069

Provides for the allocation of funds through the transfer of 2 Planning and Research Associate I positions, 4 Senior Planner positions, 3 Planner II positions and one Clerk Typist II position. Also provides All Other funds for the general operating expenses and technical assistance to municipalities.

EXECUTIVE DEPARTMENT TOTAL

1,010,936 1,011,412

SECTION TOTAL ALLOCATIONS

-0- -0-

Sec. D-17. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1995-96 1996-97

CONSERVATION, DEPARTMENT OF

Natural Areas Program

Positions - Other Count (2.5) (2.5)
 Personal Services 112,115 115,306
 All Other 36,251 37,720
 Capital Expenditures 5,000 5,000

Provides for the allocation of funds through the transfer of one Planning and Research Associate II position, one Planner II

DEPARTMENT OF CONSERVATION TOTAL

153,366 158,026

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Community Development

Positions - Other Count (-2.5) (-2.5)
 Personal Services (112,115) (115,306)
 All Other (36,251) (37,720)
 Capital Expenditures (5,000) (5,000)

Provides for the deallocation of funds through the transfer of the following positions: one Planner II position, one Planning and Research Associate II position and 1/2 Chief Planner position. Also transferred are funds to provide for the general operation of the program.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL

(153,366) (158,026)

SECTION TOTAL ALLOCATIONS

-\$0- -\$0-

Sec. D-18. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 5, section 13062-A, subsection 5 applies retroactively to July 1, 1995.

PART E

Sec. E-1. 5 MRSA §945, sub-§1, ¶B, as amended by PL 1989, c. 348, §1, is further amended to read:

B. Chief, Bureau of Marine Patrol; ~~and~~

Sec. E-2. 5 MRSA §945, sub-§1, ¶D, as enacted by PL 1989, c. 348, §1, is amended to read:

D. Assistant to the Commissioner for Public Information-;

Sec. E-3. 5 MRSA §945, sub-§1, ¶¶E and F are enacted to read:

E. Assistant to the Commissioner; and

F. Special Assistant to the Commissioner.

PART F

Sec. F-1. PL 1993, c. 707, Pt. G, §12 is amended to read:

Sec. G-12. Maine Labor Relations Board unit clarification decisions that result in the determination of positions as confidential. Notwithstanding any other provision of law, the employer cost of the pick-up retirement from unit clarification decisions of the Maine Labor Relations Board that result in the determination of positions as confidential may be funded in ~~fiscal year 1993-94 and fiscal year 1994-95~~ the fiscal year in which the unit clarification decision is made and in each fiscal year of the ensuing biennium from accrued salary savings within an appropriation or allocation for Personal Services in the account where the savings exist or in another account in the same fund and department. These costs are considered ongoing current services items in subsequent fiscal year budget submissions. The Commissioner of Administrative and Financial Services shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than February 1, ~~1995~~ 1st of each fiscal year with the number of cases that have been settled or are expected to be settled and the cost of any settlement, segregated by funding source.

Sec. F-2. Transfer from salary plan. The salary plan program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the payment of premium overtime in accordance with the federal Fair Labor Standards Act to employees in the Department of Corrections, Division of Probation and Parole, in fiscal year 1995-96.

Sec. F-3. Transfer of funds. Notwithstanding any other provision of law, the State Controller may transfer \$30,486 from the Intermediate Care - Payments to Providers, Other Special Revenue account in the Department of Human Services to General Fund undedicated revenue no later than June 30, 1996.

Sec. F-4. Transfer of funds. Notwithstanding any other provision of law, the State Controller may transfer \$104,526 in fiscal year 1995-96 and

\$160,012 in fiscal year 1996-97 from the Bureau of Medical Services, Other Special Revenue account in the Department of Human Services to General Fund undedicated revenue no later than June 30, 1996 and June 30, 1997, respectively.

Sec. F-5. Transfer of funds. Notwithstanding any other provision of law, the State Controller may transfer \$352,000 from the Aid to Families with Dependent Children, Other Special Revenue account in the Department of Human Services to General Fund undedicated revenue no later than June 30, 1997.

PART G

Sec. G-1. 5 MRSA §946, sub-§1, ¶F, as enacted by PL 1983, c. 729, §4, is repealed.

Sec. G-2. 5 MRSA §946, sub-§1, ¶J, as amended by PL 1989, c. 501, Pt. BB, §3, is further amended to read:

J. Assistants to the Commissioner; ~~and~~

Sec. G-3. 5 MRSA §946, sub-§1, ¶K, as enacted by PL 1989, c. 501, Pt. BB, §3, is amended to read:

K. Assistant Associate Commissioners-; and

Sec. G-4. 5 MRSA §946, sub-§1, ¶L is enacted to read:

L. Director, Division of Mental Retardation.

Sec. G-5. 5 MRSA §12004-I, sub-§60-A, as amended by PL 1993, c. 360, Pt. H, §1, is repealed.

Sec. G-6. 18-A MRSA §5-608, as enacted by PL 1979, c. 540, §1, is amended to read:

§5-608. Determination of need for guardianship of mentally retarded persons in institutions and residence facilities

Whenever a mentally retarded minor has been admitted to ~~the Pineland Center or to any other~~ a state-operated institution or residence facility for the mentally retarded, and has not been discharged ~~therefrom~~ from the institution or residence facility, the head ~~thereof of the institution or residence facility~~ shall, within 6 months prior to the 18th birthday of such mentally retarded person, cause ~~him~~ the mentally retarded person to be examined to ascertain whether such person will, by reason of mental retardation, be in need of guardianship on attainment of ~~his~~ the mentally retarded person's majority. If, in the opinion of the examiner such need will exist, the institutional or residence facility head may advise in writing the parent, next of kin, or guardian of such minor of the need to institute proceedings for appointment of a guardian. In the event no guardian has been appointed,

or no guardianship proceedings are pending when such minor has attained age 18, or the institutional or residence facility head ~~shall have~~ has determined that nomination of the public guardian is advisable in lieu of petition for guardianship by any of such persons, such institutional or residence facility head shall nominate the public guardian to serve as guardian of such mentally retarded person.

Prior to release of any mentally retarded person from ~~the Pineland Center, or from any other~~ a state-operated institution or residence facility for the mentally retarded, the head ~~thereof of the institution or residence facility~~ shall cause such person to be examined to ascertain whether such person will, by reason of mental retardation, be in need of guardianship upon release from such institution or residence facility, and if in the opinion of such examiner such need will exist upon release, the institutional or residence facility head may advise in writing the parent or next of kin of such mentally retarded person of the need to institute proceedings for appointment of a guardian. If neither the parent nor next of kin is willing to institute proceedings for the appointment of a guardian for such mentally retarded person, or the institutional or residence facility head ~~shall have~~ has determined that nomination of the public guardian is advisable in lieu of petition for guardianship by any of such persons, the institutional or residence facility head shall, prior to the release of such mentally retarded person, nominate the public guardian.

Sec. G-7. 22 MRSA §2883, first paragraph, as amended by PL 1989, c. 56, is further amended to read:

All public officers, agents and servants of any and every county and municipality, and of any and every almshouse, prison, morgue, hospital or any other public institution having charge or control over dead human bodies required to be buried at the public expense are required to notify immediately the board of distribution, or the person or persons as may from time to time be designated by the board, or its duly authorized officer or agent, whenever any body or bodies come into their possession, charge or control, and shall, without fee or reward, deliver the body or bodies to the board or its duly authorized officer or agent, and permit and suffer the board or its agents, or the physicians and surgeons from time to time designated by it or them, who comply with this chapter, to take and remove any and all bodies to be used within the State for the advancement of medical education. No notice need be given and no body ~~shall~~ must be delivered if any person, satisfying the authorities in charge of the body that the person is a member of the family or next of kin to the deceased, shall claim the body for burial, but it ~~shall~~ must be surrendered to the person for interment, and no notice may be given and no body delivered to the board or its

agents if the deceased person was a traveler and not a vagabond, who died suddenly, in which case the body ~~shall~~ must be buried. No notice may be given and no body delivered to the board or its agents by the Department of Corrections if, at its option, the department assumes responsibility for the expenses of burial. The option may be exercised by the Department of Corrections regardless of whether the body is claimed by a member of the family or next of kin, but in such a case it may only be exercised with the agreement of the person making the claim. The superintendents and medical staffs of the Augusta Mental Health Institute, and the Bangor Mental Health Institute ~~and Pineland Center~~, having charge or control over dead human bodies required to be buried at public expense, when no person satisfies the superintendent of either hospital for the mentally ill ~~or the Pineland Center~~, and the Department of Mental Health and Mental Retardation that the person is a member of the family of, or has some family connection or is next of kin to the deceased, and wishes to claim the body for burial, may for the advancement of science hold an autopsy and examine the body of the deceased person, notwithstanding any provisions of this chapter.

Sec. G-8. 29-A MRSA §2301, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2, and affected by Pt. B, §5, is amended to read:

4. School-age persons. "School-age persons" means all children up to the age of 18 years; and persons 18 years and older who are enrolled in a state-approved program of primary or secondary education, as defined in Title 20-A, ~~and persons as described in Title 34-B, section 5402, subsection 1 living at Pineland Center or in any of its residential facilities who are bused to and from sites off the center grounds as part of their treatment.~~

Sec. G-9. 34-A MRSA §3070, as amended by PL 1991, c. 314, §58, is repealed.

Sec. G-10. 34-B MRSA §1001, sub-§8, ¶C, as enacted by PL 1983, c. 459, §7, is repealed.

Sec. G-11. 34-B MRSA §1204, sub-§2, ¶C, as amended by PL 1993, c. 410, Pt. CCC, §11, is further amended to read:

C. The commissioner shall appoint the following officials to serve at the commissioner's pleasure:

- (1) Associate Commissioners;
- (3) Superintendent, Augusta Mental Health Institute;
- (4) Superintendent, Bangor Mental Health Institute;
- ~~(6) Superintendent, Pineland Center;~~

- (7) Director, Bureau of Children with Special Needs;
- (8) Director, Mental Retardation Facility;
- (9) Director, Elizabeth Levinson Center;
- (10) Assistant to the Commissioner for Public Information;
- (11) Assistant to the Commissioner; ~~and~~
- (12) Director, Bath Children's Home; ~~and~~
- (13) Director, Division of Mental Retardation.

Sec. G-12. 34-B MRSA §1401, sub-§1, ¶B, as amended by PL 1993, c. 667, §2, is further amended to read:

B. The Chief Administrative Officer of the Bangor Mental Health Institute reports directly to the Chief Administrative Officer of the Augusta Mental Health Institute, who in turn reports directly to the commissioner. The Chief Administrative Officer of the Aroostook Residential Center reports ~~directly to the Chief Administrative Officer of the Pineland Center, who in turn reports~~ directly to the commissioner, or the commissioner's designee.

Sec. G-13. 34-B MRSA §1403-A, as amended by PL 1993, c. 360, Pt. H, §2, is repealed.

Sec. G-14. 34-B MRSA §5401, as amended by PL 1985, c. 503, §6, is further amended to read:

§5401. Maintenance of facilities

The department shall maintain the following ~~2~~ residential ~~facilities~~ facility for the care and treatment of mentally retarded persons:

- ~~1. Pineland Center; and~~
- 2. Aroostook Residential Center.

Sec. G-15. 34-B MRSA §5402, as amended by PL 1993, c. 667, §§3 to 5, is repealed.

Sec. G-16. 34-B MRSA §5403, sub-§3, ¶C, as amended by PL 1993, c. 667, §6, is further amended to read:

C. Have direct supervision, management and control of the grounds, buildings, property, officers and employees of the Aroostook Residential Center, ~~subject to the approval of the Superintendent of the Pineland Center.~~

Sec. G-17. 34-B MRSA §5473, sub-§4, as enacted by PL 1983, c. 459, §7, is repealed.

Sec. G-18. 34-B MRSA §6254, sub-§1, as enacted by PL 1985, c. 503, §12, is amended to read:

1. Policy direction. All programs and services provided to children and adolescents at Augusta Mental Health Institute and Bangor Mental Health Institute ~~or Pineland Center shall~~ must be coordinated with the Bureau of Children with Special Needs and ~~shall~~ be operated in concert with general policy of the bureau as outlined in this chapter.

Sec. G-19. Crisis-emergency facility. The Department of Mental Health and Mental Retardation shall maintain a 4-bed crisis-emergency facility available to former Pineland Center residents effective July 1, 1996. The location of this facility must be determined by the department prior to July 1, 1996.

Sec. G-20. Effective date. Sections 1 to 18 of this Part take effect July 1, 1996.

PART H

Sec. H-1. Consent Decree Reinvestment Fund - MR. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, there is established the Consent Decree Reinvestment Fund - MR program to transfer available appropriation balances and General Fund revenues in excess of baseline estimates in order to satisfy consent decree plans and obligations. Funds must be utilized and transferred from this account pursuant to the provisions of this Part.

Sec. H-2. Funding. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the period beginning with the fiscal year ending June 30, 1996, the State Controller shall transfer all available appropriation balances within all mental retardation General Fund programs to the Consent Decree Reinvestment Fund - MR program. For the period beginning July 1, 1995 and ending June 30, 1996, the State Controller, upon the review and approval by the Bureau of the Budget, shall transfer on or before June 30, 1996 an amount equivalent to the revenues in excess of the baseline General Fund revenue estimates related to mental retardation from the unappropriated surplus of the General Fund to the Consent Decree Reinvestment Fund - MR program.

Sec. H-3. Transfers. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Commissioner of Mental Health and Mental Retardation is authorized to transfer funds from the Consent Decree Reinvestment Fund - MR program to the appropriate mental retardation programs in order to satisfy consent decree obligations and plans. The transfers and allotment of available funds must be implemented by financial order contingent upon the recommendation of the

State Budget Officer and approval of the Governor and upon review by the Joint Standing Committee on Appropriations and Financial Affairs. This financial order must include a specific plan outlining how these funds will be expended. This financial order takes effect upon approval by the Governor.

Sec. H-4. Position creation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Commissioner of Mental Health and Mental Retardation is authorized to establish limited period positions as needed to satisfy consent decree obligations and plans. Establishment of these positions must be implemented by financial order following the rules set forth in sections 3 and 7 of this Part. These positions terminate on March 31st of the fiscal year in which the positions are established unless extended through legislative approval.

Sec. H-5. Consent Decree Reinvestment Fund - MH. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, there is established the Consent Decree Reinvestment Fund - MH program to transfer available appropriation balances and General Fund revenues in excess of baseline estimates in order to satisfy consent decree plans and obligations. Funds must be utilized and transferred from this account pursuant to the provisions of this Part.

Sec. H-6. Funding. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the period beginning with the fiscal year ending June 30, 1996, the State Controller shall transfer all available appropriation balances within all mental health programs to the Consent Decree Reinvestment Fund - MH program. For the period beginning July 1, 1995 and ending June 30, 1996, the State Controller, upon review and approval by the Bureau of the Budget, shall transfer on or before June 30, 1996 an amount equivalent to the revenues in excess of the baseline General Fund revenue estimates related to mental health from the unappropriated surplus of the General Fund to the Consent Decree Reinvestment Fund - MH program.

Sec. H-7. Transfers. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Commissioner of Mental Health and Mental Retardation is authorized to transfer funds from the Consent Decree Reinvestment Fund - MH program to the appropriate mental health programs in order to satisfy consent decree obligations and plans. The transfers and allotment of available funds must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and upon review by the Joint Standing Committee on Appropriations and Financial Affairs. This financial order must include a specific plan outlining how these

funds will be expended. This financial order takes effect upon approval by the Governor.

Sec. H-8. Carrying balance. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law except Title 5, section 1589, subsection 1, any balance remaining on June 30, 1996 in all General Fund accounts in the Department of Mental Health and Mental Retardation may not lapse but must be carried forward to June 30, 1997 to be used for the consent decree reinvestment funds.

Sec. H-9. Appropriation and position transfers. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Commissioner of Mental Health and Mental Retardation as an interim strategy to downsize the Augusta Mental Health Institute and the Pineland Center is authorized by financial order to transfer positions authorized by the Legislature between accounts within the same fund and to transfer available balances of appropriations and allocations between line categories and accounts within the same fund, as the positions and funds become available through the downsizing of the Augusta Mental Health Institute and the Pineland Center, in order to achieve provisions of the consent decree plans. Positions and funding from the Augusta Mental Health Institute budget must be transferred as needed for reassignment to support and establish geographical Local Mental Health Authority Districts within the Division of Mental Health, Community Program and necessary services consistent with the AMHI Consent Decree Plan. Positions and funding from the Pineland Center budget must be transferred as needed to ensure the adequate provision of community and crisis supports for Pineland Center residents. The transfer of positions and funding is authorized in order to comply with the consent decree plans consistent with the substantially detailed plan submitted to and reviewed by the Joint Standing Committee on Appropriations and Financial Affairs.

Sec. H-10. Repeal. This Part is repealed June 30, 1997.

PART I

Sec. I-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1995-96	1996-97
ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF Economic Conversion Division		

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	\$43,702	\$44,609
All Other	81,298	80,391
TOTAL	<u>\$125,000</u>	<u>\$125,000</u>

Provides for the appropriation of funds to offset a previous deappropriation.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL

	<u>\$125,000</u>	<u>\$125,000</u>
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EXECUTIVE DEPARTMENT

Office of Substance Abuse

All Other	\$125,000
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Provides for the appropriation of funds to partially offset a deappropriation in Public Law 1995, c. 368, Part HHH.

EXECUTIVE DEPARTMENT TOTAL

	<u>\$125,000</u>
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HUMAN SERVICES, DEPARTMENT OF

Elder and Adult Services - Bureau of

All Other	\$255,000	\$262,000
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Provides for the appropriation of funds to support community-based services for patients with Alzheimer's disease.

Purchased Social Services

All Other	350,000	350,000
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Provides \$175,000 annually for family crisis services to increase services to new geographic areas, increase services to children, sustain existing services and build infrastructure. Also provides \$175,000 annually for additional rape crisis services.

DEPARTMENT OF HUMAN SERVICES TOTAL

	<u>\$605,000</u>	<u>\$612,000</u>
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MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Contingency Account - Mental Health and Mental Retardation

All Other	(\$2,109,790)	(\$3,207,046)
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Provides for the deappropriation of funds as an offset to a previous appropriation concerning the consent decrees.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL

	<u>(\$2,109,790)</u>	<u>(\$3,207,046)</u>
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SACO RIVER CORRIDOR COMMISSION

Saco River Corridor Commission

All Other	\$5,000	\$5,000
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Provides funds for operating costs of the commission.

SACO RIVER CORRIDOR COMMISSION TOTAL

	<u>\$5,000</u>	<u>\$5,000</u>
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SAINT CROIX INTERNATIONAL WATERWAY COMMISSION

Saint Croix International Waterway Commission

All Other	\$10,000	\$10,000
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Provides funds for operating costs of the commission.

SAINT CROIX INTERNATIONAL WATERWAY COMMISSION TOTAL

	<u>\$10,000</u>	<u>\$10,000</u>
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MAINE WORLD TRADE ASSOCIATION

Maine World Trade Association

All Other	\$125,000	\$125,000
Provides for the appropriation of funds for the operations of the Maine World Trade Association.		

MAINE WORLD TRADE ASSOCIATION

TOTAL	\$125,000	\$125,000
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SECTION

TOTAL APPROPRIATIONS	(\$1,114,790)	(\$2,330,046)
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PART J

Sec. J-1. 20-A MRSA §§9 and 10 are enacted to read:

§9. Education Coordinating Committee

The Education Coordinating Committee, referred to in this section as the "committee," is established to promote efficiency, cooperative effort and strategic planning between the Department of Education, the State Board of Education, the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. The committee consists of the Commissioner of Education, the Chair of the State Board of Education, the Chancellor of the University of Maine System, the Chair of the Board of Trustees of the University of Maine System, the President of the Maine Technical College System, the Chair of the Board of Trustees of the Maine Technical College System, the President of the Maine Maritime Academy and the Chair of the Board of Trustees of the Maine Maritime Academy.

The committee shall meet at least twice each year. The commissioner shall convene the first meeting of the committee by October 15, 1995. The committee shall elect a chair from among its members to serve for a term to be determined by the committee. The committee shall report on its deliberations and any recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters by February 15th each year.

§10. Education Research Institute

The Education Research Institute, referred to in this section as the "institute," is established to collect and analyze education information and perform targeted education research for the Legislature. The institute shall create and maintain an education information system that tracks important education data for kindergarten and grades one to 12. The

institute shall also conduct exploratory, long-term research on education issues.

1. Legislature to contract with university. The Legislature, through the joint standing committee of the Legislature having jurisdiction over education matters, shall contract with the University of Maine System to establish and maintain the institute. Personnel coordinating the work of the institute must be appointed by the University of Maine System in consultation with the Legislature and those personnel shall consult with and act on behalf of the Legislature, performing such data collection, analysis and research as the Legislature may require.

2. Steering committee. The Education Research Institute Steering Committee, referred to in this section as the "steering committee," is established to advise the Legislature and the University of Maine System on all matters related to the institute. Steering committee members must be appointed by the joint standing committee of the Legislature having jurisdiction over education matters for a term of 2 years. The steering committee shall meet at least 4 times each year and must include one member of each of the following:

- A. The joint standing committee of the Legislature having jurisdiction over education matters;
- B. The Department of Education;
- C. The State Board of Education;
- D. The University of Maine System;
- E. The Maine School Management Association;
- F. The Maine Education Association;
- G. The Maine Municipal Association; and
- H. The Maine Principals Association.

The steering committee shall elect a chair from among its members to serve a term of 2 years.

3. Location and access. The education information system and research results gathered pursuant to this section must be maintained by the institute at the University of Maine System. The education information system and research results must be available for use by any interested group or individual in the form available from the institute.

Sec. J-2. 20-A MRSA §405, sub-§3, ¶Q, as amended by PL 1993, c. 290, §2, is further amended to read:

- Q.** Serve as state agency for administering federal funds for construction of school facilities and for vocational education; ~~and~~

Sec. J-3. 20-A MRSA §405, sub-§3, ¶¶S, as enacted by PL 1993, c. 290, §3, is amended to read:

S. Develop long-range education goals and standards for school performance and student performance to improve learning results and recommend to the commissioner and to the Legislature a plan for achieving those goals and standards;

Sec. J-4. 20-A MRSA §405, sub-§3, ¶¶T to V are enacted to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children in kindergarten and grades one to 12 and that promotes services for pre-school children. The plan must incorporate and build upon the work of the Task Force on Learning Results, established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

U. Review the organization of school administrative units statewide to identify current cooperative agreements between school administrative units. Cooperative agreements may include, but are not limited to: purchasing or contract agreements; administrative functions; shared staff and staff training; and technology initiatives. Based on the review, and in consultation with the department, the state board may require that school administrative units develop and carry out a plan for a cooperative agreement with one or more other school administrative units. "Cooperative agreement" may include agreements between school administrative units and applied technology regions and applied technology centers; and

V. Study school consolidation statewide, develop a school consolidation plan that includes criteria for evaluating opportunities for consolidation and, if desirable, develop a time line for implementation.

Sec. J-5. Progress report. The State Board of Education shall provide a progress report on its review pursuant to the Maine Revised Statutes, Title 20-A, section 405, subsection 3, paragraph U to the Joint Standing Committee on Education by December 1, 1995. The report must include an analysis of current cooperative agreements and a framework for requiring additional agreements statewide.

Sec. J-6. Implementation plan. Beginning in March 1996, the State Board of Education shall develop for the Legislature an implementation plan for funding essential programs and essential services. The plan must be based on the criteria for student learning developed by the Task Force on Learning Results

established in Public Law 1993, chapter 290. The plan must include establishment of a system to measure and ensure that schools are held accountable for student learning results. The board shall present its plan and implementing legislation to the joint standing committee of the Legislature having jurisdiction over education matters by December 1, 1996. The committee may report out a bill based on the proposal.

Sec. J-7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1995-96	
EDUCATION,	
DEPARTMENT OF	
General Purpose Aid for Local Schools	
All Other	(\$75,000)
Provides for the deappropriation of anticipated general purpose aid balances.	
DEPARTMENT OF EDUCATION	
TOTAL	
	(75,000)
LEGISLATURE	
Education Research Institute	
All Other	75,000
Provides for the appropriation of funds to the Education Research Institute for continued development of the grades K to 12 education data base and for the conduct of targeted education research.	
LEGISLATURE	
TOTAL	
	\$75,000
SECTION	
TOTAL APPROPRIATION	
	\$-0-

Sec. J-8. Expenditure authorization. The Commissioner of Education is authorized to expend up to \$25,000 from the fiscal year 1995-96 General Purpose Aid for Local Schools appropriation to contract for the acquisition of normalized regional cost adjustment data for use in the school funding formula.

PART K

Sec. K-1. 36 MRSA §187-B, sub-§2, as amended by PL 1995, c. 281, §8, is amended to read:

2. Failure to pay. The following penalties apply.

A. Any person who fails to pay, on or before the due date, any amount shown as tax on any return required under this Title is liable for a penalty of 1% of the unpaid tax for each month or fraction of a month during which the failure continues, to a maximum in the aggregate of 25% of the unpaid tax.

B. Any person who fails to pay a tax assessment for which no further administrative or judicial review is available pursuant to section 151 and the Maine Administrative Procedure Act is liable for a penalty in the amount of 25% of the amount of the tax due if the payment of the tax is not made within 10 days of the person's receipt of notice of demand for payment as provided by this Title. This penalty must be explained in the notice of demand and is final when levied.

This subsection does not apply to taxes due pursuant to chapter 369.

PART L

Sec. L-1. Allocation. In order to provide the necessary expenses of operation and administration of the Bureau of Alcoholic Beverages and Lottery Operations and the State Liquor and Lottery Commission, the following amounts are allocated from revenues derived from operations of the State Lottery Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	1995-96	1996-97
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Lottery Operations		
All Other	(\$2,500,650)	(\$4,617,600)
Provides for the deallocation of funds to more accurately reflect the operating costs associated with instant card vending machines.		
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	(\$2,500,650)	(\$4,617,600)

PART M

Sec. M-1. 12 MRSA §7910, sub-§14 is enacted to read:

14. Savings fund; offset against future fee increases. A savings fund, referred to in this subsection as the "fund," is established in the department. Appropriations to the fund are considered funds appropriated to the department under the meaning of the Constitution of Maine, Article IX, Section 22. Money appropriated to the fund does not lapse but must be carried forward and may be used by the department only to offset license fee increases if the use of that money for that purpose is approved by the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

Sec. M-2. Fish and Wildlife Technician; vacancy. If the Fish and Wildlife Technician positions in the Department of Inland Fisheries and Wildlife having the position numbers 01868-0895, 01868-0896 and 01865-0897 become vacant for any reason at any time after the effective date of this Part, the Commissioner of Inland Fisheries and Wildlife may not fill those vacancies on a permanent or temporary basis without the prior approval of the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

Sec. M-3. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal years ending June 30, 1996 and June 30, 1997 the following sums.

	1995-96	1996-97
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Administrative Services - Inland Fisheries and Wildlife		
Personal Services	(\$3,148)	(\$5,109)
Provides for the deappropriation of funds as an offset.		
Enforcement Operations - Inland Fisheries and Wildlife		
Personal Services	4,118	4,118
Provides funds for a reclassification.		
Fisheries and Hatcheries Operations		

Positions - Legislative Count	(-1.0)	(-2.0)
Positions - Other Count	(1.0)	(2.0)
Personal Services	(11,895)	(24,017)
Provides for the deappropriation of funds as an offset.		
Public Information and Education, Division of		
Capital Expenditures	(13,000)	
Provides for the deappropriation of funds as an offset.		
Savings Fund Program		
All Other	23,925	25,008
Provides for the appropriation of funds to the Savings Fund Program. Money in this fund may only be used to offset future license fee increases.		
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
TOTAL	<u>-0-</u>	<u>-0-</u>

Sec. M-4. Allocation. The following funds are allocated from the Federal Expenditure Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	1995-96	1996-97
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Office of the Commissioner - Inland Fisheries and Wildlife		
All Other	(120,000)	(120,000)
Provides for the deallocation of funds as an offset.		
Endangered Nongame Operations		
Capital Expenditures	(5,000)	(5,000)
Provides for the deallocation of funds as an offset.		

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
TOTAL	<u>(125,000)</u>	<u>(125,000)</u>

Sec. M-5. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	1995-96	1996-97
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Endangered Nongame Operations		
All Other	(36,366)	(37,831)
Provides for the deallocation of funds as an offset.		
Endangered Nongame Operations		
All Other	(36,366)	(37,831)
Provides for the deallocation of funds as an offset.		
Endangered Nongame Operations		
All Other	(4,000)	(2,000)
Provides for the deallocation of funds as an offset.		
Endangered Nongame Operations		
All Other	(58,139)	(57,426)
Provides for the deallocation of funds as an offset.		
Public Information and Education, Division of		
Capital Expenditures		(4,000)
Provides for the deallocation of funds as an offset.		
Waterfowl Habitat Acquisition and Management		
All Other	(16,952)	(17,427)

Provides for the deallocation of funds as an offset.

**DEPARTMENT OF
INLAND FISHERIES AND
WILDLIFE**

TOTAL	(\$151,823)	(\$156,515)
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PART N

Sec. N-1. Modify 1996 and 1997 state valuations. Notwithstanding any other provision in the Maine Revised Statutes, Title 36, the 1996 and 1997 state valuations for the Town of Millinocket, for the purposes of calculating county taxes, school appropriations and municipal revenue sharing funds must be based on a valuation that values the property of Bowater Corporation in the Town of Millinocket at \$110,000,000.

PART O

Sec. O-1. Contingency plan by departments receiving federal funding. All departments and agencies of State Government that receive federal funding or federal block grants shall prepare contingency plans that anticipate lower amounts of federal funding or federal block grants for the 1996-1997 biennium. The departments and agencies shall submit the plans to the Legislative Council no later than September 30, 1995.

PART P

Sec. P-1. 32 MRSA §1863-B, as enacted by PL 1991, c. 819, §3, is repealed.

Sec. P-2. 32 MRSA §1866, sub-§7, as amended by PL 1991, c. 819, §9, is repealed.

Sec. P-3. 32 MRSA §1866-A, as amended by PL 1991, c. 819, §§10 and 11, is repealed.

Sec. P-4. 32 MRSA §1866-B is enacted to read:

§1866-B. State payments to deposit initiators

1. Overpayments. If a deposit initiator has paid the Treasurer of State more than 50% of its unclaimed minimum deposits during calendar year 1995, the deposit initiator may apply for a refund of the overpayment. Applications for refunds must be filed with the Treasurer of State between March 1, 1996 and April 20, 1996. The Treasurer of State shall refund to the initiator documented claims of overpayment.

2. Over-redemptions. If a deposit initiator retained a carry-over credit of 50% of over-redeemed

minimum deposits from prior years at the end of calendar year 1994, the deposit initiator may apply for a cash payment of any amount of the carry-over credit that remains as of December 31, 1995. Applications for payment of carry-over credits must be filed with the Treasurer of State between March 1, 1996 and April 20, 1996. After the payments have been made, and to the extent that sufficient revenues from deposits collected during calendar year 1995 remain, the Treasurer of State may equitably pay deposit initiators for a maximum of 50% of documented over-redeemed minimum deposits in calendar year 1995. Deposit initiators seeking payment for 50% of over-redeemed deposits from 1995 must file application for payment with the Treasurer of State between March 1, 1996 and April 20, 1996.

Sec. P-5. 32 MRSA §1866-C is enacted to read:

§1866-C. Reporting and payment obligations

Any distributor or manufacturer who was subject to the reporting and payment obligations under former section 1866-A and who failed to comply with the requirements of that section shall file reports and immediately make payments to the Treasurer of State in accordance with that former section. Deposit initiators who fail to comply with this section are subject to the penalties in section 1869, subsections 1 and 2. If reports were not filed in accordance with former section 1866-A, reimbursements or credits for over-redeemed minimum deposits may not be allowed. The Treasurer of State may conduct audits of any distributor or manufacturer subject to the former section 1866-A to determine whether that distributor or manufacturer has come into compliance.

Sec. P-6. 32 MRSA §1869, sub-§3, as amended by PL 1991, c. 591, Pt. R, §5, is repealed.

Sec. P-7. 32 MRSA §1871, 2nd ¶, as enacted by PL 1991, c. 591, Pt. R, §6, is repealed and the following enacted in its place:

The Treasurer of State has continuing authority to enforce rules, previously adopted in implementation of former section 1866, subsection 7 and former section 1866-A, to conduct audits, to pursue payments owed or to seek penalties against any deposit initiator in accordance with section 1869, subsections 1 and 2, who failed to meet that initiator's responsibilities under former sections 1866, subsection 7 and 1866-A.

Sec. P-8. 38 MRSA §2201, last ¶, as repealed and replaced by PL 1993, c. 410, Pt. C, §8, is amended to read:

Funds related to administration may ~~only~~ be expended only in accordance with allocations approved by the Legislature for administrative

expenses directly related to the agency's and the department's programs, including actions by the department necessary to abate imminent threats to public health, safety and welfare posed by the illegal disposal of solid waste. Funds related to operations may ~~only~~ be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the agency and for the repayment of any obligations of the agency incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the agency and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Taxation incurred in the administration of Title 36, section 5219-D and Title 36, chapter 719 and an amount equal to the General Fund revenues lost as the result of Title 36, sections 2526 and 5219-D. ~~Beginning in the fiscal year ending June 30, 1994 and thereafter, the fund must support allocations approved by the Legislature for administrative expenses and reimbursement costs directly related to the administration of Title 32, section 1866, subsection 7 and Title 32, section 1866 A by the Treasurer of State.~~ Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all agency activities other than those included in the operations account.

Sec. P-9. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	1995-96	1996-97
(OFFICE OF)		
TREASURER OF STATE		
Administration - Treasury		
Positions	(-1.0)	(-2.0)
Personal Services	(\$27,872)	(\$64,566)
All Other	(5,596)	(5,747)

Deallocates funds due to the repeal of the unclaimed beverage container program including the elimination of one Clerk II position in fiscal year 1995-96 and the additional elimination of an Auditor I position in fiscal year 1996-97.

(OFFICE OF)		
TREASURER OF STATE		
TOTAL	(\$33,468)	(\$70,313)

Sec. P-10. Transition provisions.

1. Notwithstanding the repeal of the reporting requirements contained in the Maine Revised Statutes, Title 32, section 1866-A, subsection 1 by this Part, each deposit initiator shall submit a final report on or before March 20, 1996.

2. Notwithstanding the repeal by this Part of Title 32, section 1866-A, subsection 2, each deposit initiator shall submit a final payment to the Treasurer of State on or before March 20, 1996 in an amount equal to 50% of the unclaimed minimum deposits held by the deposit initiator for the 3-month period ending on the last day of December 1995.

3. Subject to audit, all unclaimed minimum deposits in deposit transaction accounts remaining after any required payment to the State or as of March 20, 1996, whichever is later, may be retained by and become the property of the deposit initiator.

4. Notwithstanding the repeal by this Part of the provisions relating to the administrative costs of the Treasurer of State in Title 38, section 2201, the Maine Solid Waste Management Fund must support allocations approved by the Legislature for administrative expenses and reimbursement costs directly related to the phaseout of the unclaimed beverage container deposit laws through June 30, 1996. Auditing and reimbursement costs of the Treasurer of State may be paid from any amounts recovered in enforcement efforts continuing beyond June 30, 1996.

Sec. P-11. Effective date. Sections 1 to 3 and 5 to 8 of this Part take effect December 31, 1995.

PART Q

Sec. Q-1. Commission established. The Commission on Higher Education Governance, referred to in this Part as the "commission," is established.

Sec. Q-2. Commission membership. The commission consists of 11 members, none of whom may be employed by public or private institutions of higher education in the State, appointed as follows:

1. Five members, including the chair of the commission, appointed by the Governor;
2. Three members appointed by the President of the Senate; and
3. Three members appointed by the Speaker of the House of Representatives.

Sec. Q-3. Appointments; meetings. All appointments must be made no later than 30 days following the effective date of this Part. Within 15 days of the appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

Sec. Q-4. Duties. The commission shall:

1. Review the missions, roles, organizational structure and leadership structure of the State's public institutions of higher education, including the Maine Maritime Academy, the Maine Technical College System and the University of Maine System;
2. Examine the adequacy of opportunities offered to meet the diverse needs of people of the State by public institutions of higher education and the role of the State's private institutions of higher education in complementing those opportunities;
3. Examine how effectively and productively resources are utilized to achieve higher education institutional missions and address the State's economic and social needs;
4. Conduct a review of state funding levels among all constituent entities of public higher education in the State in relationship to each other and to national averages and trends;
5. Review the level and type of state-funded financial aid available to resident students;
6. Examine the provision of community college services, associate degree programs, baccalaureate programs and graduate programs to ensure that the full range of needed academic programs are widely available in the State and are delivered without wasteful overlap by the appropriate institutions;
7. Examine the role, scope, nature and resource needs of distance learning through instructional television provided by the University of Maine System; and
8. Examine the relationship between State Government and the State's private institutions of higher education, including the role of the Legislature in approving degree programs at private institutions of higher education.

Sec. Q-5. Staff assistance. The commission shall request staffing assistance from the Legislative Council and the University of Maine System. The commission may also contract for necessary professional assistance.

Sec. Q-6. Reimbursement. The members of the commission are entitled to receive the legislative per diem and must be reimbursed for expenses upon approval of the chair of the commission and applica-

tion to the Executive Director of the Legislative Council.

Sec. Q-7. Report. The commission shall submit a report outlining its findings pursuant to section 4 of this Part, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature no later than December 15, 1995.

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

1995-96

LEGISLATURE

Commission on Higher Education Governance

Personal Services	\$6,050
All Other	68,950

Provides funds to the Commission on Higher Education Governance for the per diem and expenses of members, to contract for professional services and for miscellaneous commission expenses.

LEGISLATURE

TOTAL

\$75,000

PART R

Sec. R-1. 22 MRSA §391, sub-§1, as amended by PL 1995, c. 368, Pt. W, §1, is further amended to read:

1. Assessments. Every hospital subject to regulation under this chapter is subject to an assessment of not more than .15% of its gross patient service revenues. Notwithstanding any other provision of law, the commission shall reduce the assessment to hospitals. The commission shall determine the assessments annually prior to July 1st and shall assess each hospital for its pro rata share. Each hospital shall pay the assessment charged to it on a quarterly basis, with payments due on or before July 1st, October 1st, January 1st and April 1st of each year. For fiscal year 1995-96, the assessments may not exceed in total ~~\$1,600,000~~ \$1,300,000.

Sec. R-2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1995-96

**MAINE HEALTH CARE
FINANCE COMMISSION**

**Health Care Finance
Commission**

Unallocated (\$300,000)

Deallocates funds due to a reduction in the assessment on hospitals. The Executive Director of the Maine Health Care Finance Commission must report to the Joint Standing Committee on Appropriations and Financial Affairs no later than September 1, 1995 on the specific reductions that will be made to achieve \$300,000 in savings in fiscal year 1995-96.

PART S

Sec. S-1. 36 MRSA §191, sub-§2, ¶Q, as amended by PL 1995, c. 368, Pt. W, §7, is further amended to read:

Q. The listing of special fuel suppliers possessing certificates under section 3204; ~~and~~

Sec. S-2. 36 MRSA §191, sub-§2, ¶R, as enacted by PL 1995, c. 368, Pt. W, §8, is amended to read:

R. The disclosure to the Department of Human Services, Bureau of Medical Services of information relating to the administration and collection of the tax imposed by chapter 369; ~~and~~

Sec. S-3. 36 MRSA §191, sub-§2, ¶S is enacted to read:

S. The disclosure to an authorized representative of the Department of Human Services of the names and social security numbers of applicants for the Maine Residents Property Tax Relief Program for the purpose of identifying those who are not eligible for that program pursuant to section 6207, subsection 3. The Department of Human Services may not disclose names or social security numbers to any person, agency or organization, other than the Bureau of Taxation, nor may those names and social security numbers be used for any purpose other than the purpose stated in this paragraph.

Sec. S-4. 36 MRSA §6207, sub-§3, as enacted by PL 1987, c. 516, §§3 and 6, is amended to read:

3. Subsidized housing; special needs payment. ~~No A claim may not be granted under this section to claimants whose housing costs for the year for which relief is requested were subsidized by government programs which limit housing costs to a percentage of household income;~~

A. Whose housing costs for the year for which relief is requested were subsidized by government programs that limit housing costs to a percentage of household income; and

B. Who are receiving Aid to Families with Dependent Children and are eligible for the housing special needs payment pursuant to Title 22, section 3760-D.

Sec. S-5. PL 1995, c. 368, Pt. I, §1 is repealed.

Sec. S-6. Task force to study the impact of reducing the Aid to Families with Dependent Children housing special needs payment. The Commissioner of Human Services shall establish a task force to study the impact of reducing the Aid to Families with Dependent Children housing special needs payment, including the financial impact on municipalities and families.

The department shall submit a report by February 1, 1996 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over human resource matters.

The report must show the amount and source of funds necessary to continue the program at the benefit level in effect on July 1, 1995 or recommend a plan to redesign the program to operate within existing resources in a manner that will minimize the impact on families and municipalities.

Sec. S-7. Balance in General Assistance, General Fund account may not lapse. Notwithstanding any other provision of law, any balance remaining in the General Assistance, General Fund account on June 30, 1995 may not lapse but must be carried forward to June 30, 1996 to be used for the same purposes.

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

	1995-96	1996-97
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Maine Residents Property Tax Program		
All Other	(\$544,500)	(\$544,500)
Deappropriates funds no longer required due to the exclusion of people eligible for the Aid to Families with Dependent Children housing special needs payment from circuit-breaker eligibility.		

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL	(544,500)	(544,500)
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HUMAN SERVICES, DEPARTMENT OF		
Aid to Families with Dependent Children		
All Other	750,000	544,500
Provides for the appropriation of funds to continue the housing special needs payment through fiscal year 1995-96. Housing special needs payments during fiscal year 1996-97 are limited to the amounts appropriated for that purpose.		
General Assistance		
All Other	(205,500)	
Provides for the deappropriation of funds due to an available balance from fiscal year 1994-95.		

DEPARTMENT OF HUMAN SERVICES TOTAL	544,500	544,500
SECTION TOTAL APPROPRIATION	-0-	-0-

Sec. S-9. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Part.

	1995-96	1996-97
HUMAN SERVICES, DEPARTMENT OF		
Aid to Families with Dependent Children		
All Other	\$1,293,596	\$939,961
Provides for the allocation of funds to continue the housing special needs payment through fiscal year 1995-96. Housing special needs payments during fiscal year 1996-97 are limited to the amounts allocated for that purpose.		

PART T

Sec. T-1. Transfer of funds; Maine Health Care Finance Commission. Notwithstanding any other provision of law, the State Controller is authorized to transfer \$500,000 from the Maine Health Care Finance Commission, Other Special Revenue account in the Maine Health Care Finance commission to General Fund undedicated revenue no later than June 30, 1996.

Sec. T-2. Transfer of funds; Management Support Fund. Notwithstanding any other provision of law, the State Controller is authorized to transfer \$643,240 from the Management Support Fund, Other Special Revenue account in the Maine Health Care Finance Commission to General Fund undedicated revenue no later than June 30, 1996.

Sec. T-3. General Purpose Aid for Local Schools; lapsed balances. Notwithstanding any other provision of law, \$161,883 in fiscal year 1995-96 in the General Purpose Aid for Local Schools account lapses to the General Fund as a result of construction audit recoveries and \$255,604 lapses to the General Fund from fiscal year 1994-95 estimated account balances.

Sec. T-4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1995-96	1996-97
ADMINISTRATION AND FINANCIAL SERVICES, DEPARTMENT OF		
Public Improvements - Planning - Construction - Administration		
Capital Expenditures	(\$681,405)	(\$1,681,405)

Provides for a deappropriation of funds to partially offset a deappropriation in Public Law 1995, chapter 368, Part DD.

Maine Residents Property Tax Program

All Other (244,968) (255,032)
 Deappropriates funds that are no longer provided.

Departments and Agencies - Statewide

Personal Services (125,000) (140,000)
 Deappropriates additional funds from savings realized from a less than anticipated increase in state employees' health insurance. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provisions of law, the State Budget Officer shall calculate the amounts that apply against each General Fund account and shall cause the amounts to be transferred from each account by financial order.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL

(1,051,373) (2,076,437)

EDUCATION, DEPARTMENT OF

Educational Restructuring and Improvements

All Other (148,821)
 Provides for the deappropriation of additional funds to reflect reduced funding for the Technology Enhancement program in fiscal year 1995-96.

DEPARTMENT OF EDUCATION TOTAL

(148,821)

TOTAL APPROPRIATIONS (\$1,200,194) (\$2,076,437)

Sec. T-5. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Part.

1995-96 1996-97

HUMAN SERVICES, DEPARTMENT OF

Disability Determination - Division of

Positions - Other Count (1.0) (1.0)
 Personal Services \$40,455 \$42,320
 All Other 3,000 3,000
 Capital Expenditures 2,500

Provides for the allocation of one Disability Claims Hearing Officer position in the Division of Disability Determination. All Other and Capital Expenditure funds are needed to support the position.

DEPARTMENT OF HUMAN SERVICES

TOTAL ALLOCATIONS \$45,955 \$45,320

Sec. T-6. Allocation. The following funds are allocated from the Solid Waste Management Fund to carry out the purposes of this Part.

1995-96 1996-97

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Solid Waste Management

Positions (2.0) (2.0)
 Personal Services \$53,647 \$73,091
 All Other 10,193 13,887

Provides funds for an Environmental Specialist II position and an Environmental Specialist III position to ensure better compliance in achieving emissions reduction requirements of the federal Clean Air Act. Expenditures from these allocations may be made only after the allocations made from this fund in Public Law 1995, chapter

368, Part NN are assumed.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL ALLOCATIONS	\$63,840	\$86,978
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PART U

Sec. U-1. PL 1995, c. 368, Pt. P, §1 is amended to read:

Sec. P-1. Transfer of unexpended balance. Notwithstanding Private and Special Law 1987, chapter 126, section 3, on or before June 30, 1996, the Treasurer of State shall transfer ~~\$1,200,000~~ \$1,400,000 of the unexpended balance in the Maine State Housing Authority's oil storage and removal bond fund, authorized by Private and Special Law 1987, chapter 126, to the debt service earnings account in the office of the Treasurer of State.

Sec. U-2. PL 1995, c. 368, Pt. P, §2, under the caption "TREASURY DEPARTMENT" in that part relating to "Debt Service - Treasury," the blocked paragraph is amended to read:

Provides for the deappropriation of funds in conjunction with the transfer of funds from the oil storage and removal bond fund in the Maine State Housing Authority in the amount of ~~\$1,200,000~~ \$1,400,000 in fiscal year 1995-96 as specified in section 1 of this Part. Transfers will be made from the General Fund Debt Service Account, the 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.

Sec. U-3. PL 1995, c. 368, Pt. UU, §§6 and 7 are repealed.

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

Effective June 30, 1995.

CHAPTER 396

H.P. 1045 - L.D. 1464

An Act to Preserve Fishing Stocks

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

Whereas, the Groundfish Hatchery Fund will be repealed July 30, 1995 unless the date is altered by law; and

Whereas, although no additional dollars will be credited to the fund, a balance exists which may be used to implement the hatchery raising of groundfish; and

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

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

Sec. 1. 12 MRSA §6591, sub-§2, as enacted by PL 1993, c. 194, §1, is repealed.

Sec. 2. 12 MRSA §6591, sub-§3 is enacted to read:

3. Balance carried forward. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward.

Sec. 3. 12 MRSA §6594, as enacted by PL 1993, c. 194, §1, is amended to read:

§6594. Repeal

This subchapter is repealed July 30, ~~1995~~ 1996. All unencumbered money in the fund on July 30, ~~1995~~ 1996 must be deposited into the General Fund.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1995-96

MARINE RESOURCES, DEPARTMENT OF

Groundfish Hatchery Study

All Other	\$20,077
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