

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**CHAPTER 502**

**H.P. 1150 - L.D. 1589**

**An Act to Implement the Recommendations of the Productivity Realization Task Force**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses will become due and payable prior to July 1, 1996; 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 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.

	1995-96	1996-97
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Office of the Commissioner - Administrative and Financial Services</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(\$33,122)	(\$42,168)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(34,622)</b>	<b>(43,668)</b>
Provides for the deappropriation of funds from the elimination of one Senior Administrative Secretary position and related support costs. The position elimination is in accordance with the department's productivity plan.		

**Office of the Commissioner - Administrative and Financial Services**

Personal Services	(1,745)	(2,521)
Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.		

**Administration - Human Resources**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(57,763)	(104,969)
Provides for the deappropriation of funds from the elimination of one Administrative Secretary position, one Clerk II position and one Principal Personnel Analyst position. The positions eliminated are in accordance with the department's productivity plan.		

**Administration - Human Resources**

Personal Services	12,336	7,500
Provides for the appropriation of funds for 2 position reorganizations that are a part of the department's productivity plans and to reflect a reduction in savings due to a change in the timing in the elimination of one Administrative Secretary position. The positions to be reorganized are 2 Employment Services Assistant positions, which will be upgraded to 2 Personnel Assistant positions.		

**Administration - Human Resources**

All Other	(8,500)	(10,000)
Provides for the deappropriation of funds from the reduction of support costs in association with the elimination of positions in accordance with the department's productivity plan.		

**Administration - Human Resources**

Personal Services	(2,280)	(5,621)
Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.		

**Accounts and Control - Bureau of**

Positions - Legislative Count	(-4.0)	(-4.0)
Personal Services	(71,076)	(127,134)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(72,576)</b>	<b>(128,634)</b>

Provides for the deappropriation of funds from the elimination of one Clerk IV position, one Payroll Technician position, one Data Control Specialist position and one Account Clerk II position along with support costs. The position eliminations are in accordance with the department's productivity plan.

**Accounts and Control - Bureau of**

Personal Services	(4,300)	(7,712)
Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.		

**Budget - Bureau of the**

Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(80,755)	(83,268)
All Other	(3,000)	(1,500)
<b>TOTAL</b>	<b>(83,755)</b>	<b>(84,768)</b>

Provides for the deappropriation of funds from the elimination of one Budget Examiner position and one Word Processing Operator position along with All Other support costs. The positions eliminated are in accordance with the department's productivity plans.

**Budget - Bureau of the**

Personal Services	(1,444)
Provides for the deappropriation of funds resulting from undervaluing savings that were deallotted on Financial Order 000329F5 in fiscal year 1995-96.	

**Budget - Bureau of the**

Personal Services	(4,915)	(4,868)
Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.		

**Buildings and Grounds Operations**

Positions - Legislative Count	(-13.0)	(-13.0)
Personal Services	(221,994)	(350,937)
All Other	(4,500)	(4,500)
<b>TOTAL</b>	<b>(226,494)</b>	<b>(355,437)</b>

Provides for the deappropriation of funds from the elimination of 8 Custodial Worker I positions, 2 Custodial Worker II positions, 2 Custodial Worker III positions and one Laborer II position along with supporting All Other. These position eliminations are part of the department's productivity plan.

**Buildings and Grounds Operations**

Personal Services	(10,001)	(19,151)
Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.		

**Financial and Personnel Services - Division of**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(34,457)	(30,724)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(35,957)</b>	<b>(32,224)</b>

Provides for the deappropriation of funds from the elimination of one Accountant I position and related support costs. The position elimination is in accordance with department's productivity plan.

**Financial and Personnel Services - Division of**

Personal Services 3,045

Provides for the appropriation of funds in order to correct the over-calculation of retirement savings related to the elimination of one Accountant I position.

**Financial and Personnel Services - Division of**

Personal Services (1,900) (2,057)

Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.

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

Positions - Legislative Count (-2.0) (-2.0)  
 Personal Services (36,823) (62,001)  
 All Other (1,500) (1,500)  
 TOTAL (38,323) (63,501)

Provides for the deappropriation of funds from the elimination of one Clerk Typist III position and one Accountant II position and related support costs.

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

All Other (1,500) (1,500)

Provides for the deappropriation of funds from the reduction of All Other costs in addition to the amount originally identified through productivity reductions.

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

Personal Services (2,005) (3,992)

Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.

**Purchases - Division of**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (20,596) (32,322)  
 All Other (1,500) (1,500)  
 TOTAL (22,096) (33,822)

Provides for the deappropriation of funds from the elimination of one Assistant Buyer position. The position elimination is in accordance with the department's productivity plan.

**Purchases - Division of**

Personal Services (1,260) (1,923)

Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services 539,554 1,007,161

Provides for the appropriation of funds for the unfunded liability portion of the Personal Services savings achieved through productivity plans.

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services 144,565 481,250

Provides for the appropriation of funds for the retiree health insurance portion of the Personal Services savings achieved through productivity plans.

**Executive Branch Departments and Independent Agencies - Statewide**

All Other	(835,540)	(143,240)
Provides for the deappropriation of funds transferred to the Department of Human Services for equipment and technology upgrades.		

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services	7,994,725	14,531,607
All Other	(677,270)	(2,640,772)
Capital Expenditures		(58,600)
<b>TOTAL</b>	<b>7,317,455</b>	<b>11,832,235</b>
Provides for the appropriation of funds identified as productivity savings under the provisions of Public Law 1995, chapter 99, Part D.		

**Taxation - Bureau of**

Positions - Legislative Count	(-47.0)	(-47.0)
Positions - Other Count	(-5.0)	(-5.0)
Personal Services	(1,036,234)	(1,731,530)
Provides for the deappropriation of funds from the elimination of 2 Account Clerk I positions, 2 Clerk II positions, 5 Clerk III positions, 2 Clerk IV positions, one Clerk Typist I position, 6 Clerk Typist II positions, 2 Clerk Typist III positions, one Computer Programmer position, one Data Entry Specialist position, 3 Data Entry Operator positions, 10 seasonal Data Entry Operator positions, one Data Control Specialist position, one District Tax Audit Manager position, 3 Principal Revenue Agent positions, one Property Appraiser I position, 2 Revenue Agent positions, one Receptionist position, 2 Senior Tax Examiner positions, one Special Investigator position, one Taxation Division		

Assistant Executive position, one Tax Enforcement Officer position, 3 Tax Examiner positions, 2 Tax Section Manager positions and 3 Taxpayer Assistance Specialist positions.

**Taxation - Bureau of**

Personal Services	(22,154)
Provides for the deappropriation of funds resulting from undervaluing vacancy savings deallotted by Financial Order 000329F5 in fiscal year 1995-96.	

**Taxation - Bureau of**

Personal Services	(47,149)	(107,072)
Provides for the deappropriation of funds related to the unfunded liability portion of the retirement rate.		

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

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

**Administration - Agriculture**

Positions - Legislative Count	(-2.5)	(-2.5)
Personal Services	(60,635)	(122,161)
All Other	(38,800)	(66,600)
Capital Expenditures	(12,740)	(23,740)
<b>TOTAL</b>	<b>(112,175)</b>	<b>(212,501)</b>

Provides for the deappropriation of funds through the transfer of one Clerk Typist III position and one part-time Department Information Systems Manager position to the Office of Planning, Policy, Legislation and Information Services; class exchanges of one Director of Special Projects position for 1/2 of a split-funded Planning and Research Associate II position in the Office of Agricultural, Natural and

<b>TOTAL</b>	<b>5,464,442</b>	<b>10,439,936</b>
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Rural Resources and 1/2 of a split-funded Senior Planner position in the Office of Planning, Policy, Legislation and Information Services; transfer of information services, pull events, and agricultural bargaining board activities to the Office of Planning, Policy, Legislation and Information Services and transfers agricultural shop building maintenance activities to Marketing Services - Agriculture.

**Office of Agricultural, Natural and Rural Resources**

Positions - Legislative Count	(4.0)	(4.0)
Personal Services	103,578	194,832
All Other	7,684	11,584
<b>TOTAL</b>	<u>111,262</u>	<u>206,416</u>

Provides for the appropriation of funds for the class exchange of one Director, Bureau of Production position to one Director of Agricultural, Natural and Rural Resources position, and the establishment of one Administrative Secretary position, one Agricultural Compliance Inspector position and one Planning and Research Associate II position. Provides associated All Other funds in accordance with the approved restructuring plan.

**Agricultural Production**

Positions - Legislative Count	(-4.5)	(-4.5)
Positions - Other Count	(1.0)	(1.0)
Personal Services	(114,493)	(221,891)
All Other	(41,600)	(143,700)
<b>TOTAL</b>	<u>(156,093)</u>	<u>(365,591)</u>

Provides for the deappropriation of funds for the class exchange of one Director, Bureau of Agricultural Production position for one Director, Office of Agricultural, Natural and Rural

Resources position in the Office of Agricultural, Natural and Rural Resources; reclassifies one Director Production Development position to Business Development Specialist position in the Division of Market and Production Development; transfers one Clerk Typist III position and one Agricultural Development Agent position to the Division of Market and Production Development; transfers one Administrative Secretary position and one Agricultural Compliance Inspector position to the Office of Agricultural, Natural and Rural Resources; transfers one State Horticulturist position and 1/2 of a split-funded Director Plant Industry position to the Division of Plant Industry; reclassifies 2 Veterinarian Supervisor positions to 2 Veterinarian positions; and transfers in 3 Dairy Inspector positions and one seasonal Veterinarian position. Transfers associated All Other and Capital funds in accordance with the approved restructuring.

**Agricultural and Rural Resource Development**

Positions - Legislative Count	(-0.5)	(-0.5)
Personal Services	(14,524)	(25,497)
All Other	(1,624)	(3,264)
<b>TOTAL</b>	<u>(16,148)</u>	<u>(28,761)</u>

Provides for the deappropriation of funds through the transfer of 1/2 of a split-funded Planning and Research Associate II position and associated All Other funds to the Office of Agricultural, Natural and Rural Resources.

**Public Services - Agriculture**

Positions - Legislative Count	(-27.0)	(-27.0)
Personal Services	(577,271)	(1,119,002)
All Other	(2,200)	(11,200)
<b>TOTAL</b>	<b>(579,471)</b>	<b>(1,130,202)</b>

Provides for the deappropriation of funds from the elimination of one Clerk Stenographer III position, one Supervisor Dairy Inspector position and one Consumer Foods Supervisor position; class exchanges one Director, Bureau of Public Service position for one Director, Office of Planning, Policy, Legislation and Information Services position in the Office of Planning, Policy, Legislation and Information Services; class exchanges one Clerk Typist III position for 1/2 of a split-funded Clerk Typist II position in Marketing Services - Agriculture; class exchanges one Director of Inspection position for one Director of Production and Marketing Development position in the Division of Production and Marketing Development; and transfers 3 Dairy Inspector positions to Agricultural Production. Transfers 8 Weights and Measures Inspector positions, one Weights and Measures Supervisor position, one Metrologist position and 8 Inspector Consumer Foods positions to Marketing Services - Agriculture.

**Harness Racing Commission**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(20,000)	(44,300)
All Other	(650)	(1,300)
<b>TOTAL</b>	<b>(20,650)</b>	<b>(45,600)</b>

Provides for the deappropriation of funds

through the transfer of one seasonal Veterinarian position to Agricultural Production and related All Other.

**Marketing Services - Agriculture**

Positions - Legislative Count	(12.5)	(12.5)
Positions - Other Count	(-2.0)	(-2.0)
Personal Services	255,178	414,668
All Other	(16,100)	(28,000)
<b>TOTAL</b>	<b>239,078</b>	<b>386,668</b>

Provides for the appropriation of funds from the elimination of 2 seasonal Clerk Typist I positions, one Clerk Stenographer III position, one Quality Compliance Inspector position, one Produce Inspector Manager position; transfers one Planning and Research Associate I position to the Office of Planning, Policy, Legislation and Information Services; transfers one Planning and Research Associate II position to the Division of Production and Marketing Development; reclassifies one Director of Market Development position to one Business Development Specialist position transferred to the Division of Production and Marketing Development; and class exchanges one Agricultural Quality Assurance Assistant Director position for one Quality Assurance Program Manager position. Transfers in 1/2 of a split-funded Clerk Typist II position, 8 Weights and Measures Inspector positions, one Weights and Measures Supervisor position, one Metrologist position and 8 Inspector Consumer Foods positions from the Bureau of Public Service.



**Division of Plant Industry**

Positions - Legislative Count	(1.5)	(1.5)
Personal Services	47,745	94,426
All Other	18,700	37,900
<b>TOTAL</b>	<b>66,445</b>	<b>132,326</b>

Provides for the appropriation of funds for 1/2 of a split-funded Director Plant Industry position and one State Horticulturist position. Provides All Other and Capital funds in accordance with the approved restructuring plan.

**Office of Planning, Policy, Legislation and Information Services**

Positions - Legislative Count	(4.0)	(4.0)
Personal Services	106,784	204,417
All Other	41,000	70,800
Capital Expenditures	12,740	23,740
<b>TOTAL</b>	<b>160,524</b>	<b>298,957</b>

Provides for the appropriation of funds for one Director Office of Planning, Policy, Legislation and Information Services position, class exchanged from one Director Bureau of Public Services position, 1/2 of a split-funded Department Information Systems Manager position, 1/2 of a split-funded Senior Planner position, one Clerk Typist III position and one Planning and Research Associate I position and related All Other and Capital costs.

**Division of Market and Production Development**

Positions - Legislative Count	(6.0)	(6.0)
Personal Services	155,510	306,062
All Other	33,590	61,780
<b>TOTAL</b>	<b>189,100</b>	<b>367,842</b>

Provides for the appropriation of funds for one Director, Division of Market and Production

Development position class exchanged from one Director of Inspections position, 2 Business Development Specialist positions class exchanged from one Director Production Development and one Director Market Development position, respectively, one Secretary position, one Agricultural Development Agent position, one Planning and Research Associate II position and related All Other and Capital funds in accordance with the approved restructuring plan.

**Seed Potato Board**

All Other		72,000
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Provides for the appropriation of funds that were formerly appropriated from the Bureau of Agricultural Production as part of a restructuring plan.

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

**CONSERVATION, DEPARTMENT OF**

**Administrative Services - Conservation**

Positions - Legislative Count	(8.0)	(8.0)
Personal Services	133,131	409,996
All Other	6,250	15,307
<b>TOTAL</b>	<b>139,381</b>	<b>425,303</b>

Provides for the appropriation of funds through class exchange for 1/2 of a split-funded Information System Specialist position, the upgrade of one Information Systems Manager position from half-time to full-time; the elimination of one Clerk Stenographer III position; the transfer of one Programmer Analyst

<b>TOTAL</b>	<b>(118,128)</b>	<b>(318,446)</b>
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position and one Forest Information Center Manager position from the Policy Planning and Information program, General Fund and the transfer of one Forest Fire Plans and Training Coordinator position, one Storekeeper II position; and one Supervisor Radio Communications position and 3 Communications Technician positions from the Forest Fire Control program, General Fund.

**Forest Fire Control - Division of**

Positions - Legislative Count	(-11.5)	(-11.5)
Positions - Other Count	(-3.0)	(-3.0)
Personal Services	(229,307)	(513,752)
All Other	(10,181)	(19,355)
<b>TOTAL</b>	<b>(239,488)</b>	<b>(533,107)</b>

Provides for the deappropriation of funds from the elimination of one Forest Ranger IV position, one Forest Ranger III position, one Clerk Typist II position, one Radio Mechanic position, one Clerk II position, 5 Laborer I positions, one Laborer II position, one Storekeeper II position and the transfer of one Forest Fire Plans and Training Coordinator position, one Storekeeper II position, one Supervisor for Radio Communications position and 3 Communications Technician positions to the Administrative Services - Conservation program, General Fund.

**Forest Management, Utilization and Marketing**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(73,399)	(156,583)
All Other	(8,339)	(8,339)
<b>TOTAL</b>	<b>(81,738)</b>	<b>(164,922)</b>

Provides for the deappropriation of funds from the elimination of

one Director Forest Management and Utilization position, one Forester II position and one Forester I position and associated All Other costs.

**Geological Survey**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(30,180)	(58,954)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(31,680)</b>	<b>(60,454)</b>

Provides for deappropriation of funds from the elimination of one Resource Administrator position and associated All Other costs.

**Insect and Disease Management**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(22,728)	(22,728)

Provides for the deappropriation of funds from the elimination of one Entomologist Technician position at the end of the first quarter in fiscal year 1996-97.

**Land Use Regulation Commission**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(69,228)	(118,064)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(70,728)</b>	<b>(119,564)</b>

Provides for deappropriation of funds from elimination of one Planning and Research Associate II position, one Environmental Specialist II position and one Word Processing Operator position and associated All Other costs, and for the upgrade of one LURC Division Supervisor position to a LURC Division Manager position.

**Parks - General Operations**

Positions - Legislative Count	(-2.5)	(-2.5)
Positions - Other Count	(-6.5)	(-6.5)

Personal Services	(200,927)	(251,431)
All Other	23,271	27,003
<b>TOTAL</b>	<u>(177,656)</u>	<u>(224,428)</u>

Provides for the deappropriation of funds from the elimination of one Historic Site Specialist position, 2 Park Manager II positions, 4 State Park Regional Supervisor positions, 2 State Park Assistant Regional Supervisor positions, one Clerk Stenographer III position, 5 Maintenance Mechanic positions, 3 Assistant Park Ranger positions, 4 Park Receptionist positions, 3 Clerk Typist III positions, and 3 Laborer I positions and class exchanges for one Engineering Technician IV position, one Assistant Regional Parks Manager position, one Regional Parks Manager position, 2 Maintenance Mechanic positions, 2 Assistant Park Ranger positions, 2 Clerk Typist II positions and one Planning and Research Associate II position; and for the appropriation of funds from the transfer in of one Director Real Property Management position from the Engineering and Realty program, General Fund.

**Policy Planning and Information**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(70,066)	(139,203)
All Other	(4,833)	(4,716)
<b>TOTAL</b>	<u>(74,899)</u>	<u>(143,919)</u>

Provides for the deappropriation of funds from the elimination of one Clerk Typist III position and the transfer of one Programmer Analyst position and one Manager Forest Information Center

position to the Administrative Services - Conservation program, General Fund.

**Engineering and Realty**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(27,563)	(59,838)
All Other	(2,007)	(5,739)
<b>TOTAL</b>	<u>(29,570)</u>	<u>(65,577)</u>

Provides for the deappropriation of funds through the transfer of one Director of Real Property Management position and associated All Other costs to the Parks - General Operations program.

**DEPARTMENT OF CONSERVATION TOTAL**

<u>(566,378)</u>	<u>(909,396)</u>
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**CORRECTIONS, DEPARTMENT OF Administration - Corrections**

Positions - Legislative Count	(4.0)	(7.5)
Personal Services	82,531	333,358
All Other	4,350	
<b>TOTAL</b>	<u>86,881</u>	<u>333,358</u>

Provides for the appropriation of funds through the elimination of one Clerk Stenographer III position, one Secretary position and one Correctional Classification Coordinator position in fiscal year 1995-96 and fiscal year 1996-97 and reducing the hours of one Affirmative Action Coordinator position in fiscal year 1996-97 from 40 hours to 20 hours per week. Three positions are established in fiscal year 1995-96 and fiscal year 1996-97 and 3 additional positions are established in fiscal year 1996-97 through class exchange. Funds are provided to reflect the transfer of 4 positions in fiscal year 1995-96 and fiscal year 1996-97 and one additional position in fiscal year 1996-97 from other departmental programs. Positions are on file with the Bureau of the Budget. All Other funds are provided to implement voice mail.

**Administration - Corrections**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(44,423)	(44,427)
All Other	(1,500)	
<b>TOTAL</b>	<b>(45,923)</b>	<b>(44,427)</b>

Provides for the deappropriation of funds from the elimination of one Community Correctional Services Coordinator position deallotted by Financial Order 000329F5 in fiscal year 1995-96.

Personal Services 21,441 52,148

Provides for the appropriation of funds through the transfer of one Correctional Officer I position and one Correctional Officer II position from the Correctional Center program, and savings resulting from moving from 10-hour to 8-hour shifts.

**Charleston Correctional Facility**

Personal Services (15,328)

Provides for the deappropriation of funds through a transfer to the department's departmentwide account to control and monitor the expenditure of funds for unscheduled emergency overtime.

**Bangor Pre-Release Center**

Personal Services (4,743)

Provides for the deappropriation of funds through a transfer to the department's departmentwide account to control and monitor the expenditure of funds for unscheduled emergency overtime.

**Charleston Correctional Facility**

Positions - Legislative Count	(-4.0)	(-4.0)
Personal Services	(144,860)	(146,404)
All Other	(6,000)	

**TOTAL (150,860) (146,404)**

Provides for the deappropriation of funds from the elimination of one Correctional Trades Instructor position, one Vocational Trades Instructor position, one Clerk Typist III position and one Correctional Officer III position deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**Bangor Pre-Release Center**

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	(15,181)	(22,321)

Provides for the deappropriation of funds through the transfer of one Correctional Officer II position from the Charleston Correctional Facility program and savings resulting from moving from 10-hour to 8-hour shifts.

**Charleston Correctional Facility**

Positions - Legislative Count	(-30.0)	(-30.0)
Personal Services	(368,796)	(1,195,011)
All Other	(27,062)	(80,394)
Capital Expenditures	(16,400)	

**TOTAL (395,858) (1,291,805)**

Provides for the deappropriation of funds due to the downsizing of the Charleston Correctional Facility, the elimination of positions,

**Central Maine Pre-Release Center**

Personal Services (9,865)

Provides for the deappropriation of funds through a transfer to the department's departmentwide account to control and monitor the expenditure of funds for unscheduled emergency overtime.

**Central Maine Pre-Release Center**

Positions - Legislative Count (2.0) (2.0)

moving from 10-hour to 8-hour shifts, the transfer of one Correctional Officer II position to Bangor Pre-Release Center and one Correctional Maintenance Mechanic position and one Vocational Trades Instructor position to the Administration - Corrections program. Positions are on file with the Bureau of the Budget. Funds are provided to establish, through class exchange, one Correctional Trades Instructor position in fiscal year 1995-96 and fiscal year 1996-97 and one additional Correctional Trades Instructor position in fiscal year 1996-97.

**Correctional Services**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(9,720)	(30,915)

Provides for the deappropriation of funds through the transfer of one Clerk Stenographer II position to the Maine Youth Center program.

**Correctional Center**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(27,737)	(27,468)
All Other	(1,500)	
<b>TOTAL</b>	<b>(29,237)</b>	<b>(27,468)</b>

Provides for the deappropriation of funds from the elimination of one Account Clerk I position deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**Correctional Center**

Personal Services		(155,473)
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Provides for the deappropriation of funds through a transfer to the department's departmentwide account to control and monitor the expenditure of funds for

unscheduled emergency overtime.

**Correctional Center**

Positions - Legislative Count	(-69.0)	(-69.0)
Personal Services	(786,848)	(2,437,362)
All Other	(125,150)	(244,875)
<b>TOTAL</b>	<b>(911,998)</b>	<b>(2,682,237)</b>

Provides for the deappropriation of funds due to the downsizing of the Maine Correctional Center, from the elimination of positions, the transfer of one Correctional Officer I position to Other Special Revenue funds, the transfer of one Correctional Officer I position and one Correctional Officer II position to the Central Maine Pre-Release program, and moving from 10-hour to 8-hour shifts. Positions are on file with the Bureau of the Budget. Funds are provided for the reclassification of one Correctional Caseworker position to a Psychiatric Social Worker position and one Correctional Officer II position to a Correctional Officer III position.

**Departmentwide**

Personal Services	436,407	440,368
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Provides for the appropriation of funds to offset the deappropriation relating to vacant positions in Public Law 1995, chapter 368, due to the deallotment of those funds by Financial Order 000329F5 in fiscal year 1995-96 in each affected account.

**Departmentwide**

Personal Services		547,097
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Provides for the appropriation of funds through a transfer from

departmental accounts to control and monitor the expenditure of funds for unscheduled emergency overtime.

fiscal year 1996-97 and one Training Center Manager position in fiscal year 1996-97. Also reflects savings resulting from moving from 10-hour to 8-hour shifts. All Other funds are provided due to an increase in the prisoner population.

**Departmentwide**

Personal Services 20,000

Provides for the appropriation of funds for overtime costs related to the relocation of inmates to accomplish downsizing of adult institutions.

**Food - Charleston Correctional Facility**

All Other (16,047) (31,667)

Provides for the deappropriation of funds from food savings.

**Downeast Correctional Facility**

Personal Services (29,739)

Provides for the deappropriation of funds through a transfer to the department's department-wide account to control and monitor the expenditure of funds for unscheduled emergency overtime.

**Food - Maine Correctional Center**

All Other (35,000) (127,590)

Provides for the deappropriation of funds from food savings and through the transfer of funds to the Food - Central Maine Pre-Release Center program, General Fund to reflect the food costs for that program in a separate account.

**Downeast Correctional Facility**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(42,227)	(42,650)
All Other	(1,500)	
<b>TOTAL</b>	<b>(43,727)</b>	<b>(42,650)</b>

Provides for the deappropriation of funds from the elimination of one Training Center Manager position deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**Food - Central Maine Pre-Release Center**

All Other 52,590

Provides for the appropriation of funds through the transfer of funds from the Food-Maine Correctional Center program, General Fund to reflect the food costs for the Central Maine Pre-Release Center in a separate account.

**Downeast Correctional Facility**

Positions - Legislative Count	(4.0)	(5.0)
Personal Services	22,426	101,842
All Other	20,150	34,875
<b>TOTAL</b>	<b>42,576</b>	<b>136,717</b>

Provides for the appropriation of funds to establish, through class exchange, one Correctional Officer III position, one Correctional Cook position and 2 Correctional Maintenance Mechanic positions in fiscal year 1995-96 and

**Probation and Parole**

Positions - Legislative Count	(-2.0)	(-3.0)
Personal Services	(104,203)	(136,050)
All Other	64,185	15,150
<b>TOTAL</b>	<b>(40,018)</b>	<b>(120,900)</b>

Provides for the deappropriation of funds from the elimination of one Director of Probation

and Parole position, the transfer of one Account Clerk I position in fiscal year 1995-96 and fiscal year 1996-97 and one Administrative Secretary position to the Administration - Corrections program, General Fund in fiscal year 1996-97 and salary savings from keeping two Probation Officer positions vacant until April 1, 1996. Funds are provided for the reclassification of 2 Assistant Director of Probation and Parole positions to Regional Correctional Administrator positions in fiscal year 1996-97. All Other funds are provided for space renovations and communication technology such as voice mail.

**State Prison**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(89,890)	(89,564)
All Other	(4,500)	
<b>TOTAL</b>	<u>(94,390)</u>	<u>(89,564)</u>

Provides for the deappropriation of funds from the elimination of one Guard Sergeant position and 2 Clerk Typist II positions deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**State Prison**

Personal Services		(276,188)
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Provides for the deappropriation of funds through a transfer to the department's department-wide account to control and monitor the expenditure of funds for unscheduled emergency overtime.

**State Prison**

Positions - Legislative Count	(-15.0)	(-14.0)
Personal Services	(279,523)	(683,820)

All Other	(9,000)	(18,000)
<b>TOTAL</b>	<u>(288,523)</u>	<u>(701,820)</u>

Provides for the deappropriation of funds from the elimination of 7 Guard positions, one Correctional Caseworker position, one Guard Captain position, one Deputy Warden position, one Librarian position and one Clerk Typist II position; the transfer of one Guard position to Other Special Revenue funds, one Wood Products Manager position to Prison Industries funds and one Information System Support Specialist position to the Administration - Corrections program; the reclassification of 4 Guard positions to Guard Sergeant positions, moving from 10-hour to 8-hour shifts, and in fiscal year 1996-97 the establishment of one Correctional Trades Instructor position through class exchange.

**Warren Correctional Facility**

Personal Services		(29,119)
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Provides for the deappropriation of funds through a transfer to the department's department-wide account to control and monitor the expenditure of funds for unscheduled emergency overtime.

**Warren Correctional Facility**

Positions - Legislative Count	(-5.0)	(-5.0)
Personal Services	(169,539)	(308,489)
All Other	(3,750)	(7,500)
<b>TOTAL</b>	<u>(173,289)</u>	<u>(315,989)</u>

Provides for the deappropriation of funds from the elimination of one Secretary position, 4 Guard positions, moving from 10-hour to 8-hour

shifts, and through reductions in All Other expenses.

**Youth Center - Maine**

Positions - Legislative Count	(-5.0)	(-5.0)
Personal Services	(212,799)	(215,356)
All Other	(7,500)	
<b>TOTAL</b>	<u>(220,299)</u>	<u>(215,356)</u>

Provides for the deappropriation of funds from the elimination of one Correctional Cook position, one Correctional Caseworker position, one Librarian/Teacher position, one Teacher position and one Psychologist I position deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**Youth Center - Maine**

Personal Services		(26,642)
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Provides for the deappropriation of funds through a transfer to the department's department-wide account to control and monitor the expenditure of funds for unscheduled emergency overtime.

**Youth Center - Maine**

Positions - Legislative Count	(-2.0)	(-11.0)
Personal Services	618,590	(397,752)
All Other	(8,250)	1,816,297
<b>TOTAL</b>	<u>610,340</u>	<u>1,418,545</u>

Provides for the appropriation of funds from the elimination of 3 positions in fiscal year 1995-96 and fiscal year 1996-97 and 9 additional positions in fiscal year 1996-97 and through reductions in All Other expenses. Positions are on file with the Bureau of the Budget. Funds are provided for unbudgeted overtime costs in fiscal year 1995-96 and the transfer of one Clerk Stenographer II position

from the Correctional Services program in both fiscal years. All Other funds are provided in fiscal year 1996-97 for mental health programming and as match to cover the cost of outsourcing a major portion of the Maine Youth Center program.

**DEPARTMENT OF CORRECTIONS TOTAL**

	<u>(1,252,425)</u>	<u>(3,457,387)</u>
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**DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF**

**Administration - Defense and Veterans' Services**

Positions - Legislative Count	(-3.5)	(-3.5)
Personal Services	(75,840)	(149,257)

Provides for the deappropriation of funds through the transfer of one Personnel Specialist position and one Accountant III position; and for the elimination of one Director of Administrative Services position, and one part-time Accountant I position by consolidating the administrative services within the Department of Defense and Veterans' Services and the Department of Public Safety.

**Administration - Maine Emergency Management Agency**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(21,806)	(20,620)
All Other	(751)	(751)
<b>TOTAL</b>	<u>(22,557)</u>	<u>(21,371)</u>

Provides for the deappropriation of funds from the elimination of one vacant Emergency Management Operations Officer position.

**Dam Safety Program**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(50,730)	(47,718)



Provides for the deappropriation of funds from the elimination of one Civil Engineer II position.			TOTAL	(29,856)	(33,795)
<b>Military Training and Operations</b>			Provides for the deappropriation of funds from the elimination of one vacant Administrative Secretary position and related All Other.		
Positions - Legislative Count	(-2.0)	(-2.0)	<b>Administrative Services Unit</b>		
Personal Services	(60,972)	(54,410)	Positions - Legislative Count	(-1.0)	(-1.0)
All Other	(3,000)	(3,000)	Personal Services	(61,180)	(55,115)
TOTAL	(63,972)	(57,410)	All Other	(789)	(789)
Provides for the deappropriation of funds from the elimination of one Clerk Typist III position and one Maintenance Mechanic position.			TOTAL	(61,969)	(55,904)
<b>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</b>			Provides for the deappropriation of funds from the elimination of one vacant Personnel Manager position and related All Other.		
TOTAL	(213,099)	(275,756)	<b>Blind and Visually Impaired - Division for the</b>		
<b>ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF</b>			Positions - Legislative Count	(-1.5)	(-1.5)
<b>Administration - Economic and Community Development</b>			Personal Services	(66,046)	(60,773)
Positions - Legislative Count	(-2.0)	(-2.0)	All Other	(3,658)	(3,658)
Personal Services	(42,657)	(82,985)	TOTAL	(69,704)	(64,431)
All Other	(3,000)	(3,000)	Provides for the deappropriation of funds from the elimination of one vacant part-time Visual Handicapped Child Counselor position and one vacant Rehabilitation Counselor II position and related All Other.		
Provides for the deappropriation of funds from the elimination of one Information Systems Support Specialist II position, one Personnel Specialist position and All Other savings, as part of the Productivity Realization Task Force administration cluster plan.			<b>Division of Finance</b>		
<b>DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT</b>			Positions - Legislative Count	(-1.0)	(-1.0)
TOTAL	(45,657)	(85,985)	Personal Services	(34,296)	(32,209)
<b>EDUCATION, DEPARTMENT OF</b>			All Other	(620)	(620)
<b>Administrative Office of the Commissioner</b>			TOTAL	(34,916)	(32,829)
Positions - Legislative Count	(-1.0)	(-1.0)	Provides for the deappropriation of funds from the elimination of one vacant Accountant II position and related All Other.		
Personal Services	(28,894)	(32,833)	<b>Governor Baxter School for the Deaf</b>		
All Other	(962)	(962)	Positions - Legislative Count	(-3.0)	(-3.0)
			Personal Services	(114,747)	(107,607)
			All Other	(1,500)	(1,500)

TOTAL	(116,247)	(109,107)
Provides for the deappropriation of funds from the elimination of one vacant Program Manager Deaf position, one vacant Teacher Deaf position and one vacant Building Custodian position and related All Other.		

**Division of Higher Education**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(58,835)	(56,041)
All Other	(933)	(933)

TOTAL	(59,768)	(56,974)
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Provides for the deappropriation of funds from the elimination of one vacant Education Specialist III position and related All Other.

**Rehabilitation Services**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(35,473)	(36,789)
All Other	(1,500)	(1,500)

TOTAL	(36,973)	(38,289)
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Provides for the deappropriation of funds from the elimination of one vacant Rehabilitation Counselor II position and related All Other.

**DEPARTMENT OF EDUCATION**

<b>TOTAL</b>	<b>(409,433)</b>	<b>(391,329)</b>
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**EXECUTIVE DEPARTMENT**

**Driver Education and Evaluation Program - Substance Abuse**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(24,954)	(25,557)
All Other	(1,279)	(1,279)

TOTAL	(26,233)	(26,836)
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Provides for the deappropriation of funds from the elimination of one Clerk Typist II position and related All Other.

**Planning Office**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(32,009)	(36,337)
All Other	(1,500)	(1,500)

TOTAL	(33,509)	(37,837)
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Provides for the deappropriation of funds from the elimination of one Accountant I position as part of the administrative cluster recommended by the Productivity Realization Task Force.

**Office of Substance Abuse**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(29,403)	(29,058)
All Other	(1,500)	(1,500)

TOTAL	(30,903)	(30,558)
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Provides for the deappropriation of funds from the elimination of one Clerk Typist II position and related All Other.

**EXECUTIVE DEPARTMENT**

<b>TOTAL</b>	<b>(90,645)</b>	<b>(95,231)</b>
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**HUMAN SERVICES, DEPARTMENT OF**

**Administration - Human Services**

All Other	50,000
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Provides for the appropriation of funds for air quality repairs for 221 State Street.

**Administration - Human Services**

Positions - Legislative Count	(-6.5)	(-6.5)
Personal Services	(210,256)	(258,641)
All Other	(9,750)	(12,000)

TOTAL	(220,006)	(270,641)
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Provides for the deappropriation of funds from the elimination of 2 Clerk Typist II positions, one Clerk III position, one part-time Account Clerk I position, one Accountant I position, one Auditor I position and one Staff

Development Specialist  
IV position and related  
All Other.

**Administration - Human Services**

All Other 30,000 60,000

Provides for the appropriation of funds for the partial outsourcing of data entry.

**Administration - Regional - Human Services**

Positions - Legislative Count (-4.0) (-4.0)  
Personal Services (97,837) (103,044)  
All Other (6,000) (6,000)  

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TOTAL (103,837) (109,044)

Provides for the deappropriation of funds from the elimination of one Human Services Aide II position, one Clerk Typist II position, one Stores Clerk position, and one Switchboard Operator position and related All Other.

**Administration - Regional - Human Services**

All Other 72,500

Provides for the appropriation of funds for a new telephone system in the Portland Office.

**Administration - Regional - Human Services**

All Other 118,800

Provides for the appropriation of funds for voice mail in the regional offices.

**Administration - Income Maintenance**

Positions - Legislative Count (-9.0) (-9.0)  
Personal Services (244,346) (286,514)  
All Other (12,750) (13,500)  

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TOTAL (257,096) (300,014)

Provides for the deappropriation of funds from the elimination of one Income Maintenance

Specialist position, one Social Services Program Specialist II position, one Clerk Typist III position, 5 Clerk Typist II positions, one Counsel position, and related All Other.

**Administration - Income Maintenance**

All Other 358,000 1,642,000

Provides for appropriation of funds to automate the client eligibility system in accordance with the recommendation of the Productivity Realization Task Force.

**Administration - Social Services**

Positions - Legislative Count (-13.0) (-16.0)  
Personal Services (432,018) (640,273)  
All Other (14,250) (24,000)  

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TOTAL (446,268) (664,273)

Provides for the deappropriation of funds from the elimination of one Clerk Typist II position, one Management Analyst I position, 2 Community Care Worker positions, 4 Social Services Program Specialist II positions, 2 Social Services Program Specialist I positions, one Account Clerk II position, one Clerk Typist III position, one Director, Administrative Services, and related All Other. In addition, one Clerk Stenographer II position and 2 Clerk Typist II positions will be eliminated in fiscal year 1996-97.

**Administration - Social Services**

All Other 180,000

Provides for the appropriation of funds for a reengineering study.

**Administration - Social Services**

All Other 459,300 524,700

Provides for the appropriation of funds for the Maine Automated Child Welfare Information System (MACWIS).

**Aid to Families with Dependent Children**

All Other (125,000) (500,000)

Provides for the deappropriation of funds due to the Child Support Enforcement Task Force.

**Child Welfare Services**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (39,124) (39,911)  
 All Other (1,500) (1,500)  
**TOTAL (40,624) (41,411)**

Provides for the deappropriation of funds from the elimination of one Social Services Program Specialist I position and related All Other.

**Departmentwide**

Personal Services 1,800,000 1,800,000

Provides for the appropriation of funds to offset the deappropriation in Public Law 1995, chapter 368.

**Elder and Adult Services - Bureau of**

All Other 50,000

Provides for the appropriation of funds to purchase software for adult protective services case management.

**Elder and Adult Services - Bureau of**

Positions - Legislative Count (-8.0) (-8.0)  
 Personal Services (241,122) (344,874)  
 All Other (9,750) (13,500)  
**TOTAL (250,872) (358,374)**

Provides for the deappropriation of funds from the elimination of 2 Social Service Manager II

positions, 3 Human Services Caseworker Supervisor positions, 2 full-time and one part-time Clerk Typist II positions, one part-time Social Service Program Specialist II position and related All Other.

**Elder and Adult Services - Bureau of**

All Other (10,000) (20,000)

Provides for the deappropriation of funds from the transfer of costs, for managing estates of wards, to those estates.

**Elder and Adult Services - Bureau of**

Capital Expenditures 75,000

Provides for the appropriation of funds to purchase laptop computers for adult protective services caseworkers.

**Health - Bureau of**

Positions - Legislative Count (-5.0) (-5.5)  
 Personal Services (206,411) (228,516)  
 All Other (8,175) (8,850)  
**TOTAL (214,586) (237,366)**

Provides for the deappropriation of funds from the elimination of one 8-hours per week Public Health Nurse II position, one full-time and one part-time Sanitary Engineer III position, 2 Clerk Typist II positions, one Stores Clerk position and related All Other. One Assistant Director Health Engineering position will be reduced from full-time to part-time status. One part-time Sanitary Engineer III is eliminated in fiscal year 1996-97.

**Health Planning and Development**

Positions - Legislative Count (-3.0) (-3.0)  
 Personal Services (98,862) (127,585)  
 All Other (3,750) (4,500)

TOTAL	(102,612)	(132,085)	Services Aide III positions, one part-time Clerk Typist I position, one Comprehensive Health Planner I position and related All Other.		
Provides for the deappropriation of funds from the elimination of one Director, Division of Planning position, one Planning and Research Associate II position and one Clerk Typist III position and related All Other.					
<b>Income Maintenance - Regional</b>			<b>Medical Care Administration</b>		
Positions - Legislative Count	(-28.0)	(-28.0)	All Other	18,240	18,240
Personal Services	(941,187)	(1,104,663)	Provides for the appropriation of funds for imaging of documents for storage.		
All Other	(36,750)	(42,000)	<b>Medical Care Administration</b>		
TOTAL	(977,937)	(1,146,663)	All Other	(15,200)	(30,400)
Provides for the deappropriation of funds from the elimination of one Clerk IV position, 6 Income Maintenance Supervisor positions, 10 Income Maintenance Specialist positions, one Income Regional Manager position, 3 Human Services Aide III positions, 6 Clerk Typist II positions, one Management Analyst I position and related All Other.			Provides for the deappropriation of funds due to imaging of documents for storage.		
<b>Medical Care Administration</b>			<b>Social Services - Regional</b>		
All Other	(34,500)	(138,000)	All Other		142,800
Provides for the deappropriation of funds for the PrimeCare contract.			Provides for the appropriation of funds for the Regional Caseworkers to be equipped with cellular phones in accordance with the recommendation of the Productivity Realization Task Force.		
<b>Medical Care Administration</b>			<b>Elder and Adult Services - Bureau of</b>		
Positions - Legislative Count	(-10.5)	(-10.5)	Personal Services	(30,000)	(60,000)
Personal Services	(297,517)	(346,581)	Provides for the deappropriation of funds for reorganization of standby and after-hours coverage.		
All Other	(13,500)	(15,750)	<b>Social Services - Regional</b>		
TOTAL	(311,017)	(362,331)	Positions - Legislative Count	(-20.0)	(-23.5)
Provides for the deappropriation of funds from the elimination of one Health Services Consultant position, 3 Clerk Typist II positions, one Provider Relations Specialist position, 2 Medical Claims Evaluator positions, 2 Human			Personal Services	(405,011)	(634,572)
			All Other	(21,750)	(36,000)
			TOTAL	(426,761)	(670,572)
			Provides for the deappropriation of funds from the elimination of 2 Clerk IV positions, 15 Clerk Typist II positions, one Clerk II position, 2 Clerk Typist III positions and related All Other. In addition, another 3.5		

Clerk Typist II positions will be eliminated in fiscal year 1996-97.

**Special Children's Services**

Positions - Legislative Count	(-0.5)	(-0.5)
Personal Services	(41,541)	(43,893)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(43,041)</b>	<b>(45,393)</b>

Provides for the deappropriation of funds from the elimination of one part-time Public Health Physician position and related All Other.

**State Supplement to Federal Supplemental Security Income**

All Other	(154,000)	(1,052,500)
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Provides for the deappropriation of funds for the transfer of administration of Supplemental Security Income from federal contract to the Bureau of Family Independence.

**Welfare Employment, Education and Training**

Personal Services	(1,711)	(1,685)
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Provides for the deappropriation of funds from the redlining of 3 Human Services Caseworker positions.

**DEPARTMENT OF HUMAN SERVICES**

<b>TOTAL</b>	<b>(1,049,528)</b>	<b>(1,456,712)</b>
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**LABOR, DEPARTMENT OF Regulation and Enforcement**

Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(63,832)	(64,180)
All Other	(3,000)	(3,000)

Provides for the deappropriation of funds from the elimination of one Labor Safety Inspector position and one Safety Compliance Specialist position and associated All Other deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**DEPARTMENT OF LABOR TOTAL**

	(66,832)	(67,180)
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**MARINE RESOURCES, DEPARTMENT OF Administration - Marine Resources**

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	30,059	59,345
All Other	5,900	11,800
<b>TOTAL</b>	<b>35,959</b>	<b>71,145</b>

Provides for the appropriation of funds for the transfer of one Director, Marketing Marine Resources position from the Bureau of Marine Development.

**Marine Development - Bureau of**

Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(11,676)	(77,553)

Provides for the deappropriation of funds from the elimination of one Seafood Technician Supervisor position and one Clerk Typist III position; 3 class exchanges, one Planning and Research Associate position exchanged for one Policy Development Specialist position; one Scientist II position exchanged for one Policy Development Specialist position; and one Seafood Technologist position exchanged for one Senior Seafood Technologist position; and one upgrade from one Microbiologist II position to one Microbiologist Supervisor position; all as part of a reorganization of the department.

**Marine Development - Bureau of**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(30,059)	(59,345)
All Other	(5,900)	(11,800)
<b>TOTAL</b>	<b>(35,959)</b>	<b>(71,145)</b>

Provides for the deappropriation of funds through the transfer of one Director, Marketing Marine Resources position to the Bureau of Administration.

**Marine Development - Bureau of**

Positions - Legislative Count	(-18.0)	(-18.0)
Personal Services	(499,162)	(783,763)
All Other	(234,454)	(424,392)
Capital Expenditures	(23,619)	(49,619)
<b>TOTAL</b>	<b>(757,235)</b>	<b>(1,257,774)</b>

Provides for the deappropriation of funds for the transfer of 2 Marine Resource Scientist IV positions, 2 Marine Resource Specialist II positions, one Microbiologist I position, one Clerk Stenographer III position, 2 Seafood Technologist positions, 3 Marine Resource Specialist I positions, 4 Marine Resource Technician positions, one Microbiologist II position, one Marine Resource Scientist II position and one Marine Resource Scientist I position to the Bureau of Marine Sciences.

**Marine Patrol - Bureau of**

Positions - Legislative Count	(-0.5)	(-0.5)
Personal Services	(92)	(12,347)

Provides for the deappropriation of funds from the elimination of one Clerk Typist III position as part of the reorganization of the department.

**Marine Sciences - Bureau of**

Positions - Legislative Count	(-4.0)	(-4.0)
Personal Services	(59,453)	(152,860)

Provides for the deappropriation of funds from the elimination of one Marine Resource Scientist I position, one Marine Resource

Technician position, one Clerk Typist II position and one Computer Programmer position as part of a reorganization of the department.

**Marine Sciences - Bureau of**

Positions - Legislative Count	(18.0)	(18.0)
Personal Services	499,162	783,763
All Other	234,454	424,392
Capital Expenditures	23,619	49,619
<b>TOTAL</b>	<b>757,235</b>	<b>1,257,774</b>

Provides for the appropriation of funds for the transfer of 2 Marine Resource Scientist IV positions, 2 Marine Resource Specialist II positions, one Microbiologist I position, one Clerk Stenographer III position, 2 Seafood Technologist positions, 3 Marine Resource Specialist I positions, 4 Marine Resource Technician positions, one Microbiologist II position, one Marine Resource Scientist II position and one Marine Resource Scientist I position from the Bureau of Marine Development.

**DEPARTMENT OF MARINE RESOURCES**

<b>TOTAL</b>	<b>(71,221)</b>	<b>(242,760)</b>
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**PUBLIC SAFETY, DEPARTMENT OF**

**Administration - Public Safety**

Positions - Legislative Count	(2.5)	(2.5)
Personal Services	52,606	105,093

Provides for the appropriation of funds for the consolidation of administrative services for the Departments of Defense and Veterans' Services and Public Safety through the transfer of one Personnel Specialist position and one Accountant III position to the center from the Department of Defense and Veterans'

Services, and the establishment of one 1/2-time Financial Analyst position.

**Sec. A-2. Allocation.** The following funds are allocated from the Highway 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
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
<b>TOTAL</b>	52,606	105,093			
<b>TRANSPORTATION, DEPARTMENT OF</b>					
<b>Administration - Aeronautics</b>					
Positions - Legislative Count	(-0.5)	(-0.5)			
Personal Services	(13,533)	(13,698)		117,914	123,375
Provides for the deappropriation of funds from the elimination of one Clerk Typist II position, which is 50% funded from Aeronautics - Administration and 50% funded from the Augusta State Airport.					
<b>Administration - Aeronautics</b>					
All Other	(57,270)	(58,610)		30,473	59,275
Provides for the deappropriation of funds from the reduction of Personal Services costs at the Augusta State Airport.					
<b>Administration - Ports and Marine Transportation</b>					
All Other	(21,537)	(22,149)			
Provides for the deappropriation of funds from the reduction of Personal Services costs at the Island Ferry Service.					
<b>Railroad Assistance Program</b>					
Positions - Legislative Count	(-1.0)	(-1.0)		(-4.0)	(-4.0)
Personal Services	(22,430)	(45,330)		(42,425)	(106,078)
Provides for the deappropriation of funds from the elimination of one Railroad Inspector position, effective January 1, 1996.					
<b>DEPARTMENT OF TRANSPORTATION</b>					
<b>TOTAL</b>	(114,770)	(139,787)			
<b>SECTION A-1</b>					
<b>TOTAL APPROPRIATIONS</b>	1,518,932	3,105,060			
			<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
			<b>Executive Branch Departments and Independent Agencies - Statewide</b>		
			Personal Services		
			Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through productivity plans.		
			<b>Executive Branch Departments and Independent Agencies - Statewide</b>		
			Personal Services		
			Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through productivity plans.		
			<b>Transportation Building Maintenance</b>		
			Positions - Legislative Count		
			Personal Services		
			Provides for the deallocation of funds from the elimination of one Custodial Worker I position, 2 Custodial Worker II positions and one Custodial Worker III position. These position eliminations are in accordance with the department's productivity plan.		
			<b>Transportation Building Maintenance</b>		
			Personal Services	(15,052)	
			Provides for the additional deallocation of funds as a result of charging separation costs to a vacant position.		



**Transportation Building Maintenance**

Personal Services (3,117) (6,264)  
 Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL**

87,793 70,308

**PUBLIC SAFETY, DEPARTMENT OF**

**Administration - Public Safety**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (13,543) (12,284)  
 Provides for the establishment of an Administrative Services Center for the Department of Defense and Veterans' Services and the Department of Public Safety, the deallocation of funds for one Clerk II and one 1/2-time Chief Accountant position and the establishment of one 1/2-time Financial Analyst position.

**DEPARTMENT OF PUBLIC SAFETY TOTAL**

(13,543) (12,284)

**SECTION A-2**

**TOTAL ALLOCATIONS**

74,250 58,024

**Sec. A-3. 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**

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services 213,780 266,095  
 Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings

achieved through productivity plans.

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services 54,946 127,412  
 Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through productivity plans.

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL**

268,726 393,507

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

**Agricultural Production**

Positions - Other Count (-0.5) (-0.5)  
 Personal Services (9,831) (20,267)  
 All Other (47,838) (67,310)  
 Capital Expenditures (15,000) (20,000)  
**TOTAL** (72,669) (107,577)

Provides for the deallocation of funds for the transfer of one part-time Planning and Research Associate I position to the Division of Production and Marketing Development with support funds.

**Food Assistance Program**

Positions - Other Count (-0.5) (-0.5)  
 Personal Services (11,011) (25,016)

Provides for the deallocation of funds from the elimination of 1/2 of a split-funded Planning and Research Associate II position; class exchanging one part-time Clerk Typist III position to 1/2 of a split-funded Clerk Typist II position; and class exchanging one Director Surplus Food position to one Planner II position.

**Marketing Services - Agriculture**

Positions - Other Count (-3.0) (-3.0)  
 Personal Services (60,450) (72,608)

Provides for the deallocation of funds from the elimination of 3 Egg/Poultry Processing Inspector positions.

**Pesticides Control - Board of**

Positions - Other Count (-1.0) (-1.0)  
 Personal Services (15,000) (30,000)

Provides for the deallocation of funds from elimination of one Clerk Typist II position.

**Division of Market and Production Development**

Positions - Other Count (0.5) (0.5)  
 Personal Services 9,831 20,267  
 All Other 47,838 67,310  
 Capital Expenditures 15,000 20,000

TOTAL 72,669 107,577

Provides for the allocation of funds for the transfer in of one part-time Planning and Research Associate I position from Agricultural Production with support funds.

**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES TOTAL**

(86,461) (127,624)

**CONSERVATION, DEPARTMENT OF**

**Insect and Disease Management**

Positions - Other Count (-0.5) (-0.5)  
 Personal Services (6,569) (6,832)

Provides for the deallocation of funds from the elimination of one part-time Custodial Worker I position.

**Parks - General Operations**

Positions - Other Count (-1.0) (-1.0)  
 Personal Services (24,510) (47,878)

Provides for the deallocation of funds from the elimination of one Community Recreation Specialist position.

**DEPARTMENT OF CONSERVATION TOTAL**

(31,079) (54,710)

**HUMAN SERVICES, DEPARTMENT OF**

**Administration - Human Services**

Positions - Other Count (-13.0) (-13.0)  
 Personal Services (273,161) (403,880)  
 All Other (15,000) (19,500)

TOTAL (288,161) (423,380)

Provides for the deallocation of funds from the elimination of one Account Clerk II position, 6 Data Entry Specialist positions, one Stores Clerk position, 2 Auditor II positions, one Accountant III position, one Clerk Typist II position and one Lead Data Entry Specialist position and related All Other deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**Administration - Regional - Human Services**

Positions - Other Count (-5.0) (-5.0)  
 Personal Services (86,559) (129,688)  
 All Other (6,000) (7,500)

TOTAL (92,559) (137,188)

Provides for the deallocation of funds from the elimination of 2 Clerk Typist II positions, 2 Account Clerk I positions and one Post Office Clerk position and related All Other deallotted by Financial Order 000329F5 in fiscal year 1995-96.

**Administration - Income Maintenance**

Positions - Other Count (-25.0) (-25.0)  
 Personal Services (645,551) (823,513)  
 All Other (33,000) (37,500)

TOTAL (678,551) (861,013)

Provides for the deallocation of funds from the elimination of one Income Maintenance

Program Supervisor position, one Human Services Aide III position, 3 Income Maintenance Specialist positions, 11 Clerk Typist II positions, one Hearings Examiner position, one Support Enforcement District Supervisor position, one Support Enforcement Program Manager position, 4 Clerk Typist III positions, one Clerk II position and one Social Services Program Specialist II position and related All Other.

**Child Welfare Services**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(51,271)	(51,972)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(52,771)</b>	<b>(53,472)</b>

Provides for the deallocation of funds from the elimination of one Social Services Supervisor position and related All Other.

**Elder and Adult Services - Bureau of**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(20,273)	(57,293)
All Other	(750)	(1,500)
<b>TOTAL</b>	<b>(21,023)</b>	<b>(58,793)</b>

Provides for the deallocation of funds from the elimination of one Social Services Program Specialist II position and related All Other.

**Income Maintenance - Regional**

Positions - Other Count	(-22.0)	(-22.0)
Personal Services	(585,695)	(776,920)
All Other	(29,250)	(33,000)
<b>TOTAL</b>	<b>(614,945)</b>	<b>(809,920)</b>

Provides for the deallocation of funds from the elimination of 4 Income Maintenance Supervisor positions, one Clerk IV position, 7 Clerk Typist II positions, 5

Income Maintenance Specialist positions, 4 Human Services Aide III positions and one Staff Development Specialist IV position.

**Medical Care Administration**

Positions - Other Count	(-11.0)	(-11.0)
Personal Services	(372,130)	(378,960)
All Other	(16,500)	(16,500)
<b>TOTAL</b>	<b>(388,630)</b>	<b>(395,460)</b>

Provides for the deallocation of funds from the elimination of 3 Clerk Typist II positions, one part-time Comprehensive Health Planner I position, one full-time and one part-time Provider Relations Specialist position, one Information Systems Support Technician position, one Medical Claims Evaluator position, one Accountant II position, one Microbiologist II position, one Health Services Consultant position and one Medical Social Worker Consultant position and related All Other.

**Welfare Employment, Education and Training**

Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(75,455)	(76,085)
All Other	(3,750)	(4,500)
<b>TOTAL</b>	<b>(79,205)</b>	<b>(80,585)</b>

Provides for the deallocation of funds from the redlining of one Human Services Caseworker position and the elimination of one Clerk Typist II position, one Clerk Stenographer II position, one Planning and Research Associate I position, one Social Services Program Specialist II position and related All Other.

**DEPARTMENT OF HUMAN SERVICES**  
**TOTAL**

(2,215,845)	(2,819,811)
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**MARINE RESOURCES, DEPARTMENT OF**

**Marine Development - Bureau of**

Positions - Other Count Personal Services	(-3.0) (51,841)	(-3.0) (127,805)
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Provides for the deallocation of funds from the elimination of 3 Natural Science Educator positions as part of the reorganization of the department.

**Marine Development - Bureau of**

Positions - Other Count Personal Services All Other Capital Expenditures	(-15.0) (303,574) (41,176)	(-15.0) (635,701) (137,825) (33,850)
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<b>TOTAL</b>	(344,750)	(807,376)
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Provides for the deallocation of funds for the transfer of one Clerk Typist III position, one Planning and Research Associate II position, one Senior Planner position, one Education Specialist III position, 2 Marine Resource Technician positions, one Marine Resource Scientist I position, one Marine Resource Scientist II position, one Marine Resource Scientist IV position and 6 Conservation Aide positions to the Bureau of Marine Sciences as part of the department's reorganization.

**Marine Patrol - Bureau of**

Positions - Other Count Personal Services	(-1.0) (18,097)	(-1.0) (36,194)
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Provides for the deallocation of funds for the transfer of one Marine Resource Specialist I position to the Bureau of Marine Sciences.

**Marine Sciences - Bureau of**

Positions - Other Count Personal Services	(-1.5) (19,337)	(-1.5) (39,418)
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Provides for the deallocation of funds from the elimination of one Word Processing Operator position and one Laborer I position as part of a reorganization of the department.

**Marine Sciences - Bureau of**

Positions - Other Count Personal Services All Other Capital Expenditures	(16.0) 321,671 41,176	(16.0) 671,895 137,825 3,850
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<b>TOTAL</b>	362,847	843,570
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Provides for the deallocation of funds for the transfer of one Clerk Typist III position, one Planning and Research Associate II position, one Senior Planner position, one Education Specialist III position, 2 Marine Resource Technician positions, one Marine Resource Scientist I position, one Marine Resource Scientist II position, one Marine Resource Scientist IV position, and 6 Conservation Aide positions and one Marine Resource Specialist I position to the Bureau of Marine Sciences as part of the department's reorganization.

**DEPARTMENT OF MARINE RESOURCES**

<b>TOTAL</b>	(71,178)	(167,223)
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**PUBLIC SAFETY, DEPARTMENT OF**

**Administration - Public Safety**

Positions - Other Count Personal Services Capital Expenditures	(-0.5) (18,666) 18,666	(-0.5) (23,556)
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Provides for the deallocation of funds for one 1/2-time Chief Accountant position as part of the consolidation

of administrative services for the Department of Defense and Veterans' Services and the Department of Public Safety and provides for the purchase of computer equipment for the service center.

<b>DEPARTMENT OF PUBLIC SAFETY</b>		
<b>TOTAL</b>	-0-	(23,556)
<b>SECTION A-3</b>		
<b>TOTAL ALLOCATIONS</b>	(2,135,837)	(2,799,417)

**Sec. A-4. 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
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Financial and Personnel Services - Division of</b>		
Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(43,291)	(140,743)
Provides for the deallocation of funds from the elimination of one Business Manager II position, 2 Account Clerk II positions and one Account Clerk I position. These position eliminations are in accordance with the department's productivity plan.		
<b>Financial and Personnel Services - Division of</b>		
Personal Services	(3,174)	(8,647)
Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.		
<b>Executive Branch Departments and Independent Agencies - Statewide</b>		
Personal Services	94,517	151,304
Provides for the allocation of funds for the unfunded liability portion of the		

Personal Services savings achieved through productivity plans.

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services	24,233	72,607
Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through productivity plans.		

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

<b>TOTAL</b>	72,285	74,521
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**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Agricultural Production**

Positions - Other Count	(2.0)	(2.0)
Personal Services	66,313	132,940
All Other	85,000	175,000
<b>TOTAL</b>	151,313	307,940

Provides for the allocation of funds from the transfer of one Account Clerk II position, 8 State Humane Agent positions and 2 District Humane Agent positions from the Bureau of Public Services and from the elimination of one District Humane Agent position.

**Agricultural Production**

Personal Services	(6,029)	(6,523)
Provides for the deallocation of funds from the elimination of one intermittent Clerk Stenographer II position.		

**Agricultural Production**

Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(76,696)	(80,636)

Provides for the deallocation of funds from the elimination of one full-time Clerk Typist II position, one intermittent Clerk Typist II position,

one Certified Seed Specialist position, one intermittent Entomologist I position and 2 seasonal Seed Potato Inspector positions; and provides for the split-funding of a full-time Clerk Typist II position to fund 1/2 of a split-funded Department Information Systems Manager position and 1/2 of a split-funded Clerk Typist II position.

Provides for the deallocation of funds from class exchange of one Executive Secretary Maine Milk Commission position to 1/2 of a split-funded Senior Planner position and the elimination of one Secretary position.

**Public Services - Agriculture**

Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(110,882)	(189,893)
All Other	(85,000)	(175,000)
<b>TOTAL</b>	<b>(195,882)</b>	<b>(364,893)</b>

Provides for the deallocation of funds from the elimination of one part-time Clerk Typist II position and the transfer to Marketing Services - Agriculture of one split-funded part-time Clerk Typist II position; and transfers out one Account Clerk II position, 8 State Humane Agent positions and 2 District Humane Agent positions to Agricultural Production.

**Pesticides Control - Board of**

Personal Services	(4,949)	(4,716)
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Provides for the deallocation of funds from the elimination of one seasonal Conservation Aide position.

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

**CONSERVATION, DEPARTMENT OF**

**Administrative Services - Conservation**

Positions - Other Count	(0.5)	(0.5)
Personal Services	8,656	18,269
All Other	(8,656)	(18,269)
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>

Provides for the allocation of funds through a line-category transfer for the establishment of 1/2 of a split-funded Information Systems Specialist position. This position is split-funded with the General Fund.

**Marketing Services - Agriculture**

Positions - Other Count	(-7.0)	(-7.0)
Personal Services	(129,590)	(257,507)

Provides for the deallocation of funds from the elimination of one Assistant to the Commissioner position, 3 intermittent Produce Inspector Aide positions, one seasonal Produce Inspector I position and 7 Produce Inspector II positions. Transfers in 1/2 of a split-funded full-time Clerk Typist II position from Public Services - Agriculture.

**Boating Facilities Fund**

Positions - Other Count	(-7.5)	(-7.5)
Personal Services	(115,903)	(336,638)
All Other	100,000	175,000
<b>TOTAL</b>	<b>(15,903)</b>	<b>(161,638)</b>

Provides for the deallocation of funds from the elimination of one Civil Engineer III position, 2 Engineering Technician IV positions, one Engineering Technician III position, one Park Ranger position, one Assistant Park Ranger

**Milk Commission**

Positions - Other Count	(-1.5)	(-1.5)
Personal Services	(32,338)	(52,288)

position, one Navigational Aides Assistant position and one Outdoor Recreation Planner position.

Provides for the allocation of funds for the transfer of one Correctional Officer I position from the Correctional Center Program, General Fund.

**Land Management and Planning**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(16,338)	(58,302)

Provides for the deallocation of funds from the elimination of one Clerk Typist II position and one Forester II position and through a class exchange establishes one Forester I position.

**State Prison**

Positions - Other Count	(1.0)	(1.0)
Personal Services	22,619	32,931

Provides for the allocation of funds through the transfer of one Guard position from the State Prison Program, General Fund.

**Land Management and Planning**

Personal Services	(7,099)	(13,868)
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Provides for the deallocation of funds from the elimination of 1/2 of a split-funded Forester II position.

**DEPARTMENT OF CORRECTIONS  
TOTAL**

45,428	69,181
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**HUMAN SERVICES,  
DEPARTMENT OF**

**Administration - Income Maintenance**

Positions - Other Count	(-6.0)	(-6.0)
Personal Services	(106,815)	(262,210)
All Other	(5,250)	(9,000)

**Land Use Regulation Commission**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(18,704)	(19,051)

Provides for the deallocation of funds from the elimination of one part-time Environmental Specialist II position.

Provides for the deallocation of funds from the elimination of one Income Maintenance Supervisor position, 3 Income Maintenance Specialist positions, one Human Services Chief Hearings Officer position and one Legal Secretary position and related All Other.

**Off-Road Recreational Vehicles Program**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(3,854)	(13,966)

Provides for the deallocation of funds from the elimination of one part-time Clerk Typist II position.

**DEPARTMENT OF HUMAN SERVICES  
TOTAL**

(112,065)	(271,210)
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**MARINE RESOURCES,  
DEPARTMENT OF**

**Marine Development - Bureau of**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(822)	(14,014)

**DEPARTMENT OF CONSERVATION  
TOTAL**

(61,898)	(266,825)
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**CORRECTIONS,  
DEPARTMENT OF**

**Correctional Center**

Positions - Other Count	(1.0)	(1.0)
Personal Services	22,809	36,250

Provides for the deallocation of funds from the elimination of one seasonal Conservation Aide position as part of a reorganization of the department.

<b>DEPARTMENT OF MARINE RESOURCES</b>		
<b>TOTAL</b>	(822)	(14,014)

<b>SECTION A-4</b>		
<b>TOTAL ALLOCATIONS</b>	(351,243)	(866,970)

**Sec. A-5. Allocation.** The following funds are allocated from the Postal, Printing and Supply 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
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Central Services - Purchases</b>		
Positions - Other Count	(-13.5)	(-13.0)
Personal Services	(201,551)	(387,398)
All Other	(3,000)	(3,000)
<b>TOTAL</b>	(204,551)	(390,398)

Provides for the deallocation of funds from the elimination of 8 Multilith Operator positions, one Supervisor of Reproduction and Printing position, one Warehouse Manager position, one Storekeeper II position, one Storekeeper I position, one Heavy Equipment Operator position and one part-time Clerk II position. These position eliminations are in accordance with the department's productivity plan.

<b>Central Services - Purchases</b>		
Positions - Other Count	(0.5)	
Personal Services	14,188	

Provides for the allocation of funds to correct the elimination of one part-time Clerk II position from the wrong account and to correct the overestimation of savings from the eliminated position.

<b>Central Services - Purchases</b>		
Personal Services	(11,120)	(24,965)

Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(201,483)	(415,363)

<b>SECTION A-5</b>		
<b>TOTAL ALLOCATIONS</b>	(201,483)	(415,363)

**Sec. A-6. Allocation.** The following funds are allocated from the Telecommunication 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
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Intergovernmental Telecommunications Fund</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(49,737)	(47,366)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	(51,237)	(48,866)

Provides for the deallocation of funds from the elimination of one Technical Support Specialist position.

<b>Intergovernmental Telecommunications Fund</b>		
Personal Services	3,417	

Provides for the allocation of funds due to the overestimation of savings from the elimination of one vacant Technical Support Specialist position.

<b>Intergovernmental Telecommunications Fund</b>		
Personal Services	(2,800)	(2,850)

Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.



<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(50,620)	(51,716)

<b>SECTION A-6</b>		
<b>TOTAL ALLOCATIONS</b>	(50,620)	(51,716)

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

	<b>1995-96</b>	<b>1996-97</b>
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Data Processing Services</b>		
Positions - Other Count	(-11.0)	(-11.0)
Personal Services	(435,935)	(444,323)
All Other	(16,500)	(16,500)
<b>TOTAL</b>	(452,435)	(460,823)

Provides for the deallocation of funds from the elimination of 4 Computer Operator positions, one Computer Programmer position, one Data Processing Division Manager position, one Management Analyst I position, one Senior Computer Operator position, one Senior Technical Support Specialist position, one Systems Programmer position and one Systems Team Leader position and related All Other.

<b>Data Processing Services</b>		
Personal Services	(26,500)	(27,000)
Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.		

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(478,935)	(487,823)

<b>SECTION A-7</b>		
<b>TOTAL ALLOCATIONS</b>	(478,935)	(487,823)

**Sec. A-8. Allocation.** The following funds are allocated from the Workers' Compensation

Management Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	<b>1995-96</b>	<b>1996-97</b>
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		

**Workers' Compensation Management Fund Program**

Positions - Other Count	(-5.0)	(-5.0)
Personal Services	(130,029)	(179,502)

Provides for the deallocation of funds from the elimination of one Clerk Typist II position, 2 Return-to-work Coordinator positions, one Workers' Compensation Aide position and one Workers' Compensation Claims Technician position. These position eliminations are in accordance with the department's productivity plans.

**Workers' Compensation Management Fund Program**

Personal Services	(4,152)	(13,035)
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Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(134,181)	(192,537)

<b>SECTION A-8</b>		
<b>TOTAL ALLOCATIONS</b>	(134,181)	(192,537)

**Sec. A-9. Allocation.** The following funds are allocated from the Central Motor Pool Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	<b>1995-96</b>	<b>1996-97</b>
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		

**Central Motor Pool**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(6,265)	(6,265)

Provides for the deallocation of funds from the elimination of one part-time Clerk II position. The position elimination is in accordance with the department's productivity plan.

**Central Motor Pool**

Personal Services	(375)	(375)
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Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL**

	(6,640)	(6,640)
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**SECTION A-9 TOTAL ALLOCATIONS**

	(6,640)	(6,640)
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**Sec. A-10. Allocation.** The following funds are allocated from the Internal Services Fund - Statewide for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	<b>1995-96</b>	<b>1996-97</b>
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**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services	56,161	81,225
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Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through productivity plans.

**Executive Branch Departments and Independent Agencies - Statewide**

Personal Services	16,385	37,510
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Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through productivity plans.

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL**

	72,546	118,735
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**SECTION A-10 TOTAL ALLOCATIONS**

	72,546	118,735
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**Sec. A-11. Allocation.** The following funds are allocated from the Potato Marketing Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	<b>1995-96</b>	<b>1996-97</b>
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**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Potato Market Improvement Fund**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(24,128)	(25,318)

Provides for the deallocation of funds from the elimination of one Clerk Typist II position.

**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES TOTAL**

	(24,128)	(25,318)
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**SECTION A-11 TOTAL ALLOCATIONS**

	(24,128)	(25,318)
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**Sec. A-12. Allocation.** The following funds are allocated from the Island Ferry Services Fund for the fiscal years ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

	<b>1995-96</b>	<b>1996-97</b>
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**TRANSPORTATION, DEPARTMENT OF**

**Island Ferry Service**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(23,262)	(24,227)

Provides for the deallocation of funds from the elimination of one Clerk Typist I position.

**DEPARTMENT OF TRANSPORTATION TOTAL**

	(23,262)	(24,227)
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**SECTION A-12 TOTAL ALLOCATIONS**

	(23,262)	(24,227)
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**Sec. A-13. Allocation.** The following funds are allocated from the Augusta State Airport 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
<b>TRANSPORTATION, DEPARTMENT OF</b>		
<b>Augusta State Airport</b>		
Positions - Other Count	(-2.5)	(-2.5)
Personal Services	(61,877)	(64,134)
Provides for the deallocation of funds from the elimination of one Laborer II position, one Airport Custodian position and one Clerk Typist II position that is 50% funded from airport administration and 50% funded from the Augusta State Airport Fund.		
<b>DEPARTMENT OF TRANSPORTATION TOTAL</b>	(61,877)	(64,134)
<b>SECTION A-13 TOTAL ALLOCATIONS</b>	(61,877)	(64,134)

**Sec. A-14. Allocation.** The following funds are allocated from the Alcoholic Beverage 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
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Alcoholic Beverages - General Operation</b>		
Positions - Legislative Count	(-11.0)	(-11.0)
Personal Services	(456,529)	(511,439)
All Other	(13,500)	(13,500)
<b>TOTAL</b>	(470,029)	(524,939)
Provides for the deallocation of funds from the elimination of 7 Retail Store Clerk positions, one Retail Store Manager I position, one Assistant Manager Retail Store position, one Heavy Equipment Operator position, one Master Carpenter position and 27 intermittent Retail Store Clerk positions. These position eliminations are		

in accordance with the department's productivity plan.

<b>Alcoholic Beverages - General Operation</b>		
Personal Services	(28,000)	(31,000)
Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(498,029)	(555,939)
<b>SECTION A-14 TOTAL ALLOCATIONS</b>	(498,029)	(555,939)

**Sec. A-15. Allocation.** The following funds are allocated from the Prison Industries 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
<b>CORRECTIONS, DEPARTMENT OF</b>		
<b>State Prison</b>		
Positions - Other Count	(1.0)	(1.0)
Personal Services	16,272	36,658
Provides for the allocation of funds for the transfer of one Wood Products Manager position from the General Fund State Prison program.		
<b>DEPARTMENT OF CORRECTIONS TOTAL</b>	16,272	36,658
<b>SECTION A-15 TOTAL ALLOCATIONS</b>	16,272	36,658

**Sec. A-16. Allocation.** The following funds are allocated from the Seed Potato Board 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
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Seed Potato Board</b>		
Positions - Other Count	(-3.0)	(-3.0)
Personal Services	(114,386)	(136,264)

Provides for the deallocation of funds from the elimination of one Clerk Typist III position, 11 intermittent Laborer I positions and 2 Agricultural Worker I positions.

<b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES</b>		
<b>TOTAL</b>	(114,386)	(136,264)
<b>SECTION A-16</b>		
<b>TOTAL ALLOCATIONS</b>	(114,386)	(136,264)

**Sec. A-17. Allocation.** The following funds are allocated from 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
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Lottery Operations</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(30,885)	(32,791)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	(32,385)	(34,291)

Provides for the deallocation of funds from the elimination of one Account Clerk II position. The position elimination is in accordance with the department's productivity plan.

<b>Lottery Operations</b>		
Personal Services	(2,000)	(2,017)
Provides for the deallocation of funds related to the unfunded liability portion of the retirement rate.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(34,385)	(36,308)
<b>SECTION A-17</b>		
<b>TOTAL ALLOCATIONS</b>	(34,385)	(36,308)

**Sec. A-18. Allocation.** The following funds are allocated from Statewide - Enterprise 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
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Executive Branch Departments and Independent Agencies - Statewide</b>		

Personal Services	40,566	43,691
Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through productivity plans.		

<b>Executive Branch Departments and Independent Agencies - Statewide</b>		
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Personal Services	12,004	23,355
Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through productivity plans.		

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	52,570	67,046
<b>SECTION A-18</b>		
<b>TOTAL ALLOCATIONS</b>	\$52,570	\$67,046

**PART B**

**Sec. B-1. Supplemental appropriations from 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.

	1995-96	1996-97
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Administration - Agriculture</b>		
Positions - Legislative Count	(-7.0)	(-8.0)
Personal Services	(\$144,134)	(\$345,592)
All Other	108,774	222,193
<b>TOTAL</b>	(35,360)	(123,399)

Provides for the deappropriation of funds

through the transfer of one Personnel Specialist position, one Personnel Assistant position, one Chief Accountant position, 2 Accountant II positions, one Accountant I position, one Account Clerk II position to the Administrative Services Center program, Other Special Revenue in the Department of Environmental Protection in fiscal years 1995-96 and 1996-97; and the transfer of one Personnel Officer position in fiscal year 1996-97 to the same program and fund and provides for the appropriation of All Other funds to pay for services received from the Administrative Services Center.

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

**CONSERVATION, DEPARTMENT OF**

**Administrative Services - Conservation**

Positions - Legislative Count	(-6.5)	(-7.5)
Personal Services	(121,009)	(304,197)
All Other	111,963	260,806
<b>TOTAL</b>	<b>(9,046)</b>	<b>(43,391)</b>

Provides for the deappropriation of funds from the transfer of one Accountant III position, 1/2 of a split-funded Account Clerk II position, one Account Clerk II position, one Payroll Supervisor position, one Personnel Specialist position, one Personnel Assistant position and one Storekeeper II position to the Administrative Services Center program, Other Special Revenue in fiscal years 1995-96 and 1996-97 and one Personnel Manager position to the same

program in fiscal year 1996-97, and increases All Other to pay for services of the Administrative Services Center.

**Parks - General Operations**

Personal Services	(3,706)	(7,516)
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Provides for the deappropriation of funds through the elimination of one Director, Parks and Recreation position and the establishment of one split-funded Director, Parks and Lands position and one split-funded Deputy Director, Parks and Lands position.

**DEPARTMENT OF CONSERVATION TOTAL**

(12,752)	(50,907)
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**CORRECTIONS, DEPARTMENT OF**

**Probation and Parole**

Positions - Legislative Count		(-8.0)
Personal Services		(192,593)
All Other	38,830	(6,583)
<b>TOTAL</b>	<b>38,830</b>	<b>(199,176)</b>

Provides for the deappropriation of funds from the elimination of 3 full-time, 2 part-time and 2 1/2 job-share Clerk Typist II positions, one full-time and 2 part-time Clerk Stenographer II positions and one Clerk Stenographer III position and the termination of some office space leases. Funds are provided for increased use of technology through the lease-purchase of computer equipment and software.

**State Prison**

Positions - Legislative Count	(-10.0)	(-10.0)
Personal Services	(126,538)	(356,065)
All Other	28,500	57,000
<b>TOTAL</b>	<b>(98,038)</b>	<b>(299,065)</b>

<p>Provides for the deappropriation of funds from the elimination of 10 Guard positions and through reductions in All Other expenses. Also provides funds to lease-purchase an electronic intrusion system for the Maine State Prison.</p>			
<b>Youth Center - Maine</b>			
All Other	250,000		
Provides for the appropriation of funds to construct a fence on the grounds of the Maine Youth Center.			
<b>DEPARTMENT OF CORRECTIONS</b>			
<b>TOTAL</b>	190,792	(498,241)	
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>			
<b>Administration - Environmental Protection</b>			
Positions - Legislative Count	(-3.0)	(-3.0)	
Personal Services	(117,685)	(236,228)	
All Other		(48,480)	
<b>TOTAL</b>	(117,685)	(284,708)	
Provides for the deappropriation of funds through the transfer of one Commissioner position, one Regional Director position and the related All Other costs to the Administration - Environmental Protection program, Other Special Revenue fund and the transfer of one Regional Director position to the same program, Federal Expenditure Fund.			
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>			
<b>TOTAL</b>	(117,685)	(284,708)	
<b>SECTION B-1</b>			
<b>TOTAL APPROPRIATIONS</b>	24,995	(957,255)	

**Sec. B-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.

	<b>1995-96</b>	<b>1996-97</b>
<b>CONSERVATION, DEPARTMENT OF</b>		
<b>Administrative Services - Conservation</b>		
Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(14,655)	(29,310)
All Other	14,655	29,310
<b>TOTAL</b>	-0-	-0-
Provides for the deallocation of funds from the transfer of one Account Clerk II position to the Administrative Services Center program, Other Special Revenue in the Department of Environmental Protection and for All Other funds to pay for the services of the Administrative Services Center.		
<b>DEPARTMENT OF CONSERVATION</b>		
<b>TOTAL</b>	-0-	-0-
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Administration - Environmental Protection</b>		
Positions - Other Count	(-6.0)	(-7.0)
Personal Services	(89,728)	(222,947)
All Other	109,404	212,794
<b>TOTAL</b>	19,676	(10,153)
Provides for the deallocation of funds through the transfer of 2 Accountant II positions, one Accountant I position, one Account Clerk II position, one Clerk III position and one Payroll Supervisor position to the Administrative Services Center program in fiscal years 1995-96 and 1996-97, the transfer of one Accountant III position to the same program for fiscal year 1996-97 only and the transfer of one Personnel Assistant position to the		

Administration - Environmental Protection program, Other Special Revenue. Also the transfer of one Regional Director position from the General Fund of this program and related All Other for the cost of services from the Administrative Services Center.

Provides for the deallocation of funds through the transfer of one seasonal Clerk I position, 2 Accountant I positions, one part-time Account Clerk II position and one Property Officer position to the Administrative Services Center program, Other Special Revenue in the Department of Environmental Protection and allocates funds for the All Other costs of services from the Administrative Services Center.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>TOTAL</b>	19,676	(10,153)
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**SECTION B-2**

<b>TOTAL ALLOCATIONS</b>	19,676	(10,153)
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**Sec. B-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
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Administration - Agriculture</b>		
Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(7,303)	(14,606)
Provides for the deallocation of funds through the transfer of one part-time Clerk Typist II position to the Administrative Services Center program, Other Special Revenue in the Department of Environmental Protection.		

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

<b>TOTAL</b>	(7,303)	(14,606)
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**CONSERVATION, DEPARTMENT OF**

**Administrative Services - Conservation**

Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(63,485)	(126,970)
All Other	63,485	126,970
<b>TOTAL</b>	-0-	-0-

**Land Management and Planning**

Personal Services	2,685	1,603
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Provides for the allocation of funds for the establishment of 1/2 of a split-funded Director, Parks and Lands position and 1/2 of a split-funded Deputy Director, Parks and Lands position, the elimination of the Director, Public Lands position and the upgrade of one Chief Planner position to one Director, Division of Planning position.

**DEPARTMENT OF CONSERVATION**

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Administration - Environmental Protection**

Positions - Other Count	(-4.0)	(-5.0)
Personal Services	(28,421)	(106,133)
All Other	109,404	239,960
<b>TOTAL</b>	80,983	133,827

Provides for the allocation of funds through the transfer out of 7 positions in fiscal year 1995-96 and 8 positions in fiscal year 1996-97 to the Administrative Services Center program, Other

Special Revenue and the transfer in of 2 positions from the Administration - Environmental Protection program, General Fund and one Personnel Assistant position to be reorganized to an Administrative Secretary position from the Administration - Environmental Protection program, Federal Expenditure Fund and the downgrade of one additional position. Position detail on file in the Bureau of the Budget. All Other funds are for the cost of services from the Administrative Services Center.

**Administrative Services Center**

Positions - Other Count	(33.0)	(37.0)
Personal Services	617,790	1,452,160
All Other	55,000	84,000
Capital Expenditures	10,000	
<b>TOTAL</b>	<u>682,790</u>	<u>1,536,160</u>

Provides for the allocation of funds through the transfer of 32 positions in fiscal year 1995-96 and 36 positions in fiscal year 1996-97 to the newly established Administrative Services Center program and establishes one Director, Administrative Services Center position to provide administrative support services to the Department of Agriculture, Food and Rural Resources, the Department of Conservation and the Department of Environmental Protection. Positions are transferred from the 3 departments and are on file in the Bureau of the Budget. All Other funds are provided for operating expenses of the Administrative Services Center.

**Administrative Services Center**

Positions - Other Count	(-13.0)	(-13.0)
Personal Services	(145,179)	(426,007)

Provides for the deallocation of funds from the elimination of 3 Account Clerk II positions, one Accountant I position, 4 Accountant II positions, one Clerk I position, one 1/2-time Clerk I position, one Clerk III position, one 1/2-time Clerk Typist II position, one Storekeeper II position, one Management Analyst I position and one Conservation Aide position. Position detail is on file in the Bureau of the Budget. All position eliminations are associated with the creation of the Administrative Services Center.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>TOTAL</b>	<u>618,594</u>	<u>1,243,980</u>
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**SECTION B-3**

<b>TOTAL ALLOCATIONS</b>	<u>613,976</u>	<u>1,230,977</u>
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**PART C**

**Sec. C-1. 5 MRSA §933**, as amended by PL 1991, c. 671, Pt. O, §§1 to 3, is repealed and the following enacted in its place:

**§933. Department of Agriculture, Food and Rural Resources**

**1. Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Agriculture, Food and Rural Resources. Notwithstanding any other provisions of law, these positions and their successor positions are subject to this chapter:

A. Deputy Commissioner;

B. Director, Office of Planning, Policy, Legislative and Information services;

C. Director, Office of Agricultural, Natural and Rural Resources;

D. Director, Division of Plant Industry;

E. Director, Division of Animal Health and Industry;



F. Director, Division of Marketing and Production Development; and

G. Director, Division of Quality Assurance and Regulations.

**Sec. C-2. 5 MRSA §12004-H, sub-§7**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. C-3. 7 MRSA §1**, as amended by PL 1991, c. 837, Pt. A, §12, is further amended to read:

**§1. Department of Agriculture, Food and Rural Resources**

The Department of Agriculture, Food and Rural Resources, is established and is maintained for the improvement of agriculture and the advancement of the interests of husbandry. The Department of Agriculture, Food and Rural Resources is referred to in this Title as the "department" and consists of the Commissioner of Agriculture, Food and Rural Resources, in this Title called the "commissioner," and the following: The Aroostook Water and Soil Management Board, the Board of Pesticide Control, the Maine Dairy and Nutrition Council Committee, the Maine Dairy Promotion Board, the Maine Milk Commission, the Maine Potato Board, the Seed Potato Board, the State Soil and Water Conservation Commission, the Harness Racing Commission, and the Board of Veterinary Medicine ~~and the Animal Welfare Board~~. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture matters and to confirmation by the Legislature, and holds office during the pleasure of the Governor. The commissioner is entitled to receive actual expenses incurred in the performance of the commissioner's official duties. The commissioner may employ such clerical labor as may be required, subject to the Civil Service Law, and may expend such sums for postage, telephone, telegraph and other general office expenses as may be necessary in the performance of the commissioner's duties, the same to be paid out of any money appropriated by the Legislature for such purpose.

**Sec. C-4. 7 MRSA §5**, as amended by PL 1979, c. 731, §9, is further amended to read:

**§5. Deputies; associates; directors**

The commissioner may appoint and fix the compensation of ~~such those~~ deputies, associates ~~and~~, bureau directors ~~as~~, office directors and division directors that in ~~his~~ the commissioner's judgment are required to assist ~~him~~, and to enable ~~him~~ the commissioner to carry out all laws, the execution of which is entrusted to ~~him~~ the commissioner. These deputies, associates ~~and~~, bureau directors, office directors and

~~division directors shall~~ hold office during the pleasure of the commissioner.

**Sec. C-5. 7 MRSA §3901**, as enacted by PL 1987, c. 383, §3, is amended to read:

**§3901. Animal Welfare Act**

This chapter ~~shall be~~ is known and may be cited as the "Animal Welfare ~~Board~~ Act."

**Sec. C-6. 7 MRSA §3903-A**, as enacted by PL 1991, c. 779, §4, is repealed.

**Sec. C-7. 7 MRSA §3904**, as amended by PL 1991, c. 779, §5, is repealed.

**Sec. C-8. 7 MRSA §3905**, as amended by PL 1991, c. 779, §6, is repealed.

**Sec. C-9. 7 MRSA §3906-A**, as enacted by PL 1991, c. 779, §8, is repealed.

**Sec. C-10. 7 MRSA §3906-B, sub-§5**, as enacted by PL 1991, c. 779, §9, is repealed.

**Sec. C-11. 7 MRSA §3906-B, sub-§9**, as amended by PL 1993, c. 468, §3, is further amended to read:

**9. Employees.** The commissioner shall employ personnel, subject to the Civil Service Law, as necessary to assist in enforcing this Part and in carrying out the duties and responsibilities of the department. The commissioner, in consultation with the ~~board~~ Animal Welfare Advisory Committee, shall employ, subject to the Civil Service Law, one full-time humane agent to assist the ~~board~~ commissioner in carrying out ~~its~~ the commissioner's duties and responsibilities. The commissioner may not hire as a state humane agent a person who has been convicted of a criminal violation under Title 17, chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter 739.

**Sec. C-12. 7 MRSA §3906-B, sub-§§11 to 15** are amended to read:

**11. Cruelty to animals.** The commissioner, in cooperation with animal control officers, shall investigate complaints of cruelty to animals and enforce cruelty-to-animal laws in accordance with chapter 739 and Title 17, chapter 42. The Attorney General and the district attorneys shall assist the commissioner with the commissioner's enforcement responsibilities.

**12. Intermittent agents.** The commissioner shall appoint intermittent humane agents as necessary to assist the commissioner in carrying out the commissioner's duties and responsibilities. The commissioner shall train and coordinate efforts of

intermittent agents. These intermittent agents are unclassified employees whose training, compensation and hours of employment are determined by the commissioner.

**13. Spaying and neutering fund.** The commissioner may accept funds from any private or public source for the purpose of subsidizing spaying and neutering. The commissioner shall deposit all funds accepted for this purpose into a separate, nonlapsing spaying and neutering account. The commissioner shall establish guidelines for payments and make payments from the fund. All payments from the fund must be used to subsidize spaying and neutering of dogs and cats.

**14. Information.** The commissioner may obtain, develop or disseminate any information useful or convenient for carrying out any purpose or power of the commissioner.

**15. Annual report.** The commissioner shall report the activities of the commissioner annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters. This report must include a summary of cases of cruelty to animals investigated by the commissioner and an account of deposits into and payments from the spaying and neutering fund.

**Sec. C-13. 7 MRSA §3906-C, sub-§1,** as enacted by PL 1991, c. 779, §10, is amended to read:

**1. Membership.** The committee consists of 6 9 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Legislature. The Governor shall appoint members as follows:

- A. One municipal clerk;
- B. One animal control officer;
- C. One member representing licensed animal shelters;
- D. One member representing licensed boarding or breeding kennels;
- E. One member representing licensed pet shops; ~~and~~
- F. ~~One member~~ Two members representing humane societies;
- G. One member who is or has been a veterinarian licensed to practice in the State; and
- H. One member who represents the interests of the public in animal welfare, generally.

In making the appointment of the veterinarian member, the Governor shall consider nominations made by the Maine Veterinary Medical Association.

**Sec. C-14. 36 MRSA §4603, sub-§1,** as amended by PL 1989, c. 503, Pt. B, §170, is further amended to read:

**1. Establishment.** The Maine Potato Board, as established by Title 5, section 12004-H, subsection 7, is within the Department of Agriculture, Food and Rural Resources a body corporate and politic and an incorporated public instrumentality of the State and the exercise of powers conferred by this Part is determined to be the performance of essential government functions. For the purposes of the budget, accounts and control, purchasing or other provisions of Title 5, Part 4, the board may not be construed to be a state agency. The board ~~shall consist~~ consists of 11 members who, following the transition period provided for in subsection 11, ~~shall must~~ must be elected in accordance with the procedures set forth in this chapter and such additional procedures as the board may prescribe by rulemaking. Subject to such staggered terms as the board may provide by rule, board members shall serve 2-year terms, provided that a board member may continue to serve until a successor is duly elected and qualified and that board members may not serve more than 3 consecutive terms.

**Sec. C-15. 36 MRSA §4603, sub-§9,** as corrected by RR 1993, c. 1, §108, is amended to read:

**9. Staff.** The board shall appoint an executive director who is the board's chief administrative officer and who serves at the pleasure of the board. The executive director shall employ such additional staff as the board directs and the staff ~~shall serve~~ serves at the pleasure of the executive director. Staff of the board is not subject to the Civil Service Law. The salary paid to the executive director and other staff of the board must be fixed by the board, ~~subject to the approval of the Governor.~~ The board may delegate to its staff the power to execute the board's policies and programs, subject to regular oversight of the board. After March 1, 1996, employees of the board may not be considered to be state employees for any purpose. For the purposes of the Maine Tort Claims Act, the board is a "governmental entity" and its employees are "employees" as those terms are defined in Title 14, section 8102.

**Sec. C-16. 36 MRSA §4603, sub-§10,** as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

**10. Compensation.** Board members and members of executive councils may be ~~reimbursed for travel expenses necessary to their official business in accordance with state procedures.~~ Board members

~~shall also receive a per diem allotment for attendance at board meetings as provided in Title 5, chapter 379 compensated and reimbursed for expenses in accordance with such guidelines as the board may establish.~~

**Sec. C-17. 36 MRSA §4604, sub-§§1, 3 and 4,** as enacted by PL 1985, c. 753, §§14 and 15, are amended to read:

**1. Bylaws.** ~~The board may, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, adopt rules and bylaws to govern its functions and those of the assemblies and executive councils provided for in this chapter.~~

**3. Contracts.** ~~The board may, subject to laws and procedures generally applicable to state agencies, enter into contracts and agreements with private and public entities which that the board finds are in furtherance of its legislative purposes. The contracts and agreements may include, without limitation, those relating to the lease or purchase of office space, facilities, property, equipment and supplies as the board deems considers necessary for its purposes. The board may delegate to its executive director the power to enter into the contracts and agreements, subject to the board's oversight.~~

**4. Funding; accounts.** ~~In addition to the money received by the board pursuant to section 4606, the board may receive and expend funds from any source, public or private, which that it deems considers necessary to carry out its legislative purposes. All money received from any source shall be placed in a nonlapsing, separate account or accounts, to be expended for the purposes.~~

**Sec. C-18. 36 MRSA §4606,** as amended by PL 1991, c. 376, §59, is further amended to read:

**§4606. Transfers of money received**

~~Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, must be appropriated transferred to the board in its capacity as an independent agency on a monthly basis and used for the following purposes: all activities of the board authorized under this chapter. The board shall pay a sum to the State Tax Assessor representing the cost incurred by the State in collecting the taxes.~~

~~**1. Collection.** For the collection of the tax provided for in this chapter and the enforcement of this chapter; and~~

~~**2. Board's activities.** For all activities of the board authorized under this chapter.~~

Money received by the Treasurer of State under this chapter, including all receipts of taxes levied

under section 4605, may be appropriated and used for a one-time only transfer of funds to the Seed Potato Board, established by Title 7, chapter 403, equal to the Seed Potato Board's budget deficit for the fiscal year ending June 30, 1991 or \$40,000, whichever is less.

**Sec. C-19. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

	1995-96	1996-97
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Maine Potato Board</b>		
Positions - Other Count	(-6.0)	(-6.0)
Personal Services	(\$90,000)	(\$279,921)
All Other	(220,000)	(884,366)
<b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES</b>		
<b>TOTAL</b>	(\$310,000)	(\$1,164,287)
<b>MAINE POTATO BOARD</b>		
<b>Potato Board</b>		
All Other	\$310,000	\$1,164,287
<b>MAINE POTATO BOARD</b>		
<b>TOTAL</b>	\$310,000	\$1,164,287

**Sec. C-20. Transition provisions; Maine Potato Board.** The following provisions apply to the Maine Potato Board on March 1, 1996.

**1. Funds transferred.** All funds held by the Treasurer of State pursuant to the Maine Revised Statutes, Title 36, sections 4605 and 4606 must be transferred to the Maine Potato Board in its capacity as an independent agency.

**2. Debt or obligation.** A debt or obligation incurred by the board on or after March 1, 1996 is not a debt or obligation of the State. A debt or obligation incurred by the board prior to March 1, 1996 and outstanding on that date becomes a debt or obligation of the board, not the State.

**3. Personnel transferred.** Employees of the board must be transferred from state employment to the board on March 1, 1996. Fringe benefits from state employment of the transferred employees, including vacation, sick leave, health and life insurance and retirement, remain with the transferred personnel. After the transition on March 1, 1996, the board may elect to become a participating local district for purposes of the Maine State Retirement System and all employee benefit elections, including the option of retaining state employee health insurance

program benefits for transferred employees, may be made by the board. The Department of Administrative and Financial Services shall assist the board in the orderly transition and implementation of these provisions, to be completed by March 1, 1996.

**4. Property.** All equipment, vehicles, supplies and other personal property owned by the board on March 1, 1996 remain the property of the board as an instrumentality. The State must transfer title to any property within a reasonable time after March 1, 1996.

## PART D

**Sec. D-1. 22 MRSA §6-A**, as enacted by PL 1991, c. 781, Pt. D, §1 and affected by §4, is repealed and the following enacted in its place:

### §6-A. Service delivery regions

The commissioner shall organize regional service delivery in accordance with the following regional boundaries.

**1. Region I.** Region I is all of York County and Cumberland County.

**2. Region II.** Region II is all of Franklin County, Oxford County, Androscoggin County, Somerset County, Kennebec County, Waldo County, Knox County, Lincoln County and Sagadahoc County.

**3. Region III.** Region III is all of Piscataquis County, Penobscot County, Hancock County, Washington County and Aroostook County.

To the greatest extent practicable, the commissioner shall coordinate regional service delivery with the Commissioner of Mental Health and Mental Retardation to maximize the efficiency and effectiveness of services.

**Sec. D-2. 22 MRSA §1961**, as enacted by PL 1977, c. 516, is amended to read:

### **§1961. Public Health Nursing Program**

There is established within the Department of Human Services, Bureau of Health, ~~a Division of the~~ Public Health Nursing Program.

**Sec. D-3. 22 MRSA §1962**, as amended by PL 1985, c. 785, Pt. B, §86, is further amended to read:

### **§1962. Director**

~~The Commissioner of Human Services shall appoint a Director of the Public Health Nursing, subject to the Civil Service Law, who shall~~ Program must be licensed as a registered nurse in the State and

shall have education and experience in community health nursing.

**Sec. D-4. 22 MRSA §1963**, as amended by PL 1989, c. 700, Pt. A, §75, is further amended to read:

### **§1963. Responsibilities of the Public Health Nursing Program**

~~The Division of Public Health Nursing shall have~~ Program has the following responsibilities:

**1. Establish standards.** To establish standards for the following programs carried out by the department pursuant to state or federal laws or regulations:

A. Community nursing services in communicable diseases;

B. Programs for promoting the health of mothers and children; and

C. School health screening, to be done in cooperation with the Department of Education;

**2. Information.** To inform community nursing agencies of the standards in subsection 1;

**3. Provide nursing services.** To provide, at the discretion of the director, nursing services in communities ~~which that lack such these~~ services or in which such these services are inadequate according to established standards; and

**4. Provide technical assistance.** To provide technical assistance to school health nurses, prenatal clinics, community immunization clinics and child health conferences and groups seeking to establish ~~such~~ clinics and conferences.

**Sec. D-5. 22 MRSA §2094**, as amended by PL 1991, c. 152, §4, is repealed.

**Sec. D-6. 22 MRSA §2095**, as amended by PL 1991, c. 152, §5, is repealed.

**Sec. D-7. 22 MRSA §3731, sub-§3**, as enacted by PL 1993, c. 158, §2, is amended to read:

**3. Office.** "Office" means the Office of Child Care ~~Coordination established pursuant to section 3740~~ and Head Start.

**Sec. D-8. 22 MRSA §3739, sub-§2, ¶B**, as enacted by PL 1993, c. 158, §2, is amended to read:

B. Two employees of the ~~Bureau of Child and Family Services~~ Department of Human Services who are responsible for child care services, appointed by the commissioner;

**Sec. D-9. 22 MRSA §3940**, as enacted by PL 1993, c. 158, §2, is amended to read:

**§3740. Office of Child Care and Head Start**

**1. Establishment.** The Office of Child Care ~~Coordination and Head Start~~ is established within the ~~Bureau of Child and Family Services~~ Division of Purchased and Support Services.

**2. Powers and duties.** The office has the following powers and duties:

- A. Maintain an inventory of child care information;
- B. Provide public education on becoming better consumers of child care;
- C. Provide staffing assistance to the council;
- D. Coordinate an ongoing review of all child care licensing rules;
- E. Provide technical assistance to public and private sector employers, school systems and community groups concerning child care, flexible benefits and work schedules;
- F. Coordinate the development of a training system for child care providers;
- G. Develop incentives for employer involvement in child care; and
- H. Promote cooperative relationships between public health organizations and child care programs.

**Sec. D-10. 22 MRSA §5312**, as enacted by PL 1991, c. 780, Pt. DDD, §13, is amended to read:

**§5312. Head Start**

The Head Start program is administered by the ~~Bureau of Child and Family Services~~ Division of Purchased and Support Services.

**Sec. D-11. 22 MRSA §5321, sub-§1**, as enacted by PL 1991, c. 780, Pt. DDD, §14, is repealed.

**Sec. D-12. 22 MRSA §5321, sub-§3**, as enacted by PL 1991, c. 780, Pt. DDD, §14, is amended to read:

**3. Director.** "Director" means the director of the ~~bureau~~ division.

**Sec. D-13. 22 MRSA §5321, sub-§3-A** is enacted to read:

**3-A. Division.** "Division" means the Division of Purchased and Support Services within the department.

**Sec. D-14. 22 MRSA §§5322, 5323, 5324, 5327, 5328 and 5329**, as enacted by PL 1991, c. 780, Pt. DDD, §14, are amended to read:

**§5322. Division responsibilities**

The ~~bureau~~ division shall carry out the responsibilities of State Government related to planning and financing community services and community action agencies and shall administer state and federal community services programs and other block grants that may be available, including, but not limited to, the Community Services Block Grant.

**§5323. Powers and duties**

**1. Federal, state and other funds.** Through plans and contracts, the ~~bureau~~ division shall obtain, distribute and administer federal, state and other community services funds. ~~Any balances~~ Balances of funds appropriated to the ~~bureau~~ division to carry out the purposes of this chapter may not lapse, but must be carried forward from year to year to be expended for the same purpose.

**2. Monitoring of poverty level.** The ~~bureau~~ division shall monitor the poverty level of state citizens and carry out the following activities:

- A. Conduct an annual survey of poverty in Maine, reporting the results of this survey to the Governor, the Legislature and the public;
- B. Make recommendations annually to the Governor and the Legislature on ways and means to combat and reduce poverty in the State;
- C. Seek federal, state and private funds to combat poverty in the State; and
- D. Advise the Governor, the Legislature and local officials on the impact of state and local policies on poverty in the State.

**3. Overseeing community action agencies.** The ~~bureau~~ division shall oversee community action agencies as follows.

- A. The ~~bureau~~ division shall designate community action agencies every 7 years in accordance with the requirements of this chapter.
- B. The ~~bureau~~ division shall establish audit requirements in accordance with the Human Services Community Agency Accounting Practices Act.

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

**4. Planning and coordination for state services.** The ~~bureau~~ division shall provide planning and coordination for state services to people with low income.

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

**6. Monitoring local program operators.** The ~~bureau~~ division shall monitor subgrantees to ensure conformance with appropriate rules.

#### §5324. Community action agencies

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

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

The ~~bureau~~ division shall notify an agency of a pending withdrawal of designation. Upon notification, the agency has up to 6 months to take corrective action, at which time a designation withdrawal evaluation must be performed by the ~~bureau~~ division. Failure to pass this evaluation means immediate loss of designation.

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

**3. Community action agencies.** Community action agencies have the power and duty to:

A. Develop information regarding the causes and conditions of poverty in the service area;

B. Determine how much and how effectively assistance is being provided to deal with those causes and conditions;

C. Establish priorities among projects, activities and areas as needed for the best and most efficient use of available resources;

D. Develop, administer and operate programs to reduce poverty with particular emphasis on self-help approaches and programs to promote economic opportunities through affirmative action;

E. Initiate, sponsor and provide programs and services responsive to the needs of the poor that are not otherwise being met;

F. Promote interagency cooperation and coordination of all services and activities in the service area that are related to the purposes of this chapter;

G. Establish effective procedures by which the poor and other concerned area residents may influence the character of programs affecting their interests, provide for their regular participation in the implementation of those programs and provide technical and other support needed to enable low-income and neighborhood groups to secure on their own behalf available assistance from public and private sources;

H. Join with and encourage business, labor and other private groups and organizations to undertake, together with private officials and agencies, activities in support of the purposes of this chapter that will result in the increased use of private resources and capabilities in providing social and economic opportunities to low-income citizens;

I. Enter into contracts with federal, state and local public agencies and private agencies and organizations, businesses and individuals as necessary to carry out the purposes of this chapter; and

J. Receive funds from federal, state and local public and private sources as appropriate to carry out the purposes of this chapter.

#### §5327. Allocation of Community Services Block Grant funds

**1. Distribution of Community Services Block Grant funds.** In accordance with Title 5, section 1670, the ~~bureau~~ division shall administer and distribute to community action agencies Community Services Block Grant funds received from the Federal Government. The ~~bureau~~ division may expend up to but not more than 5% of the block grant per fiscal year

to carry out its administrative functions under this chapter.

**2. Community action agencies; priority.** Of the amount passed through to local agencies, community action agencies must receive first priority in the allocation of Community Services Block Grant funds. These funds must be distributed according to a formula determined annually as follows.

A. Twenty percent of the amount passed through to local agencies must be divided equally among all designated agencies.

B. The balance of the funds must be distributed according to rules adopted by the ~~bureau~~ division.

**3. Block grant proposals.** Proposals for Community Services Block Grant funds submitted to the Legislature by the ~~bureau~~ division in accordance with Title 5, section 1670 must be developed and must:

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

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

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

#### §5328. Confidentiality of records

**1. Confidentiality.** Records containing the following information are confidential and may not be considered public records for the purpose of Title 1, section 402, subsection 3:

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

B. ~~Any statements~~ Statements of financial condition or information pertaining to financial condition submitted to any of the persons or entities set forth in paragraph A in connection with an application for services related to authorized programs of the ~~bureau~~ division or programs administered by community action agencies.

**2. Exceptions.** Notwithstanding subsection 1, ~~any~~ a person or agency directly involved in the administration or auditing of authorized programs of the ~~bureau~~ division or programs administered by community action agencies and ~~any~~ an agency of the State with a legitimate reason to know must be given access to those records described in subsection 1.

**3. Waiver of protection.** Nothing in this section may be construed to limit in any way the right of any person whose interest is protected by this section to waive in writing the benefits of protection.

**4. Reports to State Government or Federal Government.** Notwithstanding subsection 1, the ~~bureau~~ division may make ~~such~~ full and complete reports concerning its administration of authorized programs as may be required by the Federal Government, ~~any~~ an agency or department of the Federal Government or the Legislature.

#### §5329. Rules

The ~~bureau~~ division shall adopt rules to carry out the requirements of this chapter.

### PART E

**Sec. E-1. 2 MRSA §6, sub-§4**, as amended by PL 1995, c. 309, §2, c. 368, Pt. UU, §1 and c. 465, Pt. A, §2, is repealed and the following enacted in its place:

**4. Range 88.** The salaries of the following state officials and employees are within salary range 88:

Director, Bureau of Parks and Lands;

Director, Bureau of Employee Relations;

Director, Bureau of Air Quality Control;

Director, Bureau of Land and Water Quality;

Director, Bureau of Oil and Hazardous Materials and Solid Waste Control;

Director, Bureau of Administration;

Executive Director, Board of Environmental Protection; and

Director, Office of Consumer Credit Regulation.

**Sec. E-2. 5 MRSA §935**, as amended by PL 1987, c. 349, Pt. H, §§2 and 3, is further amended to read:

#### §935. Department of Conservation

**1. Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Conservation.

Notwithstanding any other provision of law, these positions and their successor positions ~~shall be~~ are subject to this chapter:

~~A. Director, Administrative Services;~~

A-1. Director, General Services;

B. Deputy Commissioner;

C. Director, Bureau of Forestry;

D. Director, Maine Geological Survey;

E. Executive Director, Maine Land Use Regulation Commission;

~~F. Director, Bureau of Parks and Recreation Lands;~~

G. Deputy Director, Bureau of Public Parks and Lands;

H. Forest Insect Manager, Bureau of Forestry;

I. Assistant to the Commissioner for Public Information;

J. Assistant to the Commissioner; and

K. State Supervisor, Forest Fire Operations.

**Sec. E-3. 12 MRSA §551**, as enacted by PL 1975, c. 339, §6, is repealed.

**Sec. E-4. 12 MRSA §§551-A and 551-B** are enacted to read:

**§551-A. Definitions**

As used in this chapter, chapter 202-B or 203, unless the context otherwise indicates, the following terms have the following meanings.

**1. Bureau.** "Bureau" means the Bureau of Parks and Lands.

**2. Director.** "Director" means the Director of the Bureau of Parks and Lands.

**3. Historic site.** "Historic site" means any area of land, with or without buildings, improvements or other structures, managed by the former Bureau of Parks and Recreation or designated by the director for public use wholly or primarily because of its historical, archaeological or scientific interest or value.

**4. Park.** "Park" means all lands other than historic sites managed by the former Bureau of Parks and Recreation or designated by the director as a part, as defined in chapter 203.

**5. Public land.** "Public land" means all lands managed by the former Bureau of Public Lands,

including public reserved lands as defined in section 585, subsection 2, paragraph B; submerged lands as defined in section 558-A, subsection 1, paragraph D; and nonreserved public lands.

**6. Nonreserved public lands.** "Nonreserved public lands" means all public domain lands, public islands in inland and coastal waters, lands acquired under section 8003, subsection 3, paragraph N, lands acquired by the bureau pursuant to other lawful authority and any other lands the management and control of which are not otherwise provided for by law.

**§551-B. Planning and Management of Public Lands**

The bureau shall plan and manage public lands in a manner consistent with the principles of multiple land use and shall produce a sustained yield of products and services in accordance with both prudent and fair business practices and the principles of sound planning.

**Sec. E-5. 12 MRSA §552**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by repealing and replacing the headnote to read:

**§552. Bureau of Parks and Lands; powers and duties with respect to public lands**

**Sec. E-6. 12 MRSA §553**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by repealing and replacing the headnote to read:

**§553. Duties of the Director of the Bureau of Parks and Lands with respect to public lands**

**Sec. E-7. 12 MRSA §553, sub-§1**, as enacted by PL 1975, c. 339, §6, is repealed.

**Sec. E-8. 12 MRSA §553, sub-§3, ¶C**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

C. Make a written report on or before the 30th day of the first regular legislative session to the joint standing committee of the Legislature having jurisdiction over natural resources matters, containing a complete accounting of the income and expenditures ~~of the Bureau of Public Lands pertaining to public lands~~ during the biennium ending on the 31st day of December next preceding the convening of ~~such that~~ session. The report ~~shall~~ must also contain a summary of the bureau's management activities during the past year regarding timber, recreation, wildlife and other subjects as appropriate. The director shall also report on any gates or other constructed barriers to public access by motor vehicle to any public reserved lands, when these block the sole



or primary motor vehicle access, whether or not these barriers are located on public or private land and whether or not they are owned by the State or private parties. The director shall also report on any campsite or recreational facility fees charged under ~~Title 12~~, section 585, subsection 4, paragraph E;

**Sec. E-9. 12 MRSA §553, sub-§3, ¶E**, as amended by PL 1977, c. 360, §34, is further amended to read:

E. Receive all ~~moneys~~ money, securities and other things of value accruing to the State from the sale of public lands, timber and grass and other rights and things of value from the public land under the care, custody, control or management of the ~~Bureau of Public Lands~~ bureau, or in payment for timber, grass and other things of value cut or taken by trespassers, or from forfeiture of a bond or a deposit when a contractor does not fulfill the terms of ~~his~~ the contract or comply with state regulations, or as a result of a compromise or settlement of any claim; excepting only the first \$20,000 in the aggregate of any ~~moneys~~ money accruing from the alienation of rights to mine upon lands described in section 552, subsection 1, paragraphs A and E, or other income arising out of mining operations, actually received during any fiscal year. ~~Such~~ This first \$20,000 and every portion thereof accruing from ~~such~~ these mining operations ~~shall~~ must be paid into the Maine Geological Survey ~~in accordance with the provisions of Title 10, sections 2105 and 2162;~~

**Sec. E-10. 12 MRSA §555**, as enacted by PL 1975, c. 339, §6, is amended by repealing and replacing the headnote to read:

**§555. Trespass on public lands**

**Sec. E-11. 12 MRSA §555, sub-§§1 and 2**, as enacted by PL 1975, c. 339, §6, are amended to read:

**1. Director to prosecute trespass cases.** ~~The Director of the Bureau of Public Lands is authorized and directed to~~ director shall prosecute cases of trespass on public lands under the care, custody, control or management of the ~~Bureau of Public Lands~~ bureau, including public reserved lands and lands transferred pursuant to the provisions of section 552, subsection 1, paragraph E.

**2. Liability of trespassers.** If any person unlawfully enters or trespasses upon ~~state-owned~~ public lands or upon any public reserved lot, while ~~such~~ that land is under the care, custody, control or management of the ~~Bureau of Public Lands~~ bureau, by cutting, destroying, taking or carrying away any trees,

timber, wood, grass or other materials under or upon ~~said~~ those lands without the express written consent of the bureau, ~~he~~ that person and all persons participating ~~therein~~ in those actions are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued ~~therefor~~ for trespass in any county. The measure of damages is the highest price ~~such~~ those materials would bring at the usual place of sale ~~thereof~~ of the materials. If the trespass is willful, the court shall assess treble damages and the costs of maintaining the action. For the purposes of this section, a trespass ~~shall be conclusively deemed to have been~~ is willful if the land upon which the materials were cut, destroyed or taken, or from which the materials were carried away, was posted with conspicuous notices of state ownership at or near the point where roads entered into the state-owned land; or if the land is otherwise posted or identified in a manner reasonably likely to come to the attention of intruders; or if the intruder had actual knowledge of the fact of state ownership.

**Sec. E-12. 12 MRSA §556**, as enacted by PL 1975, c. 339, §6, is amended by repealing and replacing the headnote to read:

**§556. Public access to public lands**

**Sec. E-13. 12 MRSA §557**, as amended by PL 1991, c. 427, §1, is further amended to read:

**§557. Nonreserved Public Lands Management Fund**

**1. Nonreserved Public Lands Management Fund.** To accomplish the purposes of this chapter, there is established a the Nonreserved Public Lands Management Fund. All income received by the ~~Bureau of Public Lands~~ bureau pursuant to section 553, subsection 3, paragraph E, excepting income from the public reserved lots and from submerged lands, must be recorded on the books of the State in a separate account and deposited with the Treasurer of State, to be credited to the Nonreserved Public Lands Management Fund.

**2. Expenditure of funds.** All ~~moneys~~ money credited to the Nonreserved Public Lands Management Fund ~~shall~~ must be used to produce a sustained yield of goods and services from ~~such~~ those lands for multiple use purposes in accordance with the principles of sound planning and sound business practice and for no other purpose. Any balance remaining ~~shall~~ continue continues from year to year as a fund available for the purposes set out in this section and for no other purpose.

**3. Compensation to municipalities.** Notwithstanding the other provisions of this section, 25% of the net revenues from any nonreserved public lands, excluding submerged lands, public reserved lands and

Baxter State Park, and excluding proceeds from the sale of land, located in municipalities and managed by the ~~Bureau of Public Lands~~ bureau, shall ~~must~~ be returned by the Treasurer of State to the municipality ~~wherein~~ where the land generating the income is located, to be used for municipal purposes. With respect to those public reserved lands ~~which that~~ were located in townships or tracts organized into plantations as of March 1, 1974, when any such plantation, subsequent to that date, becomes incorporated into a town, 75% of any income from residential leasehold camps, excluding any income or proceeds from the sale, exchange or relocation of any of these camps under section 590, and 25% of any other income from ~~such that~~ public reserved land shall ~~must~~ be returned by the Treasurer of State to the municipality ~~wherein~~ such where that public reserved land is located, to be used for municipal purposes. With respect to stumpage income from timber located on public reserved lands and leased pursuant to section 585, subsection 4, paragraph K, 50% of the income shall ~~must~~ be returned by the Treasurer of State to the lessee for its own purposes. The director may approve the handling of income from sales or permits for up to \$500 by the lessees. The lessees shall submit a semiannual accounting of this income and payment for the State's share of the income.

**4. Legislative approval of budget.** Expenditures from the Nonreserved Public Lands Management Fund are subject to legislative approval in the same manner as appropriations from the General Fund. ~~No money~~ Money may not be expended without allocation by the Legislature. The joint standing committee of the Legislature having jurisdiction over appropriations ~~matters~~ shall ~~must~~ approve the allocation.

**Sec. E-14. 12 MRSA §558-A, sub-§7,** as enacted by PL 1983, c. 819, Pt. A, §10, is amended to read:

**7. Consultation.** The director shall consult with the Commissioner of Conservation, Commissioner of Marine Resources, Commissioner of Inland Fisheries and Wildlife and such other agencies or organizations as ~~he deems~~ the director considers appropriate in developing and implementing terms, conditions and consideration for conveyances under this section. Notwithstanding section ~~551~~ 551-B, the director may determine to make proprietary conveyances under this section solely on the basis of the issuance of environmental or regulatory permits by other appropriate state agencies.

**Sec. E-15. 12 MRSA §585, sub-§3,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Responsibility.** The commissioner has the care, custody, control and responsibility for the

management of the public reserved lands in the unincorporated areas of the State. The commissioner shall prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines in this chapter. The management plan must provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining this management plan, the commissioner, to the extent practicable, shall compile and maintain an adequate inventory of the public reserved lands, including not only the timber on those lands but also the other multiple use values for which the public reserved lands are managed. In addition, the commissioner shall consider all criteria listed in section 584 for the location of public reserved lands in developing the management plan. The commissioner is entitled to the full cooperation of the Maine Geological Survey, Department of Inland Fisheries and Wildlife, ~~Bureau of Parks and Recreation,~~ Maine Land Use Regulation Commission and State Planning Office in compiling and maintaining the inventory of the public reserved lands. The commissioner shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. This plan shall ~~must~~ provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. When prepared, all management of the public reserved lands, to the extent practicable, shall ~~must~~ be in accordance with this management plan.

Within the context of the comprehensive management plan, the commissioner, after adequate opportunity for public review and comment, shall adopt specific action plans for each of the units of the public reserved lands system. Each action plan shall ~~must~~ include consideration of the related systems of silviculture and regeneration of forest resources and shall ~~must~~ provide for outdoor recreation, including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall complete the action plans no later than December 31, 1989, and shall revise them from time to time as necessary. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan. Management of the public reserved lands before the action plans are completed must be in accordance with all other provisions of this section.

**Sec. E-16. 12 MRSA §598-A, sub-§2,** as enacted by PL 1993, c. 639, §1, is repealed.

**Sec. E-17. 12 MRSA §598-A, sub-§2-A** is enacted to read:

**2-A. Certain lands of the Bureau of Parks and Lands.** Lands under the care, custody, control and management of the Bureau of Parks and Lands, including:

A. Lands that constitute a state park or historic site as those terms are defined in section 5016;

B. Lands that constitute the Allagash Wilderness Waterway as defined in chapter 206;

C. Lands used for public boat facilities under the provisions of Title 38, chapter 1, subchapter VIII, including launching ramps, locks, parking sites and access roads;

D. Public reserved lands as defined in section 585, subsection 2, paragraph B; and

E. Nonreserved public lands as defined in section 5016.

Designated lands do not include: submerged lands; and all parcels of public reserved land in the towns of Bradley, LaGrange and Bradford held by the Bureau of Public Lands on January 1, 1994.

**Sec. E-18. 12 MRSA §598-A, sub-§3,** as enacted by PL 1993, c. 639, §1, is repealed.

**Sec. E-19. 12 MRSA §602, sub-§1,** as amended by PL 1975, c. 771, §126, is further amended to read:

**1. Acquire land; license; eminent domain.**

With respect to lands designated by the director as parks or historic sites, with the consent of the Governor, to acquire in behalf of the State, land or any interests ~~therein in land~~ within this State, with or without improvements, by purchase or gift, and by eminent domain and with ~~like~~ consent to sell and convey ~~such those~~ lands or interests ~~therein in those lands,~~ or lease the same, or by revocable license or agreement, or grant to any person, firm or corporation exclusive rights and privileges to the use and enjoyment of portions of ~~such those~~ lands. Any ~~such~~ license, lease or agreement granted or entered into ~~shall must~~ be canceled or revoked after due notice of intention to cancel or revoke the ~~same~~ license, lease or agreement by action of the bureau, when the use for which ~~said that~~ license was given ~~shall have~~ ~~has~~ been abandoned, or materially modified, or whenever the conditions imposed in any license, lease or agreement ~~shall~~ have been broken. The right of eminent domain ~~shall may~~ not be exercised to take any area or areas in any one park ~~which that~~ singly or collectively exceed 200 acres, nor ~~shall may~~ it be exercised to take any developed or undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection ~~therewith with any of these areas,~~ or any land being utilized for any industrial enterprise.

Prior to the exercise of any eminent domain power, the bureau shall notify the owners of any lands proposed to be acquired and shall, at the request of such landowners, afford such landowners with the opportunity of a public hearing to testify as to the necessity and propriety of taking such lands.

**Sec. E-20. 12 MRSA §602, sub-§4,** as amended by PL 1991, c. 9, Pt. E, §8, is further amended to read:

**4. Fees for services and accommodations.**

With the consent of the Governor, the bureau may:

A. Furnish accommodations and render services to the public on state parks and parks under state control; and

B. Charge reasonable fees for ~~such those~~ services and accommodations.

All fees received under this subsection accrue to the General Fund, except that, effective July 1, 1990, all revenues resulting from an increase in fees in the Allagash Wilderness Waterway accrue to a dedicated revenue account to be used for capital improvements in the Allagash Wilderness Waterway ~~and, in fiscal years 1990-91 and 1991-92 only, engineering plans for reconstruction of Churchill Dam.~~ In cases where fees may be more efficiently collected through 3rd party contracts, a percentage of the fee may be retained by the contractor for services, as agreed upon by the bureau.

Fifteen percent of all day use and camping fees received under this subsection in any ~~state-owned land under jurisdiction of the bureau~~ lands owned by the ~~former Bureau of Parks and Recreation or designated as parks and historic sites under jurisdiction of the bureau~~ must be apportioned and paid to all municipalities having ~~such land~~ those lands within their boundaries. In determining the payment to each municipality, the bureau shall assign one unit per front foot for each foot of lake, pond, ocean or major river frontage and 5 units for each acre of all ~~said~~ lands within the municipality. Frontage and acreage must be determined as of April 1st for the year in which revenue is being apportioned and computed to the nearest whole unit. The bureau shall increase the fees charged by it under this subsection by an amount that will reflect the loss of revenue to the State occasioned by such payment to the municipalities;

**Sec. E-21. 12 MRSA §602, sub-§12,** as amended by PL 1987, c. 141, Pt. B, §9, is further amended to read:

**12. Eminent domain.** When land designated as a park or historic site is taken by eminent domain, the proceedings for such purpose ~~shall must~~ be in accordance with Title 35-A, chapter 65;

**Sec. E-22. 12 MRSA §602, sub-§13**, as amended by PL 1973, c. 460, §19, is further amended to read:

**13. Information for operators of snowmobiles.** To mark and clear snowmobile trails and to provide educational and informational materials for the use of operators of snowmobiles. The ~~Bureau of Parks and Recreation~~ bureau may charge a reasonable fee for ~~said those~~ those services and materials when the ~~moneys~~ money credited to it under this subsection are insufficient to satisfy the demand for ~~said those~~ those services and materials. All fees so collected ~~shall~~ must be deposited in the ~~State Park and Recreation~~ bureau's Snowmobile Trail Fund.

**Sec. E-23. 12 MRSA §602, sub-§16**, as amended by PL 1983, c. 819, Pt. A, §12, is further amended to read:

**16. Forest management.** The bureau shall manage forested areas within state parks to preserve to the maximum practicable extent their natural recreational and scenic qualities. The director may authorize wood harvesting on state park lands when the wood is to be used ~~by the bureau~~ at state parks and historic sites, when cutting is required by deed conditions on specific lots or when necessary to improve wildlife habitat, control insect infestation and other disease, reduce the risk of fire or other hazards, improve the recreational and aesthetic quality of the park lands or demonstrate exemplary multiple use forest management techniques within a demonstration forest area established on state park land for educational purposes. All cutting ~~shall be~~ is subject to the following restrictions:

- A. The cutting may not impair the recreational use, aesthetic qualities or natural values of the land;
- B. The cutting ~~shall~~ must be carried out in accordance with a written management plan certified by a registered professional Maine forester that is available in the principal offices of the bureau for public review and comment at least 60 days prior to cutting;
- C. The cutting ~~shall~~ must be consistent with the management objectives of the bureau for state parks and historic sites; and
- D. The cost of these timber management activities ~~shall~~ must be paid from revenues received from cutting. The balance of these receipts ~~shall~~ must go to the General Fund.

**Sec. E-24. 12 MRSA §605-A, first paragraph**, as enacted by PL 1991, c. 591, Pt. G, §5, is amended to read:

Unless otherwise provided, all money received by the bureau in user fees and other payments for services for parks, historic sites and the Allagash Wilderness Waterway must be deposited with the Treasurer of State to be credited to the General Fund.

**Sec. E-25. 12 MRSA §678**, as amended by PL 1973, c. 460, §17, is further amended to read:

**§678. Allocation of funds**

~~All moneys~~ Except as provided in section 602, subsection 4, all money received by the bureau ~~shall~~ with respect to the operation and management of the Allagash Wilderness Waterway must be deposited with the Treasurer of State to be credited to the General Fund.

**Sec. E-26. 12 MRSA §5013, sub-§3**, as repealed and replaced by PL 1977, c. 674, §14, is repealed and the following enacted in its place:

**3. Bureau of Parks and Lands.** The Bureau of Parks and Lands, which is under the direction and supervision of a director, with the assistance of a deputy director. The director and deputy director are appointed by, and serve at the pleasure of, the commissioner; and

**Sec. E-27. 12 MRSA §5013, sub-§4**, as repealed and replaced by PL 1977, c. 674, §14, is repealed.

**Sec. E-28. 12 MRSA §5016** is enacted to read:

**§5016. Bureau of Parks and Lands**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Bureau" means the Bureau of Parks and Lands.

B. "Historic site" means any area of land, with or without buildings, improvements or other structures, managed by the former Bureau of Parks and Recreation or designated by the director for public use wholly or primarily because of its historical, archaeological or scientific interest or value.

C. "Park" means all lands other than historic sites managed by the former Bureau of Parks and Recreation or designated by the director as a part, as defined in chapter 203.

D. "Public land" means all lands managed by the former Bureau of Public Lands, including public reserved lands as defined in section 585, subsection 2, paragraph B; submerged lands as defined

in section 558-A, subsection 1, paragraph D; and nonreserved public lands.

E. "Nonreserved public lands" means all public domain lands, public islands in inland and coastal waters, lands acquired under section 8003, subsection 3, paragraph N, lands acquired by the bureau pursuant to other lawful authority and any other lands the management and control of which are not otherwise provided for by law.

**2. Bureau of Parks and Lands established.**

There is established within the department the Bureau of Parks and Lands, which shall carry out the responsibilities of state government relating to parks, historic sites, public lands and public reserved lands. The bureau shall also carry out all other duties relating to recreation, the Allagash Wilderness Waterway, the Snowmobile Trail Fund, public facilities for boats, the ATV Recreational Management Fund, the Maine Trails System and any other responsibilities of the former Bureau of Parks and Recreation and Bureau of Public Lands.

**3. Director and deputy director.** The executive head of the bureau is the director. The director is assisted in executive duties by a deputy director. The director and deputy director shall attend personally to the duties of their offices as far as practicable.

**Sec. E-29. Legislative intent; submission of legislation.** It is the intent of the Legislature to combine the Bureau of Public Lands and the Bureau of Parks and Recreation within the Department of Conservation into the Bureau of Parks and Lands. It is also the intent of the Legislature that lands currently managed as public lands and public reserved lands continue to be managed as public lands and public reserved lands and that lands currently managed as parks and historic sites continue to be managed as parks and historic sites. It is also the intent of the Legislature to make only those statutory changes needed to combine the 2 bureaus at this time and that a comprehensive review of all relevant statutes be completed by the Department of Conservation by December 31, 1996. Upon completion of the review of all relevant statutes, the department shall submit a proposal to the Legislature for a unified statute on the establishment, powers and duties of the Bureau of Parks and Lands.

**Sec. E-30. Maine Revised Statutes amended; Bureau of Parks and Lands; revision clause.** Except as provided in the Maine Revised Statutes, Title 12, section 598-A, subsection 2-A, section 602, subsection 4 and section 5016, wherever in the Maine Revised Statutes the words "Bureau of Public Lands," "Parks and Recreation Bureau" or "Bureau of Parks and Recreation" appear or reference is made to those words, they are amended

to read and mean "Bureau of Parks and Lands," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. E-31. Transition provisions.** The following provisions apply to the reassignment of the duties and responsibilities of the former Bureau of Parks and Recreation and Bureau of Public Lands to the new Bureau of Parks and Lands within the Department of Conservation.

1. Except as otherwise provided, the Bureau of Parks and Lands is the successor in every way to the powers, duties and functions of the former Bureau of Parks and Recreation and Bureau of Public Lands.

2. All accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues or other available funds in the accounts of the former Bureau of Parks and Recreation and the Bureau of Public Lands remain with each specific account, but the accounts are within the new unit of the Bureau of Parks and Lands.

3. All Rules and procedures in effect, in operation or adopted on the effective date of this Act in or by the former Bureau of Parks and Recreation and Bureau of Public Lands or any administrative units and officers remain in effect until rescinded, terminated, revised or amended by the proper authority.

4. All contracts, agreements, leases, grants and compacts in effect on the effective date of this Act in the former Bureau of Parks and Recreation and Bureau of Public Lands remain in effect in the new Bureau of Parks and Lands until rescinded, terminated, revised or amended by the proper authority.

5. All authorized and allocated positions of the former Bureau of Parks and Recreation and Bureau of Public Lands remain authorized, except as otherwise provided. All employees retain their accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement benefits. Employees who are members of collective bargaining units on the effective date of this Act remain members and retain all rights, privileges and benefits provided by their collective bargaining agreements with respect to state service. Employees who are members of the Maine State Retirement System remain members of the Maine State Retirement System.

6. All records, property and equipment previously belonging to or allocated for the use of the former Bureau of Parks and Recreation and Bureau of Public Lands must be transferred to the new Bureau of Parks and Lands. All property and equipment must be transferred to the Bureau of Parks and Lands, but remain the property of the program or account from which the initial purchases were made.

**Sec. E-32. Maine Revised Statutes amended; Natural Resources Information and Mapping Center; revision clause.** Wherever in the Maine Revised Statutes the words "Maine Geological Survey" or "Natural Areas Program" appear or reference is made to those words, they are amended to read and mean "Natural Resources Information and Mapping Center," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. E-33. Transition provisions.**

1. The Natural Resources Information and Mapping Center is the successor in every way to the powers, duties and functions of the Maine Geological Survey and the former Natural Areas Program.

2. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Maine Geological Survey or any of its administrative units or officers and the Natural Areas Program or any of its administrative units or officers, are in effect and continue in effect until rescinded, revised or amended by the proper authority.

3. All existing contracts, agreements and compacts currently in effect in the Maine Geological Survey and the Natural Areas Program continue in effect.

4. Any positions authorized or allocated subject to the personnel laws to the former Maine Geological Survey and the former Natural Areas Program are transferred to the Natural Resources Information and Mapping Center and may continue to be authorized.

5. All records, property and equipment previously belonging to or allocated for use of the former Maine Geological Survey and the former Natural Areas Program become, on the effective date of this Act, part of the property of the Natural Resources Information and Mapping Center.

6. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Maine Geological Survey or the Natural Areas Program may be utilized by the Natural Resources Information and Mapping Center until existing supplies of those items are exhausted.

**PART F**

**Sec. F-1. 2 MRSA §6, sub-§2,** as repealed and replaced by PL 1995, c. 395, Pt. C, §1 and amended by c. 465, Pt. A, §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;

Deputy Commissioner, Department of Administrative and Financial Services;

Associate Commissioner for Adult Services, Department of Corrections; and

Associate Commissioner for Juvenile Services, Department of Corrections.

**Sec. F-2. 5 MRSA §936,** as enacted by PL 1983, c. 729, §4, is repealed and the following enacted in its place:

**§936. Department of Corrections**

**1. Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Corrections. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

A. Associate Commissioner for Adult Services;

B. Associate Commissioner for Juvenile Services; and

C. Director, Policy, Legislative and Information Services.

**Sec. F-3. 5 MRSA §7053, sub-§1,** as amended by PL 1987, c. 320, is further amended to read:

**1. Define intermittent positions.** Define intermittent positions and ~~shall~~ **must** in the definition limit the use of any position to employment for not more than ~~500~~ **1040** hours in any consecutive 12-month period;

**Sec. F-4. 15 MRSA §3005,** as amended by PL 1981, c. 493, §101, is further amended to read:

**§3005. Forms, other than court forms, reporting formats, and other standardized written materials**

All forms, reporting formats, and other standardized written materials necessary to fulfill the requirements of this Part ~~shall~~ **must** be uniform for all state and local agencies providing services according to the provisions of this Part; and ~~such~~ **those** forms, reporting

formats, and other standardized written materials ~~shall~~ must be developed and approved jointly by the Department of ~~Mental Health and Mental Retardation~~ Corrections and the Department of Human Services.

**Sec. F-5. 15 MRSA §3314, sub-§1, ¶F**, as enacted by PL 1977, c. 520, §1, is amended to read:

F. The court may commit the juvenile to the Maine Youth Center. Whenever a juvenile is committed to the Maine Youth Center, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a commitment to the Maine Youth Center, which continues to be governed by section 3313.

**Sec. F-6. 15 MRSA §3314, sub-§2**, as amended by PL 1989, c. 875, Pt. E, §21 and affected by §22, is further amended to read:

**2. Suspended disposition.** The court may impose any of the dispositional alternatives provided in subsection 1, and may suspend its disposition and place the juvenile on a specified period of probation that is subject to such provisions of Title 17-A, section 1204, as the court may order and that is administered pursuant to the provisions of Title ~~34~~ 34-A, chapter ~~424~~ 5, subchapter ~~V-A~~ IV, except that in no case may the court impose the condition set out in Title 17-A, section 1204, subsection 1-A. The court may impose as a condition of probation that a juvenile reside outside the juvenile's home in a setting satisfactory to the juvenile caseworker if the court determines that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home and that continuation in the juvenile's home would be contrary to the welfare of the juvenile. Imposition of such a condition does not affect the legal custody of the juvenile.

Revocation of probation is governed by the procedure contained in Title 17-A, sections 1205, 1205-A and 1206, except that Title 17-A, section 1206, subsection 7-A, does not apply, provided that a disposition under subsection 1, paragraph F, may be modified to a disposition under subsection 1, paragraph H.

**Sec. F-7. 15 MRSA §3314, sub-§4**, as amended by PL 1993, c. 354, §9, is further amended to read:

**4. Medical support.** Whenever the court commits a juvenile to the Maine Youth Center or to the Department of Human Services or places a juvenile on a period of probation, it ~~may~~ shall require the parent or legal guardian to provide medical

insurance for or contract to pay the full cost of any medical treatment, mental health treatment, substance abuse treatment and counseling that may be provided to the juvenile while the juvenile is committed, including while on entrustment or on probation, unless it determines that such a requirement would create an excessive hardship on the parent or legal guardian, or other dependent of the parent or legal guardian, in which case it shall require the parent or legal guardian to pay a reasonable amount toward the cost, the amount to be determined by the court.

**Sec. F-8. 15 MRSA §3315, sub-§3** is enacted to read:

**3. Court review of determination.** Whenever a court makes a determination pursuant to section 3314, subsection 1, paragraph F or section 3314, subsection 2, that determination must be reviewed by the court not less than once every 18 months until the juvenile is discharged or no longer residing outside the juvenile's home.

**Sec. F-9. 15 MRSA §3316, sub-§2, ¶A**, as amended by PL 1993, c. 354, §11, is further amended to read:

A. A commitment of a juvenile to the ~~Department of Corrections, including a commitment to~~ the Maine Youth Center, pursuant to section 3314, must be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits or extends the indeterminate commitment, as long as the court does not limit the commitment to less than one year nor extend the commitment beyond a juvenile's 21st birthday and as long as an order does not result in a commitment of less than one year, unless the commitment is for an indeterminate period not to extend beyond the juvenile's 21st birthday. Nothing in this Part may be construed to prohibit the provision to a juvenile following the expiration of the juvenile's term of commitment of services voluntarily accepted by the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated; except that these services may not be extended beyond the juvenile's 21st birthday.

**Sec. F-10. 15 MRSA §3317**, as amended by PL 1991, c. 493, §25, is further amended to read:

**§3317. Disposition after return to Juvenile Court**

In instances of commitment of a juvenile to the Department of Human Services or the Maine Youth Center or when the juvenile is under a specified period of probation, the ~~commissioner of the department, the superintendent of the youth center or the Director of Probation and Parole~~ Commissioner of Human Services or the commissioner's designee or the

Commissioner of Corrections or the commissioner's designee following the commitment disposition may for good cause petition the Juvenile Court having original jurisdiction in the case for a judicial review of the disposition, including extension of the period of commitment or period of probation. In all cases in which a juvenile is returned to a Juvenile Court, the Juvenile Court may make any of the dispositions otherwise provided in section 3314. When reviewing a commitment to the Department of Human Services, the court shall consider efforts made by the Department of Corrections and the Department of Human Services to reunify the juvenile with the juvenile's parents or custodians, shall make a finding regarding those efforts and shall return custody of the juvenile to a parent or legal custodian if the return of the juvenile is not contrary to the welfare of the juvenile. A petition for judicial review of a disposition committing the child to the Department of Human Services must be served on the parents at least 7 days prior to the hearing.

**Sec. F-11. 17-A MRSA §1204, sub-§1-A,** as amended by PL 1995, c. 368, Pt. R, §2, is further amended to read:

**1-A.** The court shall attach as a condition of probation that the convicted person pay, through the Division of Probation and Parole Department of Corrections, a supervision fee of between \$10 and \$50 per month, as determined by the court, for the term of probation. In determining the amount of the fee, the court shall take into account the financial resources of the convicted person and the nature of the burden its payment imposes. A person may not be sentenced to imprisonment without probation solely for the reason the person is not able to pay the fee. When a person on probation fails to pay the supervision fee, the court may revoke probation as specified in section 1206, unless the person shows that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment. The court, if it determines that revocation of probation is not warranted, shall issue a judgment for the total amount of the fee and shall issue an order attaching a specified portion of money received by or owed to the person on probation until the total amount of the fee has been paid. If the person makes this showing, the court may allow additional time for payment within the remaining period of probation or reduce the size of the fee to as low as \$10 per month, but may not revoke the requirement to pay the fee unless the remaining period of probation is 30 days or less.

**Sec. F-12. 17-A MRSA §1204, sub-§1-B,** as amended by PL 1995, c. 368, Pt. R, §3, is further amended to read:

**1-B.** Upon the request of the Department of Corrections, the court shall attach as a condition of probation that the convicted person pay, through the Division of Probation and Parole department, an electronic monitoring fee, a substance testing fee or both, as determined by the court, for the term of probation. In determining the amount of the fees, the court shall take into account the financial resources of the convicted person and the nature of the burden the payment imposes. A person may not be sentenced to imprisonment without probation solely for the reason the person is not able to pay the fees. When a person on probation fails to pay the fees, the court may revoke probation as specified in section 1206, unless the person shows that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment. The court, if it determines that revocation of probation is not warranted, shall issue a judgment for the total amount of the fees and shall issue an order attaching a specified portion of money received by or owed to the person on probation until the total amount of the fees has been paid. If the person makes this showing, the court may allow additional time for payment within the remaining period of probation or reduce the size of the fees, but may not revoke the requirement to pay the fees unless the remaining period of probation is 30 days or less. Fees received from probationers must be deposited into the department's Correctional Program Improvement Fund, except that when authorized by the Department of Corrections, a person on probation may be required to pay fees directly to a provider of electronic monitoring, substance testing or other services. Funds from this account, which may not lapse, must be used to defray costs associated with the purchase and operation of electronic monitoring and substance testing programs.

**Sec. F-13. 17-A MRSA §1205, sub-§1,** as amended by PL 1987, c. 315, §1, is further amended to read:

**1.** If a probation officer has probable cause to believe that a person under the supervision of the Division of Probation and Parole on probation has violated a condition of his that person's probation, he that officer may arrest such the person or he may deliver a summons to such that person ordering him that person to appear for a court hearing on the alleged violation. If the probation officer ~~cannot~~ can not, with due diligence, locate the person in order to arrest him the person or serve a summons on him that person, he that officer shall file a written notice of this fact with the court ~~which that~~ placed the person on probation.

**Sec. F-14. 17-A MRSA §1205-A, sub-§§2 to 4,** as enacted by PL 1977, c. 510, §72, are amended to read:



2. The preliminary hearing ~~shall~~ must be held before ~~the district supervisor or such other an official as may be designated by the Director of Probation and Parole Commissioner of Corrections.~~ It ~~shall~~ must be held at a location as near to the place where the violation is alleged to have taken place as is reasonable under the circumstances. If it is alleged that the person violated probation because of the commission of a new offense, the preliminary hearing ~~shall be~~ is limited to the issue of identification, if probable cause on the new offense has been found by the District Court, or ~~he the person~~ has been indicted, has waived indictment or has been convicted.

3. At the preliminary hearing, the person alleged to have violated a condition of ~~his~~ probation has the right to confront and cross-examine persons who have information to give against ~~him that person,~~ the right to present evidence on ~~his own that person's~~ behalf and the right to remain silent. If the hearing officer determines on the basis of the evidence before ~~him the officer~~ that there is not probable cause to believe that a condition of probation has been violated, ~~he the officer~~ shall terminate the proceedings and order the person on probation ~~forthwith~~ released at once from any detention resulting from the alleged violation. If ~~he the hearing officer~~ determines that there is such probable cause, ~~he the officer~~ shall prepare a written statement summarizing the evidence that was brought before ~~him the officer,~~ and particularly describing that which supports the belief that there is probable cause. At the outset of the preliminary hearing, the ~~district supervisor hearing officer~~ shall inform the person of ~~his that person's~~ rights under this section and of the provisions of section 1206. ~~Such That~~ That person may waive, at the preliminary hearing, ~~his the~~ right to confront and cross-examine witnesses against ~~him that person,~~ ~~his the~~ right to present evidence on ~~his own that person's~~ behalf and ~~his the~~ right to remain silent. No other rights may then be waived, nor ~~shall may~~ there be a waiver of the right to a preliminary hearing.

4. If, as a result of a preliminary hearing held under this section, there is a determination of probable cause, the ~~Director of Probation and Parole Commissioner of Corrections,~~ or ~~his the commissioner's~~ designated representative, may file with any court a motion for revocation of probation. The motion ~~shall~~ must incorporate the written statement prepared pursuant to subsection 3 and ~~shall~~ must be accompanied by an application for a summons ordering the person to appear before the court for a hearing on the alleged violation. The motion and the application ~~shall~~ must be filed without unnecessary delay. A copy of the motion ~~shall~~ must be furnished to the person on probation.

**Sec. F-15. 17-A MRSA §1262, sub-§7,** as enacted by PL 1985, c. 821, §15, is amended to read:

7. If, upon completion of the period of intensive supervision, the Department of Corrections, ~~through the Division of Probation and Parole,~~ considering the supervision, guidance, assistance or direction that probation can provide, ~~deems determines~~ that probation should be reduced or terminated, it may, at any time, petition the court for reduction or early termination of probation in accordance with section 1202, subsection 3.

**Sec. F-16. 17-A MRSA §1326,** as amended by PL 1993, c. 147, §1, is further amended to read:

**§1326. Time and method of restitution**

When restitution is authorized, the time and method of payment or of the performance of the services must be specified. Except when the offender is placed on probation, monetary compensation may be ordered paid to the office of the prosecuting attorney who is prosecuting the case or to the clerk of the court. If the offender is placed on probation, the compensation may be ordered paid to the Department of Corrections, ~~Division of Probation and Parole.~~ The state agency receiving the restitution shall deposit any money received in the account maintained by the Treasurer of State for deposit of state agency funds, from which funds are daily transferred to an investment account and invested. Interest accrued on that money is the property of and accrues to the State for deposit in the General Fund. The agency receiving the restitution shall make the disbursement to the victim or other authorized claimant as soon as possible after the agency receives the money. If the compensation is paid to the Department of Corrections, ~~Division of Probation and Parole,~~ the office of the prosecuting attorney who prosecuted the case may request that the Commissioner of Corrections direct that the compensation be forwarded to the office of the prosecuting attorney, which shall make the disbursement to the victim or other authorized claimant as soon as possible.

**Sec. F-17. 17-A MRSA §1345, sub-§3,** as enacted by PL 1995, c. 136, §4, is amended to read:

3. The ~~Division of Probation and Parole~~ Department of Corrections is not responsible for supervision of community service work pursuant to this section.

**Sec. F-18. 34-A MRSA §1403, sub-§2,** as amended by PL 1985, c. 821, §19, is further amended to read:

**2. Appointments.** The commissioner's appointment powers are as follows.

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary,

including those intermittent employees as defined in Title 5, section 7053 needed to offset the overtime costs related to unscheduled, unanticipated overtime. These intermittent positions may only be used at specific posts or work sites to be identified through an agreed-upon discussion process with labor.

B. The commissioner may appoint and set the salary for ~~an~~ 2 associate ~~commissioner~~ commissioners to assist in carrying out the responsibilities of the department.

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

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

C. The commissioner shall appoint the following officials to serve at ~~his~~ the pleasure of the commissioner:

(1) Associate Commissioner for Adult Services;

(1-A) Associate Commissioner ~~of Community Corrections~~ for Juvenile Services;

(2) Assistant to the Commissioner; and

(3) Director, ~~Correctional Program Policy, Legislative and Information Services.~~

**Sec. F-19. 34-A MRSA §1403, sub-§3**, as amended by PL 1991, c. 314, §§22 and 23, is further amended to read:

**3. Delegation.** The commissioner's delegation powers are as follows.

A. Unless a specific statute otherwise directs, the commissioner may delegate powers and duties given under this Title to the associate ~~commissioner~~ and to commissioners, chief administrative officers and regional correctional administrators.

B. The commissioner may empower the associate ~~commissioner~~ and commissioners, chief administrative officers and regional correctional administrators to further delegate powers and duties delegated to them by the commissioner.

B-1. Unless a specific statute otherwise directs, the commissioner may empower chief administrative officers to delegate powers and duties given to them by chapter 3 and may empower

regional correctional administrators to delegate powers and duties given to them by chapter 5.

~~C. The Associate Commissioner of Community Corrections~~ An associate commissioner or associate commissioners may be designated to assist in the development of community correctional programs at the county level and to coordinate activities of the department with each county and any county correctional advisory groups. ~~The Associate Commissioner~~ associate commissioner or associate commissioners may appoint staff to assist in carrying out this paragraph.

**Sec. F-20. 34-A MRSA §1403, sub-§5-A** is enacted to read:

**5-A. Lease of Maine Youth Center building.**

Notwithstanding subsection 5 and Title 5, chapter 154, the commissioner may, with the approval of the Director of the Bureau of General Services, lease any building that the commissioner determines is no longer needed to be a part of the Maine Youth Center for the purpose of providing services to clients under such terms as the commissioner and director determine appropriate.

**Sec. F-21. 34-A MRSA §3036, sub-§§3 and 4** are enacted to read:

**3. Work release.** Any client participating in the halfway house program who is also permitted to participate in a work release program is liable for the cost of board in the halfway house.

A. The reasonable cost of board for a client in a halfway house is fixed by the commissioner. In fixing the reasonable cost of the board to be paid, the commissioner shall take into consideration other state laws or judicial determinations that affect the client's income.

B. Funds received from clients for the board must be placed in the General Fund.

**4. Work release transportation cost.** Any client participating in the halfway house program who is also permitted to participate in a work release program is liable for an equitable share of the cost of the transportation to the work release job site if this transportation is arranged by the halfway house. Funds received from clients for work release transportation must be placed in the General Fund.

**Sec. F-22. 34-A MRSA §3201**, as amended by PL 1991, c. 656, is further amended to read:

**§3201. Maintenance**

The commissioner shall maintain the Maine State Prison at Thomaston, in Knox County, as the prison and penitentiary of the State, and shall confine,

employ and govern persons lawfully ~~committed to~~ in the custody of the department, as provided by law. The Maine Correctional Institution - Warren is established as a unit of the Maine State Prison.

**Sec. F-23. 34-A MRSA §3266, sub-§1**, as enacted by PL 1993, c. 459, §6, is amended to read:

**1. Minimum security unit.** The warden may establish a vocational training program at the minimum security unit to provide prisoners skills designed to assist in the acquisition and retention of employment following parole or discharge. The warden may employ prisoners at the minimum security unit in work involving public restitution.

**Sec. F-24. 34-A MRSA §3401**, as amended by PL 1983, c. 816, Pt. A, §41, is repealed and the following enacted in its place:

**§3401. Establishment**

The Maine Correctional Center in South Windham is established for the confinement and rehabilitation of persons, male and female, lawfully in the custody of the department, as provided by law.

**Sec. F-25. 34-A MRSA §3403, sub-§1, ¶B**, as amended by PL 1991, c. 314, §63, is further amended to read:

B. The superintendent shall provide for the safe-keeping or employment of persons committed to the department in order to teach them a useful trade or profession and to improve their mental and moral condition, which may include work involving public restitution.

**Sec. F-26. 34-A MRSA §3403, sub-§3**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. F-27. 34-A MRSA §3802, sub-§1, ¶¶B and C**, as enacted by PL 1983, c. 459, §6, are amended to read:

B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section 3318; ~~and~~

C. To rehabilitate juveniles committed to it on being adjudicated as having committed a juvenile crime under Title 15, section 3310, subsection 5; and

**Sec. F-28. 34-A MRSA §3802, sub-§1, ¶D** is enacted to read:

D. To protect the public from dangerous juveniles.

**Sec. F-29. 34-A MRSA §3812**, as enacted by PL 1983, c. 459, §6, is amended to read:

**§3812. Discharge**

**1. Duty.** The superintendent shall cause a juvenile client to be discharged from the center:

A. When the client becomes 21 years of age; ~~or~~ or otherwise reaches the end of the period of the Juvenile Court's commitment.

~~B. When the superintendent determines that the client has benefited optimally from the services and facilities of the center.~~

**2. Power.** The superintendent may cause a juvenile client to be discharged from the center when the superintendent determines that discharge is in the best interest of the client or that the client has benefited optimally from the services and facilities of the center.

**Sec. F-30. 34-A MRSA §5001, sub-§§2 and 3**, as enacted by PL 1983, c. 459, §6, are repealed.

**Sec. F-31. 34-A MRSA §5003**, as enacted by PL 1983, c. 459, §6, is amended to read:

**§5003. Prohibited acts**

**1. Interference with probation.** A person 18 years of age or older is guilty of interference with probation if ~~he~~ that person willfully obstructs, intimidates or otherwise abets a probationer under the supervision and control of the ~~division~~ department and thereby causes or contributes to causing the probationer to violate the conditions of ~~his~~ that person's probation, after having been warned in writing by the ~~director~~ commissioner to end ~~his~~ that person's relationship or association with the probationer.

A. Interference with probation is a Class E crime, except that, notwithstanding Title 17-A, it ~~shall be~~ is punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

B. This subsection applies to interferences with the probation of probationers who are under the supervision and control of the ~~division~~ department at the request of other states under terms of the Uniform Act for Out-of-State Parolee Supervision.

**2. Interference with parole.** A person 18 years of age or older is guilty of interference with parole if ~~he~~ that person willfully obstructs, intimidates or otherwise abets a parolee under the supervision and control of the ~~division~~ department and thereby causes or contributes to causing the parolee to violate the

conditions of his parole, after having been warned in writing by the ~~director~~ commissioner to end his that person's relationship or association with the parolee.

A. Notwithstanding Title 17-A, section 4-A, interference with parole ~~shall be~~ is punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

B. This subsection applies to interferences with the parole of parolees who are under the supervision and control of the ~~division~~ department at the request of other states under terms of the Uniform Act for Out-of-State Parolee Supervision.

**Sec. F-32. 34-A MRSA §5208, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended to read:

**1. Preparation of report.** ~~The secretary of the board shall, after~~ After June 30th of each year, ~~send to the commissioner~~ shall prepare a detailed report of the work of the board and of the probation and parole activities ~~of the division~~ for the preceding fiscal year.

**Sec. F-33. 34-A MRSA §5401**, as amended by PL 1985, c. 821, §27, is repealed and the following enacted in its place:

**§5401. Administration of probation and parole services**

The Department of Corrections is charged with the administration of probation and parole services and the Intensive Supervision Program within the State.

**Sec. F-34. 34-A MRSA §5402**, as amended by PL 1989, c. 417, §§1 to 3, is further amended to read:

**§5402. Duties and powers of the commissioner with respect to probation and parole services**

**1. Appointment.** ~~The commissioner shall appoint the Director of Probation and Parole, subject to the Civil Service Law.~~

**2. Duties.** The ~~director~~ commissioner shall:

A. Promulgate and enforce rules for the field probation and parole ~~service~~ officers, juvenile caseworkers ~~and~~, parole officers in correctional facilities and ~~for~~ Intensive Supervision Program officers;

B. Appoint, subject to the Civil Service Law, ~~district probation and parole supervisors~~ regional correctional administrators, field probation and parole officers, juvenile caseworkers, Intensive Supervision Program officers and such other employees as may be required to carry out ade-

quate supervision of all probationers ~~and of all~~, parolees from the correctional facilities ~~and all~~, persons on intensive supervision and other persons placed under the supervision of an employee listed in this paragraph;

C. Prescribe the powers and duties of persons appointed under paragraph B;

D. Provide necessary investigation of any criminal case or matter, including presentence investigation and intensive supervision eligibility investigations, when requested by the court having jurisdiction;

E. Provide investigation when requested by the board;

F. Cooperate closely with the board, the criminal and juvenile courts, the chief administrative officers of correctional facilities and other correctional facility personnel;

G. Make recommendations to the board in cases of violations of the conditions of parole;

H. Issue warrants for the arrest of parole violators;

I. Notify the chief administrative officers of correctional facilities of determinations made by the board;

J. Divide the State into administrative districts and staff the districts;

K. Provide instruction and training courses for probation and parole officers, for Intensive Supervision Program officers and for juvenile caseworkers;

L. Be executive officer and secretary of the board; and

M. Aggregate the statistics contained in any reports the ~~division~~ department receives on individual probationers and make the aggregated statistics available to other state agencies provided the data is aggregated in such a way that statistics pertaining to any individual probationer ~~cannot~~ can not be disaggregated.

**3. Powers.** The ~~director~~ commissioner may:

A. Provide necessary specialized services and procedures for the constructive rehabilitation of juveniles;

B. Obtain psychiatric, psychological and other necessary services; and

C. Sign documents, including warrants and extradition papers, for the board when so instructed by the board;

~~D. With the approval of the commissioner, in special instances and in the absence or illness of the Assistant Director of Probation and Parole, delegate any responsibilities of the assistant director to a district supervisor.~~

~~(1) This delegation shall not exceed 20 working days.~~

~~(2) During the period of the delegation, the district supervisor has all the responsibilities and obligations of the assistant director; and~~

~~E. With the approval of the commissioner, delegate the responsibility to warn persons interfering with a probationer, parolee or a prisoner on intensive supervision to a district supervisor.~~

**Sec. F-35. 34-A MRSA §5403**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. F-36. 34-A MRSA §5404, first ¶**, as amended by PL 1989, c. 127, §14, is further amended to read:

In addition to duties prescribed by the ~~director~~ commissioner and by the court having jurisdiction, a probation and parole or intensive supervision program officer shall:

**Sec. F-37. 34-A MRSA §5404, sub-§2**, as amended by PL 1991, c. 845, §6, is further amended to read:

**2. Arrest.** Arrest, after completing the entry level and orientation training course prescribed by the ~~director~~ commissioner, in the following circumstances:

A. Arrest and return probation and parole violators upon request of the ~~chief administrative officer of a correctional facility~~ commissioner;

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035 or 3036 or transferred from the facility under section 3036-A; and

C. If the officer has probable cause to believe that a person under the supervision of the ~~Division of Probation and Parole~~ department has violated a condition of that person's probation or parole or intensive supervision, the officer may arrest that person.

**Sec. F-38. 34-A MRSA §5404, sub-§3, ¶B**, as amended by PL 1991, c. 845, §7, is further amended to read:

B. Supervise persons released from a correctional facility under section 3035, ~~if the chief administrative officer of the facility requests the supervision and the director agrees to the supervision~~ or 3036 and supervise persons transferred to supervised community confinement under section 3036-A if the commissioner directs; ~~and~~

**Sec. F-39. 34-A MRSA §5404, sub-§3, ¶C**, as amended by PL 1989, c. 127, §14, is further amended to read:

C. Keep informed of the conduct and condition of each person placed under the officer's supervision and use suitable methods to encourage the person to improve that person's conduct and condition; ~~and~~

**Sec. F-40. 34-A MRSA §5404, sub-§3, ¶E** is enacted to read:

E. Supervise the transition from institutional confinement for persons residing in a prerelease center if the commissioner directs.

**Sec. F-41. 34-A MRSA §5405**, as enacted by PL 1987, c. 154, §1, is repealed.

#### **Sec. F-42. Maine Youth Center fence.**

1. Personnel and equipment of the state military forces may be employed in the design and construction of a security fence around the Maine Youth Center if the Governor, or the Governor's designee, orders the necessary personnel and equipment into active service of the State. Any person ordered into active service of the State, for the purposes of this action, is considered a state employee for the purposes of the Maine Tort Claims Act and the person's liability is limited by that Act.

2. The design and construction of the security fence around the Maine Youth Center are exempt from the requirements of the Maine Revised Statutes, Title 5, chapter 153.

**Sec. F-43. Department of Corrections; lease purchase authorization.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Corrections may enter into financing arrangements for the acquisition of an electronic intrusion system at the Maine State Prison. The financing agreement may not exceed 5 years in duration and \$280,000 in principal costs. The interest rate is estimated at 6.3%, with total interest costs over the duration of the financing arrangement estimated at \$47,140. The annual principal and interest costs must

be paid from the All Other line category appropriation to the State Prison account. The financing agreement must provide that the State will become the ultimate owner of the electronic intrusion system.

**Sec. F-44. Department of Corrections; lease purchase authorization.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Corrections may enter into financing arrangements for the acquisition of computer hardware and software to gain efficiency from improved technology. The financing agreement may not exceed 5 years in duration and \$718,800 in principal costs. The interest rate is estimated at 6.3% with total interest costs over the duration of the financing arrangement estimated at \$121,015. The annual principal and interest costs must be paid from the All Other line category appropriation to the Probation and Parole account. The financing agreement must provide that the State will become the ultimate owner of the computer hardware and software.

**Sec. F-45. Intermittent positions.** Notwithstanding the Maine Revised Statutes, Title 5, section 1583-A, or any other provision of law, the Department of Corrections may establish, providing funds are available, intermittent positions for the purpose of performing duties for which unbudgeted overtime would otherwise be incurred.

Notwithstanding any other restriction on funds appropriated or allocated to the Department of Corrections, the State Budget Officer may, after determining that funds are available, either approve the use of the funds or recommend appropriate action to the Governor when the Governor's approval is required.

Available funds may include amounts appropriated or allocated to the Department of Corrections for Personal Services, including funds in any salary account or special account for state employee salary increases, All Other and Capital Expenditures or unallocated funds.

**Sec. F-46. Transfer of funds.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the Department of Corrections is authorized to transfer, by Financial Order in fiscal years 1995-96 and 1996-97, Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of accomplishing the initiatives contained in the department's productivity plan approved by the Productivity Realization Task Force and accepted by the Governor. The intent of this section is to enable the Department of Corrections to achieve the savings identified and attain its objectives, while managing operations within resources available throughout the department during this biennium.

**Sec. F-47. Salary increases for certain state officials.** Notwithstanding any other provision of law, any state official assigned to a higher salary range in the Maine Revised Statutes, Title 2, section 6 as a result of this Act is not eligible for an increase in salary for the remainder of the 1996-97 biennium.

## PART G

**Sec. G-1. 5 MRSA §1664**, as amended by PL 1993, c. 675, Pt. C, §11, is further amended by adding at the end a new paragraph to read:

The Governor, when submitting the budget to the Legislature, shall submit the budget document and the budget bills in a manner that identifies positions authorized by the Legislature for less than 52 weeks in a fiscal year as "Positions - Full-time Equivalent," or FTE, and positions authorized by the Legislature for 52 weeks in a fiscal year as "Positions - Legislative Count" for all funds. The State Budget Officer shall implement and administer procedures to ensure sufficient FTE and appropriation or allocation control for positions authorized by the Legislature for less than 52 weeks in a fiscal year.

**Sec. G-2. PL 1995, c. 368, Pt. A, §15**, first ¶ is amended to read:

**Sec. A-15. State Cost Allocation Program.** The State Cost Allocation Program shall annually identify the kind and cost of central services furnished to each state agency from General Fund appropriations. The non-General Fund portion of each agency must be assessed for these services as determined by the State Cost Allocation Program procedures to the extent that payments are not expressly prohibited by state or federal law or by the terms of a gift or donation made to the State from private sources. These payments must be credited to the General Fund as undedicated revenue. ~~The State Budget Officer~~ Commissioner of Administrative and Financial Services or the commissioner's designee may adjust this assessment to any individual account.

## PART H

**Sec. H-1. 2 MRSA §6, sub-§4**, as amended by PL 1995, c. 309, §2 and affected by §29 and amended by c. 368, Pt. UU, §1 and c. 465, Pt. A, §2 and affected by Pt. C, §2, is repealed and the following enacted in its place:

**4. Range 88.** The salaries of the following state officials and employees are within salary range 88:

Director, Bureau of Parks and Recreation;

Director, Bureau of Public Lands;

Director, Bureau of Employee Relations;

Director, Bureau of Air Quality Control;

Director, Bureau of Land Quality Control;

Director, Bureau of Water Quality Control;

Director, Bureau of Oil and Hazardous Materials Control;

Director, Bureau of Administration;

Director, Office of Planning;

Director, Office of Waste Reduction and Recycling;

Director, Office of Siting and Disposal Operations;

Executive Director, Board of Environmental Protection;

Director, Office of Consumer Credit Regulation; and

Director, Office of Licensing and Registration.

**Sec. H-2. 9-A MRSA §6-103**, as amended by PL 1995, c. 309, §6, is further amended to read:

There is created and established the Office of Consumer Credit Regulation, which is a division within the Department of Professional and Financial Regulation. The Director of the Office of Consumer Credit Regulation is the head of the Office of Consumer Credit Regulation. As used in this Act, and except as provided in section 1-301, subsection 2, "administrator" means the Director of the Office of Consumer Credit Regulation. The administrator is appointed by the Commissioner of Professional and Financial Regulation and subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance and to confirmation by the Legislature. The administrator is appointed for a term that is coterminous with the term of the Governor, or until a successor is appointed and qualified. Any vacancy occurring must be filled by appointment for the unexpired portion of the term. The administrator may be removed from office for cause by the commissioner and Title 5, section 931, subsection 2 does not apply. ~~During the term of office the administrator may engage in no other business or profession.~~

**Sec. H-3. 9-B MRSA §211, sub-§3**, as amended by PL 1995, c. 309, §16 and affected by §29, is further amended to read:

**3. Powers and duties.** ~~The~~ With the approval of the commissioner, the superintendent has authority to shall organize the bureau in such a manner as the superintendent considers necessary to carry out the

superintendent's responsibilities under this Title and, in cases in which a financial institution is the creditor, the superintendent's responsibilities under the Maine Consumer Credit Code pursuant to Title 9-A, section 1-301, subsection 2. ~~Such~~ The organization must take into account the need for examination and surveillance of individual institutions to ensure that each is financially sound and complies with state and applicable federal law and regulations; the need to protect consumers against unfair practices by financial institutions that provide consumer credit; the need for consumer education; the need to encourage the development of economically sound credit practices; and the need for promotion of reasonable and orderly competition among financial institutions and for promoting the provision of financial services consistent with the public interest.

**Sec. H-4. 9-B MRSA §212**, as corrected by RR 1993, c. 1, §§25 and 26, is amended to read:

## **§212. Deputy superintendents and other personnel**

### **1. Deputy superintendents.**

A. The superintendent may employ ~~2 or more~~ a deputy ~~superintendents~~ superintendent, subject to ~~applicable Personnel laws and regulations~~ the commissioner's approval and in accordance with the Civil Service Law.

B. The superintendent shall designate ~~one of the~~ superintendent to perform the duties of the superintendent whenever the ~~latter~~ superintendent is absent from the State, ~~whenever~~ whenever the deputy superintendent is directed to do so by the superintendent, ~~whenever~~ whenever there is a vacancy in the office of superintendent; or ~~whenever~~ whenever the superintendent is incapacitated by illness. In the event of a vacancy in the office of the superintendent, the superintendent's incapacitating illness or absence from the State at a time when there is no deputy superintendent, the ~~Commissioner of the Department of Professional and Financial Regulation~~ commissioner may designate a special deputy superintendent to perform the duties of the superintendent for a period not to exceed 6 months.

### **2. Examiners and employees.**

A. The superintendent may employ ~~as many examiners, other professional employees and clerical~~ personnel as the business of the bureau may require, subject to the commissioner's approval and in accordance with the Civil Service Law ~~of this State; provided that the~~ of this State; provided that the. The qualifications of ~~such those~~ those personnel must reflect the needs and responsibilities relating to the bureau's regulatory functions pursuant to this Title. The superintendent may authorize senior personnel of

the bureau to carry out the superintendent's duties and authority.

B. The superintendent may employ or engage such expert, professional or other assistance as may be necessary to assist the bureau in carrying out its functions.

C. In addition to salaries or wages, all employees of the bureau shall receive their actual expenses incurred in the performance of their official duties.

**3. Training of bureau personnel.** At the expense of the bureau, the superintendent may train the deputy ~~superintendents~~ superintendent and bureau's employees, or have them trained, in ~~such a manner as the superintendent deems~~ determines desirable; ~~provided that however~~ training programs ~~shall~~ may not place such undue emphasis upon safety and soundness of financial institutions that institutions would be inhibited by the bureau from engaging in unusual activities or loans ~~which that~~ are in the public interest.

**Sec. H-5. 9-B MRSA §212-A**, as amended by PL 1993, c. 410, Pt. K, §1, is further amended to read:

**§212-A. Securities Division**

There is created a Securities Division, ~~which constitutes that is~~ a division within the Bureau of Banking and ~~which that~~ has responsibility for the administration and enforcement of the Revised Maine Securities Act, the Maine Commodity Code and the law regulating the sale of business opportunities. The activities of the division are directed by the Securities Administrator, who is appointed by the superintendent, subject to the commissioner's approval and in accordance with the Civil Service Law. The administrator may employ ~~such staff as the Legislature authorizes and all salaries and expenses of the division must be paid out of such amounts as the Legislature allocates those personnel as the business of the division may require, subject to the commissioner's approval and in accordance with the Civil Service Law~~.

**Sec. H-6. 10 MRSA §8001, first ¶**, as amended by PL 1995, c. 397, §3, is further amended to read:

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, ~~commercial sports~~, grantors of consumer credit and to license and regulate professions and occupations. The department is composed of the following:

**Sec. H-7. 10 MRSA §8001, sub-§37**, as enacted by PL 1995, c. 389, §3 and c. 397, §11, is repealed.

**Sec. H-8. 10 MRSA §8001, sub-§38**, as amended by PL 1995, c. 402, Pt. A, §47, is further amended to read:

**38. Office of Licensing and Registration.** ~~Division Office~~ of Licensing and ~~Enforcement~~ Registration. The ~~Division Office~~ of Licensing and ~~Enforcement~~ Registration is composed of the following:

- A. Board of Accountancy;
- B. Acupuncture Licensing Board;
- C. Arborist Examining Board;
- D. Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers;
- E. Maine Athletic Commission;
- F. Board of Licensing of Auctioneers;
- G. Board of Barbering and Cosmetology;
- H. Board of Chiropractic Licensure;
- I. Board of Driver Education;
- J. Board of Counseling Professionals Licensure;
- K. Board of Licensing of Dietetic Practice;
- L. Electricians' Examining Board;
- M. State Board of Licensure for Professional Foresters;
- N. State Board of Funeral Service;
- O. State Board of Certification for Geologists and Soil Scientists;
- P. Board of Hearing Aid Dealers and Fitters;
- Q. Board of Licensure for Professional Land Surveyors;
- R. Manufactured Housing Board;
- S. Nursing Home Administrators Licensing Board;
- T. Board of Occupational Therapy Practice;
- U. Oil and Solid Fuel Board;
- V. Board of Commissioners of the Profession of Pharmacy;



- W. Board of Examiners in Physical Therapy;
- X. Maine State Pilotage Commission;
- Y. Plumbers' Examining Board;
- Z. Board of Licensure of Podiatric Medicine;
- AA. State Board of Examiners of Psychologists;
- BB. Radiologic Technology Board of Examiners;
- CC. Board of Real Estate Appraisers;
- DD. Board of Respiratory Care Practitioners;
- EE. State Board of Social Worker Licensure;
- FF. Board of Examiners on Speech Pathology and Audiology;
- GG. State Board of ~~Substance Abuse~~ Alcohol and Drug Counselors; ~~and~~
- HH. State Board of Veterinary Medicine;
- II. Propane and Natural Gas Board; and
- JJ. Real Estate Commission.

The ~~Division Office~~ of Licensing and ~~Enforcement~~ Registration also ~~has~~ administers the following ~~regulation~~ regulatory functions: licensure of athletic trainers; registration of massage therapists; registration of persons pursuant to the Charitable Solicitations Act; and registration of transient sellers, including door-to-door home repair transient sellers.

**Sec. H-9. 10 MRSA §8002**, as amended by PL 1993, c. 659, Pt. B, §1, is further amended to read:

**§8002. Duties and authority of commissioner**

The commissioner is the chief administrative head officer of the department shall be the and is responsible for supervising the administration of the department. The commissioner, who shall be is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over business ~~legislation and economic development matters,~~ and to confirmation by the Legislature, and who shall serve during. The commissioner serves at the pleasure of the Governor. As chief administrative officer of the department, the commissioner ~~shall have~~ has the following duties and authority to:

- 1. Budget.** Prepare the budget for the department;
- 2. Personnel.** ~~Appoint~~ Except as otherwise specified, appoint and remove, subject to the Civil

Service Law, all personnel considered necessary to fulfill the duties and functions of the department; appoint an assistant to the commissioner to serve at his the commissioner's pleasure; and transfer personnel within the department to insure ensure efficient utilization of department personnel;

**3. Purchases.** Coordinate the purchase and use of all equipment and supplies within the department;

**4. Review.** Review the organization, functions and operation of bureaus, offices, boards and commissions within ~~or~~ and affiliated with the department to ensure that overlapping functions and operations are eliminated and that each complies fully with its statutory and public service responsibilities; ~~and~~

**5. Liaison.** Act as a liaison among the bureaus, offices, boards and commissions within and affiliated with the department and act as liaison between them and the Governor;

**6. Recommendations.** Recommend to the Governor and Legislature those changes in the laws relating to the organization, functions, services or procedures of the bureaus, offices, boards and commissions of the department as the commissioner determines desirable;

**7. Delegate authority.** Authorize the heads of bureaus, offices, boards and commissions within the department to carry out the commissioner's duties and authority; and

**8. Adequate resources.** Ensure that each bureau, office, board and commission has adequate resources to carry out regulatory functions and that the department's expenditures are equitably apportioned.

The commissioner ~~shall~~ may not ~~have the authority to~~ exercise or interfere with the exercise of discretionary regulatory or licensing authority granted by statute to the bureaus, offices, boards or commissions within ~~or~~ and affiliated with the department.

**Sec. H-10. 10 MRSA §8003**, as amended by PL 1995, c. 397, §12, is further amended to read:

**§8003. Departmental organization; duties**

**1. Division of Administrative Services.** There is created a Division of Administrative Services, which is a division within the department under the commissioner's office, to provide assistance to the commissioner and to the agencies within ~~or~~ and affiliated with the department in civil service matters, budgeting and financial matters, purchasing, and clerical and support services, and to perform other duties the commissioner designates. The commissioner may employ a Director of Administrative Services and clerical and technical assistants necessary

to discharge the duties of the division and shall outline their duties and fix their compensation, subject to the Civil Service Law.

A. Within the Division of Administrative Services, there is a computer services section. It is the responsibility of the computer services section to provide technical assistance to the Office of Licensing and Registration to process and issue original and renewal licenses for the department and for bureaus, offices, boards and commissions within the department as the commissioner directs. The licenses may be processed and issued only upon authorization of the appropriate bureau, office, board or commission or upon the authorization of the commissioner in the case of licenses granted directly by the department. The computer services section shall maintain a central register containing the name and address of each person or firm licensed by profession, occupation or industry and such other information as the commissioner may direct for administration, information or planning purposes. The commissioner, with the advice of the respective bureaus, offices, boards and commissions, may determine the type and form of licenses issued by all agencies within the department. The computer services section shall perform such other administrative services for the agencies within the department as the commissioner directs.

**2. Office of Licensing and Registration.** There is created a ~~Division~~ an Office of Licensing and ~~Enforcement Registration~~, which constitutes a ~~division~~ an office within the department, to provide assistance to the commissioner and to direct the boards and commissions within the ~~division~~ office, as set forth in section 8001, subsection 38, in complaint procedure and investigation, disciplinary actions and enforcement, examinations and licensing and to perform ~~such those~~ other duties as the commissioner may designate. The commissioner may ~~employ~~ appoint a ~~Regulatory Board Administrator~~ Director of Licensing and ~~Enforcement Registration~~ and ~~such those~~ clerical and technical assistants as are necessary to discharge the duties of the ~~division~~ office and shall outline their duties and fix their compensation, subject to the Civil Service Law. The ~~division~~ office has the following powers, duties and functions:

B. To prepare and administer, with the advice of the boards and commissions, budgets necessary to carry out the regulatory functions of the boards and commissions. There is one ~~divisional~~ office budget that includes a separate account for each board or commission. The ~~division~~ office has the authority to disapprove expenditures by boards and commissions that are not necessary to protect the public health and welfare or would

seriously jeopardize a board's or commission's fiscal well-being; ~~and~~

C. To provide all staffing necessary and appropriate to assist the various boards and commissions. All clerks, technical support staff and supervisors must be assigned to the ~~division~~ office and allocated to the various boards and commissions according to need-;

D. To adopt rules establishing a uniform complaint procedure; and

E. To perform licensing functions for other state agencies on a fee-for-service basis.

**3. License defined.** For purposes of this section, the term "license" means a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry but does not mean a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

**4. Licensing periods; renewal dates.** In order that licenses may be processed and issued in a reasonably uniform manner over a fiscal year, the commissioner may establish expiration or renewal dates for all licenses authorized to be issued by bureaus, offices, boards and commissions within the department, notwithstanding any other provisions of law. If an expiration or renewal date established by the commissioner has the effect of shortening the term of a license currently in effect, the bureau, office, board or commission, or the department in the case of a license ~~which that~~ it issues directly, shall credit the fee paid, on a prorated basis, for the unexpired term of the current license toward the renewal fee of the renewal license. If a license is not renewed on the new expiration or renewal date established by the commissioner, the license ~~shall remain~~ remains in effect through its original term, unless suspended or revoked sooner under laws or regulations of the respective bureau, office, board or commission. Should a licensee seek to renew ~~his~~ the license at the end of the original term, the law or regulations established by the respective bureau, office, board or commission for late renewals or reregistrations ~~shall~~ apply. For the purpose of implementing and administering biennial licensing, the commissioner may permit bureaus, offices, boards and commissions within the department to issue licenses and establish renewal fees for less than a 2-year term. ~~Nothing in this~~ This section may not change the term or fee for one-time licenses, except as specifically ~~provided for~~ stated.

**5. Authority of bureaus, offices, boards or commissions.** In addition to authority otherwise

conferred, unless expressly precluded by language of denial in its own governing law, each bureau, office, licensing board and commission within or affiliated with the department may take one or more of the following actions, except that this subsection does not apply to the Bureau of Banking.

A-1. For each violation of applicable laws, rules or conditions of licensure or registration, the bureau, office, board or commission may take one or more of the following actions:

(1) Issue warnings, censures or reprimands to a licensee or registrant. Each warning, censure and reprimand issued ~~shall~~ must be based upon violations of different applicable laws, rules or conditions of licensure or ~~shall~~ must be based upon separate instances of actionable conduct or activity;

(2) Suspend a license or registration for up to 90 days for each violation of applicable laws, rules and conditions of licensure or registration or for instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively and, in total, may not exceed one year. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension ~~shall remain~~ remains part of the licensee's or registrant's record;

(3) Impose civil penalties of up to \$1,500 for each violation of applicable laws, rules and conditions of licensure or registration or for instances of actionable conduct or activity; and

(4) Impose conditions of probation upon an applicant, licensee or registrant. Probation may run for such time period as the bureau, office, board or commission ~~deems~~ determines appropriate. Probation may include ~~such~~ conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision of the applicant, licensee or registrant; and ~~such~~ other conditions as the bureau, office, board or commission ~~deems~~ determines appropriate. Costs incurred in the performance of terms of probation ~~shall be~~ are borne by the applicant, licensee or registrant. Failure to comply with the conditions of probation ~~shall be~~ is a ground for disciplinary action against a licensee or registrant.

B. The bureau, office, board or commission may execute a consent agreement ~~which~~ that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of: the applicant, licensee or registrant; the bureau, office, board or commission; and the Department of the Attorney General. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Administrative Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a professional or occupational license or registration. A consent agreement is not subject to review or appeal, and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.

C. The bureau, office, board or commission may:

(1) Require all applicants for license or registration renewal to have responded under oath to all inquiries set forth on renewal forms; or

(2) Require applicants for license or registration renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with each bureau's, office's, board's or commission's rules. Failure to comply with the continuing education rules may, in the bureau's, office's, board's or commission's discretion, result in a decision to deny license or registration renewal or may result in a decision to enter into a consent agreement and probation setting forth terms and conditions to correct the licensee's or registrant's failure to complete continuing education. Terms and conditions of a consent agreement may include requiring completion of increased hours of continuing education, civil penalties, suspension and ~~such~~ other terms as the bureau, office, board, commission, the licensee or registrant and the Department of the Attorney General ~~deem~~ determine appropriate.

D. The bureau, office, board or commission may require surrender of licenses and registrations. In order for a licensee's or registrant's surrender of a license or registration to be effective, a surrender must first be accepted by vote of the bureau, office, board or commission. Bureaus, offices, boards and commissions may refuse to accept surrender of licenses and registrations if the licensee or registrant is under investigation or is the subject of a pending complaint or proceed-

ing, unless a consent agreement is first entered into pursuant to this chapter.

The jurisdiction to suspend occupational and professional licenses conferred by this subsection ~~shall be is~~ concurrent with that of the Administrative Court. Civil penalties ~~shall must~~ be paid to the Treasurer of State.

Any nonconsensual disciplinary action taken under authority of this subsection may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter IV, and ~~shall be is~~ subject to judicial review exclusively in the Administrative Court in accordance with Title 5, chapter 375, subchapter VII, substituting the term "Administrative Court" for "Superior Court," notwithstanding any other provision of law.

**6. Funding.** The commissioner may assess each internal bureau, ~~office,~~ board or commission served by the Division of Administrative Services or by the ~~Division Office~~ of Licensing and ~~Enforcement~~ Registration its reasonable share of an amount sufficient to cover the cost of operating ~~the divisions~~ those service agencies. The commissioner may assess any board affiliated with the department for the services the board receives from the department. The commissioner may assess other state agencies for licensing functions performed on behalf of those agencies by the Office of Licensing and Registration.

**7. Evidentiary effect of certificate.** Notwithstanding any provision of law or rule of evidence, the certificate of the commissioner under the seal of the State must be received by any court in this State as prima facie evidence of the issuance, suspension or revocation of any license issued by the department.

**8. Display of license.** In addition to authority otherwise conferred, bureaus, ~~offices,~~ boards or commissions within or affiliated with the department may specify by rule the conditions under which a licensee's number, name and address are to be displayed to the public.

**9. Construction.** ~~Nothing in this~~ This section may not be construed to deprive any bureau, ~~office,~~ board or commission within or affiliated with the department of any power set forth in another statute or of its statutory duty and authority to regulate its profession, occupation or industry.

**10. National disciplinary record system.** Within the limits of available revenues, all ~~bureaus,~~ ~~offices,~~ boards or commissions internal or affiliated with the department shall join or subscribe to a national disciplinary record system used to track interstate movement of regulated professionals who have been the subject of discipline by state boards, commissions or agencies and report disciplinary actions taken within this State to that system.

**Sec. H-11. 10 MRSA §8003-A,** as amended by PL 1991, c. 509, §4, is further amended to read:

**§8003-A. Complaint investigation**

In aid of their investigative authority, all boards and commissions within or affiliated with the department may issue subpoenas in the name of the relevant licensing board or commission, in accordance with the terms of Title 5, section 9060, except that the authority ~~shall apply~~ applies to any stage of an investigation and ~~shall is not be~~ limited to an adjudicatory proceeding.

Investigative personnel of the ~~Division Office~~ of Licensing and ~~Enforcement~~ Registration, during the normal conduct of their work for regulatory boards within the ~~division office,~~ may conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority. When specific authority does not exist to appeal an order to correct, that process must be established by rule by the respective boards.

Licensing boards and commissions within or affiliated with the department, upon disposition of each complaint and investigation, shall make such disposition available to the public.

~~With respect to any occupation within or affiliated with the department, the department may join or subscribe to any national disciplinary record system and report disciplinary actions taken within this State to any such system.~~

**Sec. H-12. 10 MRSA §9003, sub-§10,** as amended by PL 1993, c. 642, §10, is repealed and the following enacted in its place:

**10. Manufactured housing account.** All funds received by the board must be paid to the Treasurer of State and must be credited to the books to the board's manufactured housing account in accordance with Title 32, section 60-C.

**Sec. H-13. 10 MRSA §9004, sub-§2,** as amended by PL 1993, c. 642, §11, is repealed and the following enacted in its place:

**2. Employees.** Employees of the board must be employed in accordance with Title 32, section 60-F.

**Sec. H-14. 10 MRSA §9062,** as amended by PL 1987, c. 395, Pt. A, §39, is further amended to read:

**§9062. Duties**

The board shall delegate the responsibility for administering the state administrative agency program to the Commissioner of Professional and Financial Regulation. The commissioner may delegate or

contract out the administration of the program at the commissioner's discretion. The board is vested with the authority upon appropriate notice to discontinue participation in the federal enforcement program as a state administrative agency for this State.

**Sec. H-15. 24-A MRSA §205**, as amended by PL 1973, c. 585, §12, is repealed and the following enacted in its place:

**§205. Bureau organization**

With the approval of the Commissioner of Professional and Financial Regulation, the superintendent shall organize the bureau in a manner the superintendent determines necessary for the discharge of the superintendent's duties.

**Sec. H-16. 24-A MRSA §206**, as corrected by RR 1993, c. 1, §55, is amended to read:

**§206. Deputy superintendents**

1. The superintendent, with the approval of the Commissioner of Professional and Financial Regulation, may employ, subject to the Civil Service Law, a first 2 deputy superintendent and may employ one or more additional deputies superintendents. Where authorized by another section of this Title, the superintendent may also appoint such special deputies as regulatory responsibilities may necessitate.

2. The deputies shall perform such duties and exercise such powers of the superintendent as the superintendent may from time to time authorize. The first deputy shall be acting superintendent during a vacancy in the office of Superintendent of Insurance or during the incapacity of the superintendent. The superintendent shall designate one of the deputy superintendents to perform the duties of the superintendent whenever the superintendent is absent from the State; the deputy superintendent is directed to do so by the superintendent; there is a vacancy in the office of superintendent; or the superintendent is incapacitated by illness.

**Sec. H-17. 24-A MRSA §207**, as amended by PL 1985, c. 785, Pt. B, §107, is repealed and the following enacted in its place:

**§207. Staff**

The superintendent may employ personnel as the business of the bureau may require, subject to the Commissioner of Professional and Financial Regulation's approval and in accordance with the Civil Service Law. The qualifications of those personnel must reflect the needs and responsibilities relating to the bureau's regulatory functions pursuant to this Title. The superintendent may authorize senior personnel of

the bureau to carry out the superintendent's duties and authority.

**Sec. H-18. 32 MRSA §60-B to 60-I**, as enacted by PL 1995, c. 397, §16, are amended to read:

**§60-B. Compensation**

Members of a board or commission listed in Title 10, section 8001, subsection 38 are entitled to compensation in accordance with Title 5, chapter 379. If the fees collected by a board or commission are insufficient to pay the compensation provided by Title 5, chapter 379, the members are entitled to a pro rata payment in any year in which those fees are insufficient.

**§60-C. Disposition of fees**

All money received by a board or commission listed in Title 10, section 8001, subsection 38 or by the Office of Licensing and Registration to perform the regulatory functions listed in Title 10, section 8001, subsection 38 must be paid to the Treasurer of State and credited to the account for that board ~~or~~ commission or regulatory function within the budget of the ~~Division Office~~ Office of Licensing and Enforcement Registration.

Money received by a board or commission listed in Title 10, section 8001, subsection 38 or by the Office of Licensing and Registration to perform the regulatory functions listed in Title 10, section 8001, subsection 38 must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony and procuring the attendance of witnesses, the costs of all legal proceedings initiated for enforcement and administrative expenses.

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

**§60-D. Contracts**

A board or commission listed in Title 10, section 8001, subsection 38 may enter into contracts to carry out its statutory responsibilities. The Department of Professional and Financial Regulation, ~~Division Office~~ Office of Licensing and Enforcement Registration may enter into contracts in its own right, or on behalf of boards and commissions and to perform regulatory functions, in order to ensure the provision of goods and services necessary to fulfill statutory responsibilities.

**§60-E. Budget**

The budget account of a board or commission listed in Title 10, section 8001, subsection 38 must be

prepared and administered as provided in Title 10, section 8003.

#### §60-F. Employees

The Commissioner of Professional and Financial Regulation ~~shall appoint~~ may employ, subject to the Civil Service Law, ~~employees personnel~~ as may be necessary to carry out the duties and functions of the various boards and commissions and to perform the regulatory functions listed in Title 10, section 8001, subsection 38. A person so employed must be located in the department, allocated to the ~~Division Office~~ of Licensing and ~~Enforcement Registration~~ and under the administrative and supervisory direction of the commissioner.

#### §60-G. Disciplinary actions

**1. Filing of complaints.** A board or commission listed in Title 10, section 8001, subsection 38 shall file complaints received from a person or initiated by a board or commission with the ~~Division Office~~ of Licensing and ~~Enforcement Registration~~.

**2. Investigation of allegations of unlicensed practice; prosecution.** Allegations of unlicensed practice may be investigated by a board's or commission's complaint officer or inspector in conjunction with the ~~division's case compliance coordinator~~ Office of Licensing and Registration's complaint unit. If sufficient evidence of unlicensed practice is uncovered, the evidence must be compiled and presented to the Department of the Attorney General or the local district attorney's office for prosecution.

#### §60-H. Investigations; enforcement duties; assessments

When there is a finding of a violation, a board or commission listed in Title 10, section 8001, subsection 38 may assess the licensed person or entity for actual expenses incurred by the board, commission or its agents for investigations and enforcement duties performed.

"Actual expenses" include, but are not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers not to exceed \$800, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record.

The board or commission, as soon as feasible after finding a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board or commission, which may not be less than 30 days.

#### §60-I. Citations and fines

Any board or commission listed in Title 10, section 8001, subsection 38 may adopt by rule a list of violations for which citations may be issued by professional technical support staff. A violation may carry a fine not to exceed \$200. Citations issued by ~~employees of the Division Office~~ of Licensing and ~~Enforcement Registration~~ must expressly inform the licensee that the licensee may pay the fine or request a hearing before the board or commission regarding the violation.

**Sec. H-19. 32 MRSA §62, sub-§1-A** is enacted to read:

**1-A. Administrator-in-training.** "Administrator-in-training" means an individual who meets the qualifications set forth in rules by the board, is engaged in a training program defined in rules and approved by the board and is under the supervision of a preceptor also approved by the board.

**Sec. H-20. 32 MRSA §62, sub-§4** is enacted to read:

**4. Preceptor.** "Preceptor" means an individual who is licensed by the board and who meets qualifications set forth in rules by the board to supervise the program of one or more administrators-in-training.

**Sec. H-21. 32 MRSA §63-B, sub-§5**, as amended by PL 1993, c. 600, Pt. A, §29, is further amended to read:

**5. Application, examination and license fees.** An application and an examination fee may be established by the board in amounts that are reasonable and necessary for the board's respective purposes. The board shall establish ~~a an initial license fee, temporary license fee and an annual license renewal fee for nursing home administrators, which may not exceed \$150.~~ The board shall establish an initial license fee and an annual license renewal fee for administrators-in-training, neither of which may exceed \$125. Temporary license fees may not exceed \$125. The board may, by rule, provide for the waiver of part of the fee for an initial license if it is issued for less than 1/2 year.

**Sec. H-22. 32 MRSA §553-A, sub-§3**, as enacted by PL 1991, c. 392, §10, is amended to read:

**3. Fees.** Fees are established as follows:

A. For the application, \$50 an amount set by the board that is reasonable and necessary for its purpose;

B. For the examination, \$50 an amount set by the board that is reasonable and necessary for its purpose;

C. For the initial license, an amount set by the board but no more than \$225; and

D. For the license renewal, biennially, an amount set by the board but no more than \$225.

All fees received by the board must be paid to the Treasurer of State and used to carry out this chapter. Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following years.

**Sec. H-23. 32 MRSA §558**, as amended by PL 1993, c. 600, Pt. A, §52, is further amended to read:

**§558. Fees**

The board shall establish by rule an application fee ~~not to exceed \$25~~ that is reasonable and necessary for its purpose and a biennial certification renewal fee not to exceed \$50.

**Sec. H-24. 32 MRSA §1101, sub-§1**, as amended by PL 1989, c. 450, §10, is further amended to read:

**1. Apprentice electrician.** "Apprentice electrician" means a person who is as defined in Title 26, chapter 11 and who is engaged in ~~such~~ a written agreement to work at and learn the trade of an electrician under the direct supervision of a master, journeyman or limited electrician. The biennial renewal fee for an apprentice electrician license ~~shall be~~ is set by the board in an amount not to exceed \$20.

**Sec. H-25. 32 MRSA §1101, sub-§3**, as amended by PL 1995, c. 325, §2, is further amended to read:

**3. Helper electrician.** "Helper electrician" means a person making electrical installations in the employment of a master electrician, limited electrician or electrical company and under the direct supervision of a master, journeyman or limited electrician but who does not qualify under subsection 1. The biennial renewal fee for a helper electrician license is set by the board in an amount not to exceed \$20.

**Sec. H-26. 32 MRSA §1658-A, sub-§1**, as amended by PL 1991, c. 509, §6, is further amended to read:

**1. License for person.** No person may engage in the sale of or practice of fitting and dealing in hearing aids or display a sign or in any other way advertise as or profess to be a person who practices the fitting, dealing and sale of hearing aids, unless that person holds a valid license issued by the board as provided in section 1658-I. The board shall issue a license to any person who applies for the license and who is qualified for the license pursuant to section

1658-I, upon payment of a fee ~~of~~ set by the board in an amount not to exceed \$185. Licenses expire annually on January 31st or on ~~such other~~ another date as the Commissioner of Professional and Financial Regulation determines. The license required by this chapter must be conspicuously posted in the licensee's office or place of business. The board shall, for cost, issue duplicate licenses to license holders operating more than one office. A license issued under this chapter confers on the holder the right to select, fit and sell hearing aids.

**Sec. H-27. 32 MRSA §1658-A, sub-§2**, as corrected by RR 1991, c. 1, §45, is amended to read:

**2. License for business organization.** Any corporation, partnership, trust, association or other like organization engaged in the business of selling or offering for sale hearing aids at retail in the State shall apply to the board for a license to engage in that business. No business entity may so engage in the business of selling or offering for sale hearing aids without a license to do so. The board shall issue a license upon payment by the business entity of a fee ~~of~~ set by the board in an amount not to exceed \$185 and upon filing of a sworn statement from a person with authority from the business entity. That sworn statement must list the names and addresses of all hearing aid dealers and fitters directly or indirectly employed by the entity and must certify that the entity employs only hearing aid dealers and fitters who are duly licensed by the State. Licenses expire annually on January 31st or on ~~such other~~ another date as the Commissioner of Professional and Financial Regulation determines. Licenses may be renewed annually by each ~~such~~ business engaged in the fitting and sale of hearing aids by filing an application for a renewal of its license accompanied by a fee ~~of~~ set by the board in an amount not to exceed \$185. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any application for renewal submitted more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter. The commissioner may establish dates for the renewal of licenses.

The license required by this chapter must be conspicuously posted in the licensee's office or place of business.

**Sec. H-28. 32 MRSA §1658-J**, as amended by PL 1983, c. 413, §78, is further amended to read:

**§1658-J. Temporary trainee permit**

An applicant who fulfills the requirements as set forth in section 1658-I, subsection 1, paragraphs A to D, may obtain a trainee permit upon application to the board, accompanied by a fee ~~of~~ set by the board in an amount not to exceed \$50 and the signature of the

licensed hearing aid dealer and fitter who is responsible for the direct supervision of the trainee.

~~No~~ A person holding a trainee permit may not engage in the practice of dealing in or fitting of hearing aids, except while under supervision by a licensed hearing aid dealer and fitter.

A person who holds a temporary trainee permit ~~shall~~ must be notified and shall take the next scheduled licensing examination. After successfully passing the examination, ~~he shall~~ the person must be issued a license upon the payment of the annual license fee required under section 1658-M.

If ~~such~~ the holder of a trainee permit fails the examination, ~~he that person~~ may apply for and be issued a new trainee permit upon payment of an additional fee ~~of set by the board in an amount not to exceed \$50. Not more than 3 trainee permits may be issued to any applicant. An applicant may not be issued more than 3 trainee permits.~~

**Sec. H-29. 32 MRSA §1658-M**, as amended by PL 1991, c. 509, §8, is further amended to read:

**§1658-M. Annual renewal of license; fees; effect of failure to renew**

Licenses issued pursuant to section 1658-A, subsection 1, may be renewed annually upon application by the licensee, accompanied by a fee ~~of set by the board in an amount not to exceed \$185.~~ The board shall notify every ~~such~~ licensee of the date of expiration of the license and the amount of the fee required for renewal for a 12-month period. The notice must be mailed to the licensee's last known address at least 30 days in advance of the expiration of the license. The license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. ~~Any~~ A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, giving consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

Notwithstanding this section, ~~no~~ an annual renewal certificate may not be issued by the board until ~~such time as~~ the applicant submits proof satisfactory to the board that during the year preceding the applicant's application for renewal, the applicant has participated in ~~not fewer than~~ at least 8 clock hours for courses of continuing education in fitting and dealing in hearing aids offered by an institution approved by the board.

**Sec. H-30. 32 MRSA §2285, sub-§1**, as amended by PL 1991, c. 509, §18, is further amended to read:

**1. Amount.** The fees are in the following amounts:

A. For an initial application, ~~\$100~~ an amount set by the board that is reasonable and necessary for its purpose;

B. For biennial renewal of a license, an amount set by the board not to exceed \$120; and

C. For a temporary license, an amount set by the board not to exceed \$50.

**Sec. H-31. 32 MRSA §3301, sub-§2-A**, as enacted by PL 1983, c. 468, §12, is amended to read:

**2-A. Journeyman-in-training license.** A "journeyman-in-training license" means that license issued to a person who is in the process of accumulating experience in order to qualify for a journeyman plumber's license, pursuant to section 3501, subsection 2, paragraph B, who has met the education requirements set forth in that paragraph and has achieved a passing grade, as determined by the board, on the journeyman's examination. A licensed journeyman-in-training may assist in making plumbing installations under the direct supervision of a journeyman plumber or a master plumber, but may not act as or represent ~~himself as that the person is~~ a journeyman plumber, as defined in subsection 3. A journeyman-in-training license ~~shall be issued~~ is valid for a single nonrenewable period of 4 years, and ~~such a license~~ may be issued only once to any individual. The fee for a journeyman-in-training license ~~shall be~~ is set by the board and may not exceed \$8.

**Sec. H-32. 32 MRSA §3835, first ¶**, as amended by PL 1985, c. 481, Pt. A, §62, is further amended to read:

Licenses issued under this chapter ~~shall~~ expire biennially on ~~such a date as may be~~ established by the Commissioner of Professional and Financial Regulation, if not renewed. ~~Every~~ A person licensed under this chapter shall submit, on or before the biennial expiration date, ~~submit~~ an application for license renewal together with the biennial renewal fee. ~~The board shall establish these fees as necessary in rules to cover the cost of operation. The board shall set the fees in an amount not to exceed \$400 for psychologists and psychological examiners and \$200 for temporary licensure.~~

**Sec. H-33. 32 MRSA §4859, sub-§4**, as enacted by PL 1975, c. 477, §4, is amended to read:



**4. Establish a schedule of fees.** Establish a schedule of fees for the licensing and registration of veterinarians. The board shall set the fees in an amount not to exceed \$150 for veterinarians and \$75 for veterinary technicians.

**Sec. H-34. 32 MRSA §4912**, as amended by PL 1993, c. 404, Pt. A, §16, is further amended to read:

**§4912. Fees**

An application fee and an examination fee may be established by the board in amounts that are reasonable and necessary for their respective purposes.

The initial and renewal fees for certification as a geologist or soil scientist are set by the board in an amount not to exceed \$65 annually.

**Sec. H-35. 32 MRSA §5013**, as amended by PL 1991, c. 283, §4, is further amended to read:

**§5013. Applications; fees**

Applications for licensure must be made on forms prescribed and furnished by the board, and contain statements made under oath as to residence, the applicant's education, a detailed summary of technical experience, and contain the names of not less than 5 references, 3 or more of whom must be foresters having personal or professional knowledge of forestry experience. Notwithstanding any other provision of law, any communications solicited or received by the board as references may be kept confidential by the board and any discussion of these references may be conducted in executive session. An application fee may be established by the board in an amount ~~which that~~ that is reasonable and necessary for its purpose. The fee for a license as a licensed professional forester is fixed by the board, ~~but may not be less than \$40 nor more than~~ in an amount not to exceed \$55 annually and must be paid before the issuance of the license. Should the applicant fail to remit the licensure fee within 30 days after being notified by certified mail that the application has been accepted, the applicant ~~shall forfeit~~ forfeits the right to have a license so issued and the applicant may be required to again submit an original application.

**Sec. H-36. 32 MRSA §5015**, as amended by PL 1991, c. 283, §5, is further amended to read:

**§5015. Expiration and renewal of license**

~~The Division of Licensing and Enforcement~~ Office of Licensing and Registration of the Department of Professional and Financial Regulation shall compile and maintain a complete and up-to-date list of all licensed foresters in the State. The list ~~shall~~ must be made available to any person upon request at cost.

Licenses expire on December 31<sup>st</sup>, or as designated by the Commissioner of Professional and Financial Regulation, following their issuance or renewal and become invalid on that date unless renewed. It is the duty of the ~~Division of Licensing and Enforcement~~ Office of Licensing and Registration to notify, at the last known address, every person licensed under this chapter of the date of the expiration of the license and the amount of the fee that is required for its renewal, that notice to be mailed at least one month in advance of the date of the expiration of that license. The board shall fix the renewal fee for licenses, ~~which fee may not be less than \$40 nor more than~~ in an amount not to exceed \$55 annually. Renewal of licenses may be effected at any time during the month of renewal of the year in which the license is due for renewal by payment of the renewal fee fixed by the board. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the Armed Services of the United States.

The board may require applicants for license renewal to present evidence of satisfactory completion of continuing professional education in accordance with the board's rules.

**Sec. H-37. 32 MRSA §6028, first ¶**, as amended by PL 1991, c. 509, §27, is further amended to read:

An application fee and an examination fee may be established by the board in amounts that are reasonable and necessary for their respective purposes. ~~Every~~ Δ person to whom an initial license is issued pursuant to this chapter shall pay a license fee ~~of~~ set by the board in an amount not to exceed \$90. The fee for a temporary license is set by the board and may not exceed \$90. The fee for biennial renewal of a license is set by the board and may not exceed \$140. The board may, by rule, provide for the waiver of all or part of the fee for an initial license, if it is issued less than 120 days before the date on which it will expire. When the unexpired term of an initial license of an applicant is or will be more than one year at time of licensure, the board may, by rule, require the applicants to pay an additional fee not to exceed 1/2 the biennial renewal fee.

**Sec. H-38. 32 MRSA §6215**, as amended by PL 1995, c. 394, §20, is further amended to read:

**§6215. Application; membership fees**

Application for registration as a registered alcohol and drug counselor or licensure as a licensed alcohol and drug counselor must be on forms prescribed and furnished by the board. Application and examination fees may be established by the board in amounts that are reasonable and necessary for their respective purposes. Successful applicants shall pay biennial fees ~~of set by the board in an amount not to exceed~~ \$75 for registration and \$150 for licensure as an alcohol and drug counselor. The payment of fees is suspended during the term of inactive status.

**Sec. H-39. 32 MRSA §9605, sub-§§1 and 2,** as amended by PL 1991, c. 509, §29, are further amended to read:

**1. Commercial driver education school license.** Each application for a commercial driver education school must be accompanied by ~~an~~ a nonrefundable application fee established by the board in an amount that is reasonable and necessary for its purposes, ~~which may not be refunded.~~ If the application is approved by the board, the applicant, upon payment of a fee ~~of set by the board in an amount not to exceed~~ \$250, must be granted a license, which is valid during the calendar year of its issue unless sooner revoked as provided. The renewal fee is set by the board and may not exceed \$250.

**2. Instructor license.** Each application for an instructor's license must be accompanied by ~~an~~ a nonrefundable application fee established by the board in an amount that is reasonable and necessary for its purpose, ~~which may not be refunded.~~ If the application is approved by the board, the applicant, upon payment of a fee ~~of set by the board in an amount not to exceed~~ \$125, must be granted a license, which is valid during the calendar year of its issue unless sooner revoked. The renewal fee is set by the board and may not exceed \$125.

**Sec. H-40. 32 MRSA §9710, sub-§1,** as repealed and replaced by PL 1991, c. 509, §30, is amended to read:

**1. Amount.** Application and examination fees may be established by the board in amounts that are reasonable and necessary for their respective purposes. Original and renewal license fees for respiratory care ~~practitioner~~ practitioner licenses are set by the board and may not exceed \$135 biennially. Temporary license fees are set by the board and may not exceed \$70. Trainee registration fees are set by the board and may not exceed \$50.

**Sec. H-41. 32 MRSA §9911, sub-§1,** as amended by PL 1991, c. 509, §34, is further amended to read:

**1. Amount.** Application fees may be established by the board in amounts that are reasonable and necessary. Licensing fees may not exceed the following amounts:

A. For an original dietitian's or dietetic technician's license, \$160; ~~or~~

B. For a renewal dietitian's or dietetic technician's license, \$160; or

C. For a temporary dietitian's or dietetic technician's license, \$50.

**Sec. H-42. 32 MRSA §12214, sub-§9,** as enacted by PL 1987, c. 489, §2, is amended to read:

**9. Fees.** The board may establish application and examination fees in amounts ~~which that~~ are reasonable and necessary for their respective purposes. All ~~those~~ fees ~~shall~~ must accompany the applications. Application fees are nonrefundable. Examination fees ~~shall~~ may not be returned to an applicant ~~should~~ be the applicant fail to pass an examination. Fees for permits may not exceed the following amounts:

A. For an initial issuance or renewal of a certified public accountant or public accountant permit, \$100;

B. For an initial issuance or renewal of a firm permit, \$100; or

C. For an initial issuance or renewal of a firm branch office permit, \$50.

**Sec. H-43. 32 MRSA §13069, sub-§3,** as enacted by PL 1987, c. 395, Pt. A, §212, is repealed and the following enacted in its place:

**3. Employees.** Employees of the commission must be employed in accordance with section 60-F.

**Sec. H-44. 32 MRSA §13069, sub-§4,** as enacted by PL 1987, c. 395, Pt. A, §212, is repealed.

**Sec. H-45. 32 MRSA §13069, sub-§4-A** is enacted to read:

**4-A. Real estate account.** All funds received by the commission must be paid to the Treasurer of State and must be credited to the commission's account in accordance with section 60-C.

**Sec. H-46. 32 MRSA §13978, sub-§5,** as enacted by PL 1989, c. 806, §3, is amended to read:

**5. Fee.** Pay an application fee in an amount established by the board and a license fee not to exceed \$200; and

**Sec. H-47. 32 MRSA §13980, sub-§1,** as corrected by RR 1991, c. 2, §123, is amended to read:

**1. Amount.** Application and examination fees may be established by the board in amounts ~~which that~~ are reasonable and necessary for their respective purposes. License fees may not exceed the following amounts:

- A. For original and renewal fees for licensed appraisers, \$250 biennially; ~~and~~
- B. For original and renewal fees for certified appraisers, \$300 biennially; ~~and~~
- C. For temporary licensure, \$200.

**Sec. H-48. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Division of Licensing and Enforcement" appear or reference is made to those words, they are amended to read and mean "Office of Licensing and Registration" and the Revisor of Statutes shall implement these revisions when updating, publishing or republishing the statutes.

**PART I**

**Sec. I-1. PL 1995, c. 368, Pt. A, §3, 3rd ¶** is amended to read:

Savings accruing from unused funding of employee benefits may not be used to increase services provided by employees. Accrued salary savings generated from vacant positions within an appropriation or allocation for Personal Services may be used for the payment of nonrecurring Personal Services costs within the account where the savings exist. In the 1996-1997 biennium only, accrued salary savings generated from vacant positions within an appropriation for Personal Services may be used to offset Personal Services shortfalls in other General Fund accounts that occur as a direct result of Personal Services appropriation reductions for projected vacancies. Costs related to acting-capacity appointments and emergency, unbudgeted overtime for which it is impractical to budget in advance may be used with the approval of the appointing authority. Other actions such as retroactive compensation for reclassifications or reallocations and retroactive or one-time settlements related to arbitrator or court decisions must be recommended by the department or agency head and approved by the State Budget Officer. Salary and employee benefits savings may not be used to fund recurring Personal Services actions either in the account where the savings exist or in another account.

**Sec. I-2. Calculation and transfer.** The State Budget Officer shall calculate the amount in section 4 of this Part that applies against each General Fund account for all departments and agencies based on the proportionate share of salaries and wages in the Personal Services appropriations in the affected

accounts and on the historical attrition rate for the affected departments and agencies, except for General Fund accounts in the following departments: Department of Corrections, Department of Inland Fisheries and Wildlife and Department Mental Health and Mental Retardation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall distribute the calculated amounts as appropriated adjustments.

**Sec. I-3. Retirement unfunded liability and retiree health insurance.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount of the Unfunded Actuarial Liability and Retiree Health Insurance portions of retirement in the Personal Services savings identified in section 2 of this Part, and shall cause the calculated amounts to be transferred to the Retirement Unfunded Liability account established in this Act and to the Retiree Health Insurance Fund account in the Department of Administrative and Financial Services, respectively.

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

	1995-96	1996-97
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Departments and Agencies - Statewide - Salary Savings</b>		
Personal Services	(\$1,097,007)	(\$1,672,390)
Provides for the deappropriation of funds from salary savings generated by vacancies that occur from projected turnover.		

**Sec. I-5. Adjustment in subsequent fiscal years.** Beginning with the biennial budget for fiscal years 1997-98 and 1998-99, recommendations made by the Governor to the Legislature for Personal Services appropriations and allocations in all accounts must be reduced by an amount equivalent to .8% of projected salaries and wages.

**Sec. I-6. Carrying balance.** Any balance remaining on June 30, 1995 in the General Fund Salary Plan program in the Department of Administrative and Financial Services may not lapse but must be carried forward to June 30, 1997 to carry out the purposes of this Part and the purposes of Public Law 1995, chapter 395, Part F, section 2.

**Sec. I-7. Retroactivity.** Section 6 of this Part applies retroactively to June 30, 1995.

**PART J**

**Sec. J-1. Retiree health insurance; calculation and transfer.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount of the Retiree Health Insurance portion of retirement in the Personal Services savings identified under the provisions of Public Law 1995, chapter 99, Part D, and shall cause the calculated amount to be transferred from all affected accounts, regardless of fund, to the Retiree Health Insurance Fund account in the Department of Administrative and Financial Services in fiscal year 1995-96 and fiscal year 1996-97.

**Sec. J-2. Account established.** There is established in the Department of Administrative and Financial Services the Retirement Unfunded Liability account, Other Special Revenue Fund to which amounts identified in section 3 of this Part must be transferred during fiscal year 1995-96 and fiscal year 1996-97.

**Sec. J-3. Retirement unfunded liability; calculation and transfer.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount of the Unfunded Actuarial Liability portion of the retirement in the Personal Services savings identified under the provisions of Public Law 1995, chapter 99, Part D, and shall cause the calculated amount to be transferred from all affected accounts, regardless of fund, to the Retirement Unfunded Liability account in the Department of Administrative and Financial Services in fiscal year 1995-96 and fiscal year 1996-97.

**Sec. J-4. Allotment of funds.** The allotment of available funds in the Retirement Unfunded Liability account for the purpose of making payments to the Maine State Retirement System must be implemented by financial order 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.

**PART K**

**Sec. K-1. 38 MRSA c. 30** is enacted to read:

**CHAPTER 30**

**ACE SERVICE CENTER**

**§2451. ACE Service Center**

**1. Establishment.** The ACE Service Center, referred to in this section as "the center," is established within the department to provide certain administrative services to the Department of Agriculture, Food and Rural Resources; the Department of Conservation; and the Department of Environmental Protection,

which are referred to in this section as "the departments." Administrative services include, but are not limited to, support services in financial and human resources, inventory management, courier services and such other functions as may be determined jointly by the commissioners of the departments. The center's purpose is to provide administrative services in an efficient and cost-effective manner to the departments. The center is under the joint authority and direction of the commissioners of the departments or their designees. The commissioners of the departments by unanimous decision shall employ a director of the center subject to the Civil Service Law.

**2. Transfer of property.** The commissioners of the departments shall approve the transfer of such property and equipment as needed for the operation of the center.

**Sec. K-2. Effective date.** Section 1 of this Part takes effect upon enactment for the purposes of initiating necessary implementation steps, provided that the effective date of all appropriations and allocations is January 1, 1996.

**Sec. K-3. Fiscal agent for the Department of Defense and Veterans' Services.** The Department of Public Safety shall serve as the fiscal agent for the Department of Defense and Veterans' Services, to include such functions as processing payment vouchers and contract documents, and handling personnel and payroll matters, financial management services and other related required functions as agreed upon by the 2 departments.

**Sec. K-4. Fiscal agent for the Governor's Office, Blaine House, State Planning Office and the Department of Economic and Community Development.** The Department of Administrative and Financial Services shall serve as the fiscal agent for the Governor's Office, Blaine House, State Planning Office and the Department of Economic and Community Development, to include such functions as processing payment vouchers and contract documents, and handling personnel and payroll matters, financial management services and other related required functions as agreed upon by the 5 entities.

**PART L**

**Sec. L-1. 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
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**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Administrative Services - Professional and Financial Regulation**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(\$4,397)	\$2,467
All Other	(16,015)	(26,529)
<b>TOTAL</b>	<b>(20,412)</b>	<b>(24,062)</b>

Provides for the deallocation of funds from the elimination of one Information Systems Support Technician position and one Data Control Specialist position; the transfer of one Managing Examiner position from the Bureau of Insurance and from not seeking the reclassification of one Senior Administrative Secretary position to one Administrative Assistant position approved in Public Law 1995, chapter 368, Part AA.

**Banking - Bureau of**

Positions - Other Count	(-6.0)	(-7.0)
Personal Services	(183,816)	(246,687)
All Other	(14,750)	(23,300)
<b>TOTAL</b>	<b>(198,566)</b>	<b>(269,987)</b>

Provides for the deallocation of funds through the elimination of one Principal Bank Examiner position, 3 Senior Bank Examiner positions, one Bank Examiner position and one Clerk Typist III position. Elimination of one Planning and Research Assistant position in fiscal year 1996-97 only and the class exchange of one Senior Consumer Credit Examiner position for one Staff Attorney position.

**Dental Examiners - Board of**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	2,084	(10,819)

Provides for the deallocation of funds to

eliminate one part-time Clerk Typist II position.

**Insurance - Bureau of**

Positions - Other Count	(-5.0)	(-5.0)
Personal Services	(135,075)	(230,957)
All Other	(25,306)	(27,481)
<b>TOTAL</b>	<b>(160,381)</b>	<b>(258,438)</b>

Provides for the deallocation of funds from the downgrade of one Director, Insurance Consumer/Licensing position, the elimination of one Licensing Division Supervisor position, one Market Conduct Examiner position, 2 Clerk Typist II positions and the transfer of one Managing Examiner position to the Bureau of Administrative Services, the reclassification of 2 Clerk Stenographer III positions to Assistant Analyst positions and by not seeking the reclassifications approved in Public Law 1995, chapter 368, Part AA and the downgrade of one Consumer Assistant Supervisor position to one Insurance Complaint Supervisor position.

**Licensing and Enforcement**

Positions - Other Count	(-3.0)	(-4.0)
Personal Services	(30,621)	(92,579)
All Other	(25,295)	(28,655)
<b>TOTAL</b>	<b>(55,916)</b>	<b>(121,234)</b>

Provides for the deallocation of funds from the elimination of 2 Clerk Typist II positions and one Compliance Case Coordinator position, the establishment of one Director position, the reclassification of one Account Clerk I position to one Account Clerk II position, the downgrade of one Regulatory Board Administrator position and the elimination of one Clerk Typist III position

and by not seeking the reclassifications approved in Public Law 1995, chapter 368, Part AA. In addition, 2 part-time Clerk Typist II positions will be eliminated in fiscal year 1996-97.

**Real Estate Commission**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(23,191)	(45,279)
All Other	(13,339)	(14,164)
<b>TOTAL</b>	<b>(36,530)</b>	<b>(59,443)</b>

Provides for the deallocation of funds from the elimination of one Clerk Typist III position and by not seeking reclassifications approved in Public Law 1995, chapter 368, Part AA.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

<b>TOTAL</b>	<b>(469,721)</b>	<b>(743,983)</b>
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**SECTION L-1**

<b>TOTAL ALLOCATIONS</b>	<b>(\$469,721)</b>	<b>(\$743,983)</b>
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**PART M**

**Sec. M-1. State employee participation in Productivity Realization Task Force study.** In accordance with the Maine Revised Statutes, Title 5, chapter 2, a state employee may not be impeded or prevented from contributing to or participating in the study conducted by the Productivity Realization Task Force established in Public Law 1995, chapter 99. An employee of this State, as that term is defined in Title 5, section 20, subsection 1, or appointed executive employee, as that term is defined in Title 5, section 19, subsection 1, paragraph A, may not issue or promulgate any policy that contravenes this section.

**PART N**

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

	<b>1995-96</b>	<b>1996-97</b>
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Office of Agricultural, Natural and Rural Resources</b>		
Positions - Legislative Count	(1.0)	(1.0)

Personal Services	\$27,844	\$57,028
All Other	14,257	101,326
<b>TOTAL</b>	<b>42,101</b>	<b>158,354</b>

Provides for the appropriation of funds through the transfer of one Soil Scientist position and associated All Other funds from the State Soil and Water Conservation Commission as part of a restructuring plan.

**Soil and Water Conservation Commission**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(27,844)	(57,028)
All Other	(14,257)	(101,326)
<b>TOTAL</b>	<b>(42,101)</b>	<b>(158,354)</b>

Provides for the deappropriation of funds through the transfer of one Soil Scientist position and associated All Other funds to the Office of Agricultural, Natural and Rural Resources as part of a restructuring plan.

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

<b>TOTAL</b>	<b>\$-0-</b>	<b>\$-0-</b>
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**PART O**

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

	<b>1995-96</b>	<b>1996-97</b>
<b>CONSERVATION, DEPARTMENT OF</b>		
<b>Forest Management, Utilization and Marketing</b>		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	\$19,383	\$39,832
All Other	2,118	2,118
<b>TOTAL</b>	<b>21,501</b>	<b>41,950</b>

Appropriates funds to restore one Forester I position.

## PART P

**Sec. P-1. Mental health facilities.** In making the recommendations required by Public Law 1995, chapter 99, the Productivity Realization Task Force may not include among its recommendations the closure of any mental health facility.

## PART Q

**Sec. Q-1. Governor Baxter School for the Deaf.** In making the recommendations required by Public Law 1995, chapter 99, the Productivity Realization Task Force or the Governor may not include among recommendations any additional budget reductions or the elimination of any program in the Governor Baxter School for the Deaf until March 1, 1996.

## PART R

**Sec. R-1. 5 MRSA §17858-B** is enacted to read:

### **§17858-B. Retirement; creditable service**

**1. Retirement incentive.** Any state employee, as defined in section 17001, subsection 40, except employees of the Maine Technical College System, who, by April 1, 1996, has reached normal retirement age and has 10 or more years of creditable service and who gives notice to the Maine State Retirement System no later than February 1, 1996 and who retires effective no later than April 1, 1996 is entitled to receive, at the employee's option, either 3 months' base salary paid as a lump sum to be paid on July 1, 1996 or the equivalent amount in monthly cash payments toward retiree dependent medical insurance equal to the current percentage contribution rate for dependent coverage for state employees.

Payment of the retirement incentive under this subsection must be made by the employing agencies and may not be made from the funds of the Maine State Retirement System.

Payment of the retirement incentive under this subsection may not be used in the calculation of the employee's average final compensation or creditable service.

**2. Vacant position.** The department or agency from which any state employee retires under subsection 1 either may not fill the resulting vacant position or, if that position is filled, shall maintain a vacant position elsewhere within the department or agency until the State's costs associated with the retirement have been recovered. Alternatively, the Governor may recover these costs by maintaining an offsetting vacancy in another department or agency or by utilizing other salary savings.

**3. Payment of fixed costs.** With respect to each employee who retires under subsection 1, the State shall pay the amount of the Maine State Retirement System's unfunded liability payment, the Maine State Retirement System's administrative cost payment and the retiree health care payment associated with the employee.

**4. Policies and procedures.** The Executive Director of the Maine State Retirement System shall establish policies and procedures for the implementation of this section, including notice and payment requirements, that ensure that no unfunded liability results to the Maine State Retirement System.

**Sec. R-2. Application of savings.** Any savings realized as a result of this Part must be credited towards the \$45,346,780 in savings that the Productivity Realization Task Force is directed to identify pursuant to Public Law 1995, chapter 99, Part D.

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

Effective November 30, 1995.

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## CHAPTER 503

### H.P. 1151 - L.D. 1590

#### An Act to Correct an Error in the Hospital Assessment Program

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

**Whereas,** unless this legislation is enacted as an emergency measure, the State will be unable to determine gross patient service revenue limits at the levels budgeted for fiscal year 1995-96, which, in turn, results in the inability to fully collect the hospital assessment tax pursuant to the Maine Revised Statutes, Title 36, section 2801-A during that time period; and

**Whereas,** because of this inability, the State stands to lose a substantial amount of revenue per month to the State Medicaid Special Revenue account; 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,