

# 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**

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

**Sec. 1. 35-A MRSA §5111**, as amended by PL 1993, c. 589, §8, is repealed.

See title page for effective date.

**CHAPTER 560**

**H.P. 1363 - L.D. 1873**

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

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

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

**Whereas**, certain obligations and expenses will become due and payable on or immediately after July 1, 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>		
Accounts and Control - Bureau of		

Personal Services	(\$15,920)	(\$2,520)
Provides for the deappropriation of Personal Services funds no longer required for unemployment costs.		

**Financial and Personnel Services - Division of**

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	18,838	41,088
All Other	750	1,500
<b>TOTAL</b>	19,588	42,588

Provides for the appropriation of funds from the transfer of one Planning and Research Associate I position from the Department of Economic and Community Development as part of the Department of Administrative and Financial Services cluster. This position will be reorganized to one Accountant II position.

**Productivity Realization Task Force**

All Other	(250,000)
Provides for the deappropriation of funds no longer required by the Productivity Realization Task Force.	

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

Personal Services	(12,709)
Provides for the deappropriation of funds to reflect the net savings of eliminating one Clerk Typist II position and the transfer of one Data Entry Specialist position from the Department of Education.	

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

Personal Services	156,104	315,826
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	40,153	(49,506)
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**

Personal Services	2,343,830	4,685,460
All Other	385,264	420,304
Capital Expenditures	5,491	
<b>TOTAL</b>	<b>2,734,585</b>	<b>5,105,764</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**

Personal Services	(100,000)	(5,000)
Provides for the deappropriation of funds to adjust the unemployment allocation in fiscal years 1995-96 and 1996-97 as part of the productivity process.		

**Taxation - Bureau of**

Personal Services	(2,640)
Provides for the deappropriation of funds to reflect the net savings from eliminating one Clerk Typist II position and the transfer of one Data Control Clerk position from the Office of Substance Abuse.	

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

<b>TOTAL</b>	<b>2,819,161</b>	<b>5,157,152</b>
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**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Administration - Agriculture**

All Other	(25,000)
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Provides for the deappropriation of funds from the transfer of computer pool services to the Office of Planning, Policy, Legislation and Information Services program in accordance with the approved restructuring plan.

**Administration - Agriculture**

Positions - Legislative Count	(-2.0)
Personal Services	(101,949)
All Other	(5,000)

<b>TOTAL</b>	<b>(106,949)</b>
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Provides for the deappropriation of funds through the transfer of one Director of Administrative Services position and one Accountant I position to the Office of Planning, Policy, Legislation and Information Services in accordance with the approved restructuring plan.

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

All Other	3,800	11,264
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Provides for the appropriation of funds for the transfer of Rural Resource and Agricultural Response support from Agricultural Production in accordance with the approved restructuring plan.

**Agricultural Production**

All Other	(3,800)	(11,264)
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Provides for the deappropriation of funds for the transfer of Rural Resource and Agricultural Complaint Response support to the Office of

<p>Agricultural, Natural and Rural Resources in accordance with the approved restructuring plan.</p> <p><b>Public Services - Agriculture</b></p> <p>All Other (130,082) Capital Expenditures (14,850)</p> <hr/> <p>TOTAL (144,932)</p> <p>Provides for the deappropriation of funds through the transfer of Division of Regulation All Other and Capital Expenditures funds to the new Division of Quality Assurance and Regulations in accordance with the approved restructuring plan.</p> <p><b>Public Services - Agriculture</b></p> <p>Personal Services (3,652)</p> <p>Provides for the deappropriation of funds from the salary savings derived through the transfer of one Clerk Typist II position from the Department of Education and the elimination of one Clerk Typist II position in this account.</p> <p><b>Marketing Services - Agriculture</b></p> <p>All Other 130,082 Capital Expenditures 14,850</p> <hr/> <p>TOTAL 144,932</p> <p>Provides for the appropriation of funds from the transfer of the Division of Regulation All Other and Capital Expenditures funds to the new Division of Quality Assurance and Regulations in accordance with the approved restructuring plan.</p> <p><b>Office of Planning, Policy, Legislation and Information Services</b></p> <p>All Other 25,000</p>	<p>Provides for the appropriation of funds from the transfer of computer pool services from Administration in accordance with the approved restructuring plan.</p> <p><b>Office of Planning, Policy, Legislation and Information Services</b></p> <p>Positions - Legislative Count (2.0) Personal Services 101,949 All Other 5,000</p> <hr/> <p>TOTAL 106,949</p> <p>Provides for the appropriation of funds through the transfer of one Director of Administrative Services position and one Accountant I position from Administration - Agriculture in accordance with the approved restructuring plan.</p> <p><b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES</b></p> <hr/> <p>TOTAL (3,652) -0-</p> <p><b>ATTORNEY GENERAL, DEPARTMENT OF THE</b></p> <p><b>Chief Medical Examiner - Office of</b></p> <p>Positions - Legislative Count (-1.0) (-1.0) Personal Services (32,783) (34,065)</p> <p>Provides for the deappropriation of funds from the elimination of one vacant and unestablished Medical Examiner Assistant position.</p> <p><b>DEPARTMENT OF THE ATTORNEY GENERAL</b></p> <hr/> <p>TOTAL (32,783) (34,065)</p> <p><b>AUDIT, DEPARTMENT OF</b></p> <p><b>Audit - Departmental Bureau</b></p> <p>Personal Services (3,214) (5,438)</p> <p>Provides for the deappropriation of funds through the</p>
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reclassification of one Auditor I position to one Secretary position in accordance with the recommendations of the Productivity Realization Task Force.

**Audit - Departmental Bureau**

Personal Services (74,000)

Provides for the deappropriation of funds through the delayed hiring of personnel as recommended by the Productivity Realization Task Force.

**DEPARTMENT OF AUDIT**

**TOTAL** (77,214) (5,438)

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Administration - Economic and Community Development**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (18,838) (41,088)  
 All Other (750) (1,500)

**TOTAL** (19,588) (42,588)

Provides for the deappropriation of funds from the transfer of one Planning and Research Associate I position to the Department of Administrative and Financial Services as part of the Productivity Realization Task Force administration cluster plan.

**Administration - Economic and Community Development**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (12,194) (27,403)  
 All Other (21,850)

**TOTAL** (12,194) (49,253)

Provides for the deappropriation of funds from the elimination of one Account Clerk II position and All Other savings as part of the

Productivity Realization Task Force plan.

**Business Development**

All Other (48,545)

Provides for the deappropriation of All Other savings as part of the Productivity Realization Task Force plan.

**Community Development Block Grant Program**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (57,322) (72,296)

Provides for the deappropriation of funds from the elimination of one Development Director position as part of the Productivity Realization Task Force plan.

**Economic Conversion Division**

All Other (5,000)

Provides for the deappropriation of All Other savings as part of the Productivity Realization Task Force plan.

**Maine Economic Growth Council**

All Other (10,000)

Provides for the deappropriation of All Other savings as part of the Productivity Realization Task Force plan.

**Energy Resources - Office of**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (29,418) (52,751)  
 All Other (10,000)

**TOTAL** (29,418) (62,751)

Provides for the deappropriation of funds from the elimination of one Supervisor Energy Division position and All Other savings as part of the Productivity

Realization Task Force plan.		
<b>International Commerce</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services		(5,294)
Provides for the deappropriation of funds from the reorganization of the International Commerce Division and the resulting elimination of head count for one Development Project Officer position, as part of the Productivity Realization Task Force plan.		
<b>Maine Small Business Commission</b>		
All Other		(17,455)
Provides for the deappropriation of All Other savings as part of the Productivity Realization Task Force plan.		
<b>Office of Tourism</b>		
All Other		(78,900)
Provides for the deappropriation of funds from All Other savings as part of the Productivity Realization Task Force plan.		
<b>DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT</b>		
<b>TOTAL</b>	<u>(118,522)</u>	<u>(392,082)</u>
<b>EDUCATION, DEPARTMENT OF</b>		
<b>Administrative Office of the Commissioner</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(17,307)	(88,465)
Provides for the deappropriation of funds through the transfer of one Deputy Commissioner of Education position to the Leadership program.		

<b>Administrative Office of the Commissioner</b>		
Positions - Legislative Count	(-4.0)	
Personal Services	(287,960)	
All Other	(52,286)	
<b>TOTAL</b>	<u>(340,246)</u>	
Provides for the deappropriation of funds through the transfer of appropriation and positions to the Leadership program.		
<b>Administrative Office of the Commissioner</b>		
All Other	(106)	(500)
Provides for the deappropriation of funds related to position eliminations.		
<b>Administrative Services Unit</b>		
Positions - Legislative Count	(-3.0)	
Personal Services	(140,646)	
All Other	(44,295)	
<b>TOTAL</b>	<u>(184,941)</u>	
Provides for the transfer of appropriation and positions to the Leadership program.		
<b>Administrative Services Unit</b>		
Personal Services	1,050	
Provides for the appropriation of funds for the reclassification of one Clerk Typist III position to one Personnel Specialist position.		
<b>Division of Adult Education</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(10,858)	(32,111)
Provides for the deappropriation of funds through the transfer of one Clerk Stenographer III position to the Department of Human Services.		
<b>Division of Adult Education</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(6,868)	(64,631)

Provides for the deappropriation of funds through the elimination of one Director Division of Adult Education position.

<b>Division of Adult Education</b>		
Positions - Legislative Count	(-3.0)	
Personal Services	(150,395)	
All Other	(3,901,541)	
<b>TOTAL</b>	<b>(4,051,936)</b>	

Provides for the transfer of appropriation and positions to the Learning Systems program.

<b>Division of Adult Education</b>		
All Other	(212)	(1,000)

Provides for the deappropriation of funds related to position eliminations.

<b>Division of Applied Technology</b>		
Positions - Legislative Count	(-3.5)	
Personal Services	(186,383)	
All Other	(41,250)	
<b>TOTAL</b>	<b>(227,633)</b>	

Provides for the transfer of appropriation and positions to the Learning Systems Program.

**Certification, Placement and Teacher Education**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(7,467)	(54,450)

Provides for the deappropriation of funds through the transfer of one Education Specialist II position to the Regional Services program.

**Certification, Placement and Teacher Education**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(25,075)	(53,554)
All Other	(318)	(1,500)
<b>TOTAL</b>	<b>(25,393)</b>	<b>(55,054)</b>

Provides for the deappropriation of funds through the elimination of one Education Specialist

II position and related All Other.

**Certification, Placement and Teacher Education**

Positions - Legislative Count	(-6.0)	
Personal Services	(287,848)	
All Other	(50,690)	
<b>TOTAL</b>	<b>(338,538)</b>	

Provides for the transfer of appropriation and positions to the Support Systems program.

**Certification, Placement and Teacher Education**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(7,236)	(32,943)

Provides for the deappropriation of funds through the transfer of one Clerk Stenographer III position to the Department of Human Services.

**Division of Finance**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(9,933)	(68,900)

Provides for the deappropriation of funds through the transfer of one Director of Division of Finance position to the Regional Services program.

**Division of Finance**

Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(22,366)	(85,356)
All Other	(424)	(2,000)
<b>TOTAL</b>	<b>(22,790)</b>	<b>(87,356)</b>

Provides for the deappropriation of funds through the elimination of one Accountant I position and one Assistant Director of Finance position and related All Other.

**Division of Finance**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(10,935)	(26,906)

Provides for the deappropriation of funds

through the transfer of one Account Clerk II position to the Department of Transportation.

**Division of Finance**

Personal Services (1,050)

Provides for the transfer of funds to the Administrative Services Unit for the reclassification of one Clerk Typist III position to one Personnel Specialist position.

**Division of Finance**

Positions - Legislative Count (-8.0)  
 Personal Services (318,733)  
 All Other (42,570)

TOTAL (361,303)

Provides for the transfer of appropriation and positions to the Support Systems program.

**Division of Higher Education**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (10,858) (32,111)

Provides for the deappropriation of funds through the transfer of one Clerk Stenographer III position to the Department of Human Services.

**Division of Higher Education**

Positions - Legislative Count (-1.0)  
 Personal Services (75,649)  
 All Other (160,958)

TOTAL (236,607)

Provides for the transfer of appropriation and positions to the Support Systems program.

**Division of Higher Education**

All Other (212) (1,000)

Provides for the deappropriation of funds related to position eliminations.

**Division of Instruction**

Positions - Legislative Count (-6.0) (-6.0)  
 Personal Services (85,496) (345,534)

Provides for the deappropriation of funds through the transfer of 6 Education Specialist III positions to the Regional Services program.

**Division of Instruction**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (19,794) (78,796)

Provides for the deappropriation of funds through the transfer of one Director of Division of Instruction position to the Learning Systems program.

**Division of Instruction**

Positions - Legislative Count (-4.0) (-4.0)  
 Personal Services (37,070) (126,719)

Provides for the deappropriation of funds through the transfer of one Secretary position, one Clerk Typist III position and one Clerk Stenographer III position to the Department of Human Services and one Clerk IV position to the Department of Conservation.

**Division of Instruction**

Positions - Legislative Count (-3.0)  
 Personal Services (165,347)  
 All Other (62,005) (1,584,842)

TOTAL (62,005) (1,750,189)

Provides for the transfer of appropriation and positions to the Learning Systems program.

**Division of Instruction**

All Other (20,348) (387,641)

Provides for the transfer of appropriation to the Regional Services program.

**Division of Instruction**

Positions - Legislative Count (-1.0) (-1.0)

Personal Services	(9,297)	(53,168)	position transferred from the Support Services Unit.		
Provides for the deappropriation of funds through the elimination of one Education Specialist II position.					
<b>Division of Instruction</b>			<b>Learning Systems</b>		
All Other	(1,272)	(6,000)	Positions - Legislative Count		(10.5)
Provides for the deappropriation of funds related to position eliminations.			Personal Services		563,168
			All Other	62,005	8,772,445
<b>Leadership</b>			TOTAL	62,005	9,335,613
Positions - Legislative Count		(10.0)	Provides for the transfer of appropriation and positions from the Division of Instruction, the Division of Special Services, the Division of Adult Education, the Division of Applied Technology and Preschool Handicapped.		
Personal Services		536,685			
All Other		107,008	<b>Learning Systems</b>		
TOTAL		643,693	Positions - Legislative Count	(1.0)	(1.0)
Provides for the transfer of appropriation and positions from Administration - Office of the Commissioner, Administrative Services Unit, and Support Services Unit and for the appropriation of funds for the reclassification of one Clerk Typist III position to one Personnel Specialist position.			Personal Services	22,740	80,256
			Provides for the appropriation of funds for one Learning Systems Team Leader position from the class exchange of one Director of the Division of Instruction position transferred from the Division of Instruction.		
<b>Leadership</b>			<b>Management Information Systems</b>		
Positions - Legislative Count	(1.0)	(1.0)	Positions - Legislative Count		(12.0)
Personal Services	23,664	83,456	Personal Services		568,816
Provides for the appropriation of funds for one Director of Special Projects position through the class exchange of one Deputy Commissioner of Education position transferred from the Administrative Office of the Commissioner.			All Other		269,765
			TOTAL		838,581
<b>Leadership</b>			Provides for the transfer of all appropriations and positions from the Division of Management Information.		
Positions - Legislative Count	(1.0)	(1.0)	<b>Division of Management Information</b>		
Personal Services	9,471	35,106	Positions - Legislative Count	(-1.0)	(-1.0)
Provides for the appropriation of funds for the establishment of one Graphics Design/Clerk Typist III position from the class exchange of one Multilith Operator			Personal Services	(3,940)	(29,431)
			All Other	(106)	(500)
			TOTAL	(4,046)	(29,931)
			Provides for the deappropriation of funds through the transfer of one Data Entry Specialist		

position to the Department of Administrative and Financial Services.

of 2 Educational Specialist II positions transferred from the Division of Special Services, one Educational Specialist II position transferred from Certification, Placement and Teacher Education and 6 Educational Specialist III positions transferred from the Division of Instruction.

**Division of Management Information**

Positions - Legislative Count	(-12.0)	
Personal Services	(568,816)	
All Other	(269,765)	
<b>TOTAL</b>	<b>(838,581)</b>	

Provides for the transfer of appropriation and positions to the Management Information Systems program.

**Reimbursement for State Mandates**

All Other		(2,000)
Provides for the transfer of appropriation to the Support Systems Program.		

**Preschool Handicapped**

Positions - Legislative Count	(-1.0)	
Personal Services	(61,043)	
All Other	(3,021,447)	
<b>TOTAL</b>	<b>(3,082,490)</b>	

Provides for the transfer of appropriation and one position to the Learning Systems program.

**Division of School Business Services**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(9,797)	(72,985)
Provides for the deappropriation of funds through the transfer of one Director Division of School Business Services position to the Support Systems program.		

**Regional Services**

All Other	20,348	387,641
Provides for the transfer of appropriation from the Division of Instruction.		

**Division of School Business Services**

Positions - Legislative Count		(-4.0)
Personal Services		(158,696)
All Other		(1,264,320)
<b>TOTAL</b>		<b>(1,423,016)</b>

**Regional Services**

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	22,740	80,256

Provides for the appropriation of funds for one Regional System Team Leader/Director of Quality Assurance position from the class exchange of one Director of the Division of Finance position transferred from the Division of Finance.

Provides for the transfer of all appropriations and positions to the Support Systems program.

**Division of School Business Services**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(60,317)	(154,659)

**Regional Services**

Positions - Legislative Count	(9.0)	(9.0)
Personal Services	144,108	509,828

Provides for the appropriation of funds for 9 Regional Education Representative positions from the class exchanges

Provides for the deappropriation of funds from the elimination of 2 Education Specialist I positions and one Education Specialist II position.

**Division of School Business Services**

Positions - Legislative Count	(-1.0)	(-1.0)		
Personal Services	(9,518)	(28,609)	TOTAL	2,361,464
Provides for the deappropriation of funds through the transfer of one Clerk Typist II position to the Department of Agriculture, Food and Rural Resources.			Provides for the transfer of appropriation and positions from the Division of Certification, the Division of Finance, the Division of Business Services, the Division of Higher Education and the Reimbursement of State Mandates.	
<b>Division of School Business Services</b>			<b>Support Systems</b>	
All Other	(636)	(3,000)	Positions - Legislative Count	(1.0)
Provides for the deappropriation of funds related to position eliminations.			Personal Services	22,740
				80,256
<b>Division of Special Services</b>			Provides for the appropriation of funds for one Support System Team Leader position from the class exchange of one Director of the Division of School Business Services position transferred from the Division of School Business Services.	
Positions - Legislative Count	(-2.0)	(-2.0)	<b>Support Services Unit</b>	
Personal Services	(29,168)	(106,336)	Positions - Legislative Count	(-1.0)
Provides for the deappropriation of funds through the transfer of 2 Education Specialist II positions to the Regional Services program.			Personal Services	(4,420)
				(27,605)
<b>Division of Special Services</b>			Provides for the deappropriation of funds through the transfer of one Multilith Operator position to the Leadership program.	
Positions - Legislative Count	(-1.0)	(-1.0)	<b>Support Services Unit</b>	
Personal Services	(10,250)	(30,923)	Positions - Legislative Count	(-3.0)
Provides for the deappropriation of funds through the elimination of one Clerk Typist III position.			Personal Services	(108,219)
			All Other	(10,427)
<b>Division of Special Services</b>				
All Other		(223,365)	TOTAL	(118,646)
Provides for the transfer of appropriation to the Learning Systems program.			Provides for the transfer of all appropriations and positions to the Leadership program.	
<b>Division of Special Services</b>			<b>Support Services Unit</b>	
All Other	(318)	(1,500)	Positions - Legislative Count	(-2.0)
Provides for the deappropriation of funds related to position eliminations.			Personal Services	(15,177)
				(91,248)
<b>Support Systems</b>			Provides for the deappropriation of funds from the elimination of one Director of Public Information position and the transfer of one Supervisor of	
Positions - Legislative Count		(19.0)		
Personal Services		840,926		
All Other		1,520,538		



program, Federal Expenditures Fund.		
<b>Water Quality Control</b>		
Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(44,589)	(73,022)
Provides for the deappropriation of funds through the elimination of one Clerk Typist III position and one Environmental Specialist II position.		
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>		
<b>TOTAL</b>	<u>(134,922)</u>	<u>(331,104)</u>
<b>EXECUTIVE DEPARTMENT</b>		
<b>Administration - Executive Governor's Office</b>		
Positions - Legislative Count		(-1.0)
Personal Services	(19,500)	(47,558)
Provides for the deappropriation of funds from the elimination of one position resulting from the Governor's Office productivity initiative and salary savings in fiscal year 1995-96.		
<b>Driver Education and Evaluation Program - Substance Abuse</b>		
All Other		(14,240)
Provides for the deappropriation of funds through the elimination of rent expense as a result of the office relocating to state-owned office space as reflected in the plan submitted to the Productivity Realization Task Force and approved by the Governor.		
<b>Driver Education and Evaluation Program - Substance Abuse</b>		
Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(11,693)	(47,674)
All Other	(750)	(1,500)
<b>TOTAL</b>	<u>(12,443)</u>	<u>(49,174)</u>

Provides for the deappropriation of funds through the elimination of one Alcoholism Regional Planning Coordinator position and related All Other.		
<b>Driver Education and Evaluation Program - Substance Abuse</b>		
Positions - Legislative Count		(-2.0)
Personal Services		(114,489)
All Other		(3,000)
<b>TOTAL</b>		<u>(117,489)</u>
Provides for the deappropriation of funds through the transfer of one Substance Abuse Division Supervisor position and one Substance Abuse Program Specialist position to the Office of Substance Abuse account.		
<b>Planning Office</b>		
Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(90,959)	(139,550)
All Other	(48,479)	(49,151)
Capital Expenditures	(5,491)	
<b>TOTAL</b>	<u>(144,929)</u>	<u>(188,701)</u>
Provides for the deappropriation of funds through the elimination of 3 Planner II positions and related expenses.		
<b>Office of Substance Abuse</b>		
All Other		(42,720)
Provides for the deappropriation of funds through the elimination of rent expense as a result of the relocation of the office from leased space to state-owned space as reflected in the plan submitted to the Productivity Realization Task Force and approved by the Governor.		
<b>Office of Substance Abuse</b>		
Positions - Legislative Count	(-4.0)	(-6.0)
Personal Services	(22,683)	(227,954)
All Other	(2,500)	(9,000)

	(25,183)	(236,954)	
TOTAL			from the elimination of one Senior Nosologist position, one Clerk Typist II position and one Vital Statistics Field Agent position and the transfer of one Clerk Typist II position to the Administration - Income Maintenance program and related All Other.
Provides for the deappropriation of funds through the elimination of one Personnel Assistant position, one Director Fiscal Operations position, one Education Specialist II position, one Clerk Stenographer III position, the transfer of one Clerk Typist II position to the Bureau of Motor Vehicles within the Department of the Secretary of State and the transfer of one Data Control Clerk position to the Department of Administrative and Financial Services as reflected in a plan submitted to the Productivity Realization Task Force and approved by the Governor.			
<b>Office of Substance Abuse</b>			<b>Administration - Human Services</b>
Positions - Legislative Count		(2.0)	Personal Services
Personal Services		114,489	(2,500)
All Other		3,000	Provides for the deappropriation of funds from the unused unemployment costs derived through the transfer of one Clerk Typist II position in this account.
TOTAL		117,489	<b>Administration - Human Services</b>
Provides for the appropriation of funds for the transfer of one Substance Abuse Division Supervisor position and one Substance Abuse Program Specialist position from the Driver Education and Evaluation Program.			Personal Services
			(2,500)
			Provides for the deappropriation of funds from unemployment compensation savings for fiscal year 1995-96 terminations as of January 10, 1996.
<b>EXECUTIVE DEPARTMENT</b>			<b>Administration - Regional - Human Services</b>
<b>TOTAL</b>	(202,055)	(579,347)	Positions - Legislative Count
<b>HUMAN SERVICES, DEPARTMENT OF</b>			(96.0)
<b>Administration - Human Services</b>			Personal Services
Positions - Legislative Count	(-4.0)	(-4.0)	2,733,098
Personal Services	(35,150)	(120,398)	Provides for the appropriation of funds from the transfer of clerical positions into the Regional Clerical Pool, which includes one Clerk Typist I position, 6 part-time and 86 full-time Clerk Typist II positions, 4 Clerk Typist III positions, one Clerk IV position and one Human Services Aide III position.
All Other	(3,750)	(6,000)	<b>Administration - Income Maintenance</b>
TOTAL	(38,900)	(126,398)	Personal Services
Provides for the deappropriation of funds			(9,688)
			Provides for the deappropriation of funds

from the salary savings derived through the transfer of one Clerk Typist II position from the Bureau of Elder and Adult Services and the elimination of one Clerk Typist II position in this account.

**Administration - Income Maintenance**

Personal Services (6,474)

Provides for the deappropriation of funds from the salary savings derived through the transfer of one Clerk Stenographer III position from the Department of Education and the elimination of one Clerk Typist III position in this account.

**Administration - Income Maintenance**

Personal Services (11,577)

Provides for the deappropriation of funds from the salary savings derived through the transfer of one Clerk Typist III position from the Department of Education and the elimination of one Clerk Typist III position in this account.

**Administration - Income Maintenance**

Personal Services (5,500)

Provides for the deappropriation of funds from unemployment compensation savings for fiscal year 1995-96 terminations as of January 10, 1996.

**Administration - Social Services**

Positions - Legislative Count (-1.0)  
Personal Services (28,479)

Provides for the deappropriation of funds to transfer one Clerk

Typist II position into the Regional Clerical Pool.

**Administration - Social Services**

Personal Services (16,500)

Provides for the deappropriation of funds from unemployment compensation savings for fiscal year 1995-96 terminations as of January 10, 1996.

**Elder and Adult Services - Bureau of**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(6,644)	(26,172)
All Other	(750)	(1,500)
<b>TOTAL</b>	<b>(7,394)</b>	<b>(27,672)</b>

Provides for the deappropriation of funds from the transfer of one Clerk Typist II position to the Administration - Income Maintenance program and related All Other.

**Elder and Adult Services - Bureau of**

Positions - Legislative Count	(-3.0)
Personal Services	(83,708)

Provides for the deappropriation of funds to transfer 3 Clerk Typist II positions into the Regional Clerical Pool.

**Elder and Adult Services - Bureau of**

Personal Services (2,500)

Provides for the deappropriation of funds from the unused unemployment costs derived through the transfer of one Clerk Typist II position in this account.

**Elder and Adult Services - Bureau of**

Personal Services (24,500)

Provides for the deappropriation of funds from unemployment

compensation savings for fiscal year 1995-96 terminations as of January 10, 1996.

**Health - Bureau of**

Positions - Legislative Count	(-1.0)	(-2.0)
Personal Services	(9,929)	(61,346)
All Other	(1,500)	(3,000)
<b>TOTAL</b>	<b>(11,429)</b>	<b>(64,346)</b>

Provides for the deappropriation of funds from the elimination of one Clerk Typist II position in fiscal year 1995-96 and fiscal year 1996-97 and one Clerk IV position in fiscal year 1996-97 only and related All Other.

**Health - Bureau of**

Positions - Legislative Count		(-2.5)
Personal Services		(71,197)

Provides for the deappropriation of funds to transfer 2 full-time and one part-time Clerk Typist II positions into the Regional Clerical Pool.

**Income Maintenance - Regional**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(24,215)	(79,034)
All Other	(3,750)	(4,500)
<b>TOTAL</b>	<b>(27,965)</b>	<b>(83,534)</b>

Provides for the deappropriation of funds from the elimination of 3 Clerk Typist II positions and related All Other.

**Income Maintenance - Regional**

Positions - Legislative Count		(-44.0)
Personal Services		(1,238,385)

Provides for the deappropriation of funds to transfer 42 Clerk Typist II positions, one Clerk Typist I position and one Human Service Aide III position into the Regional Clerical Pool.

**Income Maintenance - Regional**

Personal Services	(5,500)	
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Provides for the deappropriation of funds from unemployment compensation savings for fiscal year 1995-96 terminations as of January 10, 1996.

**Medical Care Administration**

Positions - Legislative Count	(-6.0)	(-6.0)
Personal Services	(96,547)	(280,289)
All Other	(9,000)	(9,000)
<b>TOTAL</b>	<b>(105,547)</b>	<b>(289,289)</b>

Provides for the deappropriation of funds from the elimination of one Medical Claims Evaluator position, one Clerk II position, one Comprehensive Health Planner II position, one Senior Health Care Financial Analyst position, one Health Services Consultant position and one Health Services Supervisor position and related All Other.

**Medical Care Administration**

Positions - Legislative Count		(-1.0)
Personal Services		(25,914)

Provides for the deappropriation of funds to transfer one Clerk Typist II position into the Regional Clerical Pool.

**Medical Care Administration**

Personal Services	(5,500)	
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Provides for the deappropriation of funds from unemployment compensation savings for fiscal year 1995-96 terminations as of January 10, 1996.

**Medical Care Administration**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(37,743)	(38,684)

Provides for the deappropriation of funds from the elimination of one Data Entry Systems Manager position.

**Social Services - Regional**

Positions - Legislative Count (-43.0)  
 Personal Services (1,218,103)

Provides for the deappropriation of funds to transfer 2 part-time and 37 full-time Clerk Typist II positions, 4 Clerk Typist III positions and one Clerk IV position into the Regional Clerical Pool.

**Social Services - Regional**

Personal Services (22,000)

Provides for the deappropriation of funds from unemployment compensation savings for fiscal year 1995-96 terminations as of January 10, 1996.

**Welfare Employment, Education and Training**

Positions - Legislative Count (-2.0) (-2.0)  
 Personal Services (34,973) (116,213)  
 All Other (1,500) (3,000)

TOTAL (36,473) (119,213)

Provides for the deappropriation of funds from the elimination of one Income Maintenance Program Manager position and one Social Services Supervisor position and related All Other.

**Welfare Employment, Education and Training**

Positions - Legislative Count (-1.5) (-1.5)  
 Personal Services (42,717)

Provides for the deappropriation of funds to transfer 3 part-time Clerk Typist II positions into the Regional Clerical Pool.

**DEPARTMENT OF HUMAN SERVICES**

TOTAL (380,190) (724,541)

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

**Administrative Services - Inland Fisheries and Wildlife**

Personal Services 3,145

Provides for the appropriation of funds for the reorganization of one Personnel Assistant position to one Personnel Specialist position to more effectively meet the needs of the bureau.

**Administrative Services - Inland Fisheries and Wildlife**

Positions - Legislative Count (-1.0)  
 Personal Services (44,523)

Provides for the deappropriation of funds from the elimination of one Personnel Officer position due to a realignment of duties as a result of task force recommendations.

**Administrative Services - Inland Fisheries and Wildlife**

Positions - Legislative Count (1.0)  
 Personal Services 34,653  
 All Other 4,502

TOTAL 39,155

Provides for the appropriation of funds for one Public Relations Representative position to coordinate the volunteer services program.

**Public Information and Education, Division of**

Positions - Legislative Count (-1.0)  
 Personal Services (27,748)  
 All Other 25,677

TOTAL (2,071)

Provides for the deappropriation of funds from the elimination of one Public Relations Specialist position and the appropriation of funds for outsourcing, ecotourism and marketing.

**Savings Fund Program**

All Other 4,294

<p>Provides for the appropriation of funds to be used to avoid future license fee increases.</p>			<p>courts as a result of the productivity plan.</p>		
<b>DEPARTMENT OF INLAND, FISHERIES AND WILDLIFE TOTAL</b>		-0-		<b>Courts - Supreme, Superior, District and Administrative</b>	
				Positions - Legislative Count	(-4.0) (-4.0)
				Personal Services	(121,937) (236,723)
				All Other	(2,914) (6,000)
<b>JUDICIAL DEPARTMENT</b>				<b>TOTAL</b>	<u>(124,851) (242,723)</u>
<b>Courts - Supreme, Superior, District and Administrative</b>				Provides for the deappropriation of funds from the elimination of one Senior Court Management Officer position, one Court Reporter position, one Transcriber position, one Court Security Officer position; the downgrading of one Senior Programmer Analyst position to one Programmer Analyst position; one Purchase Manager/Accountant position to one Data Entry Clerk position; one Deputy Budget/Fiscal Officer position to one Budget Officer position; one Deputy State Court Administrator/Fiscal Officer position to one Financial Operations Officer position; and the upgrade of one Court Security Officer position to one Court Security Supervisor position and reductions in All Other as a result of the productivity plan.	
All Other	(32,000)	(80,000)			
<b>Courts - Supreme, Superior, District and Administrative</b>					
All Other	(13,033)	(39,100)			
<b>Courts - Supreme, Superior, District and Administrative</b>					
All Other	(18,000)	(45,000)			
<b>JUDICIAL DEPARTMENT TOTAL</b>				<b>JUDICIAL DEPARTMENT TOTAL</b>	<u>(294,168) (710,906)</u>
<b>Courts - Supreme, Superior, District and Administrative</b>				<b>LABOR, DEPARTMENT OF Administration - Labor</b>	
All Other	(85,000)	(253,000)		Personal Services	8,620 55,819
<b>Courts - Supreme, Superior, District and Administrative</b>				Provides for the appropriation of funds for the General Fund proportionate share of position actions as a result of recommendations of the Productivity Realization Task Force.	
All Other	(21,284)	(51,083)		<b>Administration - Bureau of Labor Standards</b>	

Positions - Legislative Count Personal Services	(-2.0) (7,314)	(-2.0) (41,800)	<b>Regulation and Enforcement</b>	Positions - Legislative Count Personal Services All Other	(-3.0) (144,849) (7,500)	(-3.0) (144,972) (9,000)
Provides for the deappropriation of funds through the transfer of one Account Clerk II position and one Accountant II position to the Labor - Administration program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.				<b>TOTAL</b>	<u>(152,349)</u>	<u>(153,972)</u>
<b>Job Training Partnership Program</b>				Provides for the deappropriation of funds through the elimination of 3 Deputy Boiler Elevator Inspector positions to implement recommendations of the Productivity Realization Task Force. This action results in \$124,801 General Fund revenue loss in fiscal year 1996-97.		
Personal Services	(607)	(305)	<b>Regulation and Enforcement</b>	Personal Services	705	5,492
Provides for the deappropriation of funds through changes in allocation ratios for fiscal year 1995-96 and fiscal year 1996-97.				Provides for the appropriation of funds for the reclassification of one Occupational Safety Engineer position to one Senior Occupational Safety Engineer position to implement recommendations of the Productivity Realization Task Force.		
<b>Job Training Partnership Program</b>			<b>Regulation and Enforcement</b>	Positions - Legislative Count Personal Services		(-3.0) (102,978)
Personal Services		(1,456)		Provides for the deappropriation of funds from salary savings generated from one Chief Boiler Elevator Inspector position for fiscal year 1995-96 and the transfer of one Chief Boiler, Elevator Inspector position and 2 Clerk Typist III positions in fiscal year 1996-97 to the Licensing and Enforcement program, Other Special Revenue in the Department of Professional and Financial Regulation to implement recommendations of the Productivity Realization Task Force.		
Provides for the deappropriation of funds associated with the merger of employment and training programs within the Department of Labor.						
<b>Occupational Information Coordination</b>						
Personal Services	(4,796)	(27,523)				
Provides for the deappropriation of funds through the transfer of one Education Specialist III position to the Occupational Information Coordination program, Federal Expenditures Fund and the transfer of one Secretary position from the Occupational Information Coordination program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.						

**Regulation and Enforcement**

Personal Services (44,696)

Provides for the deappropriation of funds from salary savings generated from a Safety Compliance Specialist position to implement recommendations of the Productivity Realization Task Force.

Services from the Legislature program in accordance with the productivity initiatives set forth in Public Law 1995, chapter 368, Part H.

**LEGISLATURE TOTAL**

-0- -0-

**LIBRARY, MAINE STATE**

**Reader and Information Services - Library**

**STAR**

Personal Services (3,932) (1,015)

Provides for the deappropriation of funds through changes in allocation ratios for fiscal year 1995-96 and fiscal year 1996-97.

Positions - Legislative Count (-1.0) (-1.0)  
Personal Services (7,451) (18,824)

Provides for the deappropriation of funds through the transfer of one Clerk Typist II position to the Department of the Secretary of State effective February 5, 1996.

**STAR**

Personal Services (12,091)

Provides for the deappropriation of funds associated with the merger of employment and training programs within the Department of Labor.

**MAINE STATE LIBRARY TOTAL**

(7,451) (18,824)

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

**Administration - Mental Health and Mental Retardation**

**DEPARTMENT OF LABOR TOTAL**

(257,829) (279,829)

Positions - Legislative Count (-17.0) (-18.0)  
Personal Services (139,548) (912,218)  
All Other (27,000)

**LEGISLATURE**

**Legislature**

Personal Services (543,015) (1,193,706)  
All Other (54,302) (119,371)

**TOTAL** (139,548) (939,218)

**TOTAL** (597,317) (1,313,077)

Provides for the deappropriation and transfer of funds to the Legislative Department-wide program established in Public Law 1995, chapter 368, Part H.

Provides for the deappropriation of funds through the elimination of 4 Clerk Typist III positions, 2 Field Operations Manager positions, one Crisis Stabilization Program Manager position, one Consent Decree Compliance Coordinator position, 3 Comprehensive Health Planner II positions, one Director, Licensing position, one Director, Public Education position, one Assistant to Associate Commissioner position, one Audit Manager position, one Auditor III position and one Director,

**Legislature Branchwide**

Personal Services 543,015 1,193,706  
All Other 54,302 119,371

**TOTAL** 597,317 1,313,077

Provides for the appropriation of funds through the transfer of All Other and Personal

Research and Quality Assurance position in fiscal years 1995-96 and 1996-97 and one Director, Bureau of Children with Special Needs position in fiscal year 1996-97 pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. This will result in a loss in General Fund revenue in fiscal year 1996-97 of \$183,036.

TOTAL	1,350	(52,198)
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Provides for the deappropriation of funds through the elimination of one Comprehensive Health Planner II position and the appropriation of funds in fiscal year 1995-96 due to separation costs pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.

**Administration - Mental Health and Mental Retardation**

Positions - Legislative Count	(14.0)	(14.0)
Personal Services	138,293	726,361
All Other		21,000
<b>TOTAL</b>	<b>138,293</b>	<b>747,361</b>

Provides for the appropriation of funds for the establishment of 2 Consumer Advocate positions, 3 Program/Contract Specialist positions, 3 Regional Service Manager positions, one Facilities Operation Manager position, one Mental Health Program Team Manager position, one Mental Retardation Team Manager position, one Children's Services Program Manager position, one Director, Management Information Systems position and one Director, Quality Assurance position pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. This will result in an increase in General Fund revenue of \$138,912 in fiscal year 1996-97.

**Office of Advocacy - Mental Health and Mental Retardation**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	1,350	(50,698)
All Other		(1,500)

**Office of Advocacy - Mental Health and Mental Retardation**

Positions - Legislative Count	(1.0)	(1.0)
Personal Services	6,426	45,519
All Other		1,500
<b>TOTAL</b>	<b>6,426</b>	<b>47,019</b>

Provides for the appropriation of funds for the establishment of one Advocate position pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.

**Bangor Mental Health Institute**

Positions - Legislative Count	(-5.0)	(-5.0)
Personal Services	(47,961)	(176,755)
All Other		(7,500)
<b>TOTAL</b>	<b>(47,961)</b>	<b>(184,255)</b>

Provides for the deappropriation of funds through the elimination of 3 Mental Health Worker II positions, one part-time Baker I position, one Laundry Worker I position and one part-time Physician III position pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.

**Bath Children's Home**

Positions - Legislative Count	(-18.0)
Personal Services	(583,591)
All Other	(108,798)

		(692,389)			
TOTAL			the plans submitted to the Productivity Realization Task Force and approved by the Governor. Headcount is in Bangor Mental Health Institute's Other Special Revenue account.		
Provides for the deappropriation of funds through the privatization of the Bath Children's Home pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. This will result in a loss of General Fund revenue of \$80,000 in fiscal year 1996-97.					
<b>Consent Decree Reinvestment Program - Mental Health</b>			<b>Elizabeth Levinson Center</b>		
All Other	416,564	543,677	Positions - Legislative Count	(-1.0)	(-1.0)
Provides for the appropriation of funds to provide community services mandated by the Augusta Mental Health Institute Consent Decree pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.			Personal Services	(30,264)	(30,639)
			All Other		(1,500)
			TOTAL	(30,264)	(32,139)
<b>Disproportionate Share - Augusta Mental Health Institute</b>			Provides for the deappropriation of funds through the elimination of one Custodial Worker II position pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		
Personal Services	(298,704)	(406,278)	<b>Mental Health Services - Child Medicaid</b>		
All Other		(13,205)	All Other	105,022	394,790
TOTAL	(298,704)	(419,483)	Provides for the appropriation of funds to provide services for homeless, high-risk and difficult-to-serve adolescents pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		
Provides for the deappropriation of funds through the elimination of positions pursuant to the plans submitted to the Productivity Realization Task Force and approved by the Governor. Headcount is in the Augusta Mental Health Institute's Other Special Revenue account.			<b>Mental Health Services - Child Medicaid</b>		
			All Other		508,798
			Provides for the appropriation of state matching funds due to the privatizing of Bath Children's Home pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.		
<b>Disproportionate Share - Bangor Mental Health Institute</b>			<b>Mental Health Services - Children</b>		
Personal Services	(203,786)	(520,097)	Positions - Legislative Count	(-7.0)	(-7.0)
All Other		(21,183)	Personal Services	(246,441)	(354,385)
TOTAL	(203,786)	(541,280)	All Other		(10,500)
Provides for the deappropriation of funds due to the elimination of 38.5 positions pursuant to			TOTAL	(246,441)	(364,885)

Provides for the deappropriation of funds through the elimination of 3 Mental Health Program Coordinator positions, 2 Bureau of Children with Special Needs Regional Supervisor positions, one Comprehensive Health Planner I position and one Physical Therapist II position pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.

**Mental Health Services - Children**

All Other	35,000	131,596
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Provides for the appropriation of funds to provide services for homeless, high-risk and difficult-to-serve adolescents pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.

**Mental Health Services - Community**

Positions - Legislative Count	(8.0)	(8.0)
Personal Services	57,688	299,975
All Other		12,000
<b>TOTAL</b>	57,688	311,975

Provides for the appropriation of funds for the establishment of 5 Crisis Stabilization Worker positions and 3 Mental Health Program Team Leader positions pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.

**Mental Retardation Services - Community**

Positions - Legislative Count	(29.0)	(29.0)
Personal Services	181,609	944,365
All Other		43,500
<b>TOTAL</b>	181,609	987,865

Provides for the appropriation of funds for the establishment of 3 Mental Retardation Program Team Leader positions, 3 Crisis Prevention Leader positions, 3 Crisis Prevention Worker positions and 20 Individual Support Coordinator positions pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. This will result in an increase in General Fund revenue of \$531,831 in fiscal year 1996-97.

**Mental Retardation Services - Community**

Positions - Legislative Count	(-7.5)	(-8.5)
Personal Services	(23,121)	(414,584)
All Other		(12,750)
<b>TOTAL</b>	(23,121)	(427,334)

Provides for the deappropriation of funds through the elimination of 4 Mental Retardation Regional Manager positions, one full-time and one part-time Clerk Typist II positions, one Account Clerk I position and one Mental Health Worker II position in fiscal years 1995-96 and 1996-97 and one Director, Division of Mental Retardation position in fiscal year 1996-97 pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. This will result in a loss of General Fund revenue of \$246,086 in fiscal year 1996-97.

**DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION**

<b>TOTAL</b>	(47,873)	19,900
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**MUSEUM, MAINE STATE**

**Administration - Museum**

Positions - Legislative Count	(-0.5)	(-0.5)
Personal Services	(5,799)	(16,412)

Provides for the deappropriation of funds from the elimination of 1/2 Museum Technician I position effective February 9, 1996.

**Exhibit Design and Preparation - Museum**

Positions - Legislative Count	(-0.5)	(-0.5)
Personal Services	(6,974)	(19,777)

Provides for the deappropriation of funds from the elimination of 1/2 Museum Technician II position effective February 9, 1996.

**MAINE STATE MUSEUM TOTAL**

(12,773)	(36,189)
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**PUBLIC SAFETY, DEPARTMENT OF**

**Administration - Public Safety**

Positions - Legislative Count	(8.0)
Personal Services	326,147
All Other	31,793

<b>TOTAL</b>	357,940
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Provides for the appropriation of funds through the transfer from the Bureau of Liquor Enforcement to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety one Public Safety Licensing and Inspection Supervisor position, 3 Public Safety Inspector I positions, one Clerk III position, one Liquor Tax Auditor position, one Account Clerk II position and one Account Clerk I position and necessary All Other associated with the licensing function.

**Capitol Security - Bureau of**

Positions - Legislative Count	(-1.0)	(-1.0)
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Personal Services	(17,079)	(34,060)
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Provides for the deappropriation of funds through the elimination of one part-time Capitol Security Officer position, reducing one Clerk Typist II position to part time, reclassification of one Capitol Security Sergeant position to one Capitol Security Officer position and one vacant Capitol Security Officer position to one Watchperson position.

**Criminal Justice Academy**

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(40,316)	(100,170)
All Other	25,800	51,600

<b>TOTAL</b>	(14,516)	(48,570)
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Provides for the deappropriation of funds from salary savings and through the elimination of one Building Maintenance Supervisor position, one Maintenance Mechanic position and one Laborer II position and provides additional All Other for the contracting of maintenance services.

**Drug Enforcement Agency**

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(7,223)	(32,633)

Provides for the deappropriation of funds through the transfer of one Clerk Typist III position to the Bureau of State Police.

**Liquor Enforcement**

Positions - Legislative Count	(-10.0)
Personal Services	(371,524)
All Other	(31,793)

<b>TOTAL</b>	(403,317)
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Provides for the deappropriation of funds through the elimination of 2 Clerk Typist III positions, transfer and reclassification of one Liquor Enforcement

Licensing Manager position to one Public Safety Licensing and Inspection Supervisor position, 3 Liquor License Examiner positions to 3 Public Safety Inspector I positions, the transfer of one Clerk III position, one Liquor Tax Auditor position, one Account Clerk II position and one Account Clerk I position and All Other associated with the licensing function to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety.

Provides for the deappropriation of funds from the salary savings derived through the transfer of one Clerk Typist II position from the Maine State Library and the elimination of one Clerk Typist II position from this account.

**Bureau of Administrative Services and Corporations**

Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(14,173)	(54,902)

Provides for the deappropriation of funds from the elimination of 2 Clerk Typist II positions as a result of the department's productivity initiatives.

**State Police**

Positions - Legislative Count	(1.0)	
Personal Services	(225,997)	(35,741)

Provides for the deappropriation of funds from salary savings and through the elimination of one Clerk Typist II position, one Planning and Research Associate I position, one State Police Captain position, classification exchange of 2 State Police Captain positions for 2 State Police Major positions, establishment of 3 Police Communication Operator positions through the elimination of overtime expense, transfer of one Clerk Typist III position from the Maine Drug Enforcement Agency and an additional elimination of one Storekeeper II position in fiscal year 1996-97.

**Elections and Commissions**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(5,418)	(5,418)

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

**DEPARTMENT OF THE SECRETARY OF STATE**

<b>TOTAL</b>	<u>(22,547)</u>	<u>(60,320)</u>
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**SECTION**

<b>TOTAL APPROPRIATIONS</b>	<u>711,912</u>	<u>871,758</u>
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**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.

	<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	6,715	14,793
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Provides for the allocation of funds from the unfunded liability portion of the Personal Services savings achieved through the productivity plans.

**DEPARTMENT OF PUBLIC SAFETY**

**SECRETARY OF STATE, DEPARTMENT OF THE**

**Bureau of Administrative Services and Corporations**

Personal Services	(2,956)	
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<u>(264,815)</u>	<u>(196,381)</u>
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**Executive Branch Departments  
and Independent Agencies -  
Statewide**

Personal Services	1,726	7,084
Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through the productivity plans.		

**DEPARTMENT OF  
ADMINISTRATIVE AND  
FINANCIAL SERVICES  
TOTAL**

8,441	21,877
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**PUBLIC SAFETY,  
DEPARTMENT OF**

**Administration - Public Safety**

Positions - Legislative Count	(1.0)
Personal Services	32,850
All Other	47,440

TOTAL	80,290
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Provides for the allocation of funds through the transfer of one Clerk Typist III position from the Motor Vehicle Inspection Program to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety.

**Highway Safety - Department of  
Public Safety**

Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(8,870)	(76,106)

Provides for the deallocation of funds through the elimination of one Highway Safety Coordinator position and one Public Relations Specialist position, and the reclassification of one Highway Safety Program Manager position to one Senior Contract Manager position.

**Motor Vehicle Inspection**

Positions - Legislative Count	(-2.0)
Personal Services	(61,816)
All Other	(47,440)

TOTAL	(109,256)
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Provides for the deallocation of funds through the elimination of one Account Clerk II position and the transfer of one Clerk Typist III position to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety.

**State Police**

Personal Services	(102,931)	(142,966)
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Provides for the deallocation of funds through the elimination of one Clerk Typist II position, one Planning and Research Associate I position, one State Police Captain position, classification exchange of 2 State Police Captain positions to 2 State Police Major positions, establishment of 3 Police Communication Operator positions through the elimination of overtime expenses, transfer of one Clerk Typist III position from the Maine Drug Enforcement Agency, and an additional elimination of one Storekeeper II position in fiscal year 1996-97.

**DEPARTMENT OF PUBLIC  
SAFETY  
TOTAL**

(111,801)	(248,038)
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**SECRETARY OF STATE,  
DEPARTMENT OF THE**

**Administration - Motor Vehicles**

Personal Services	(789)
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Provides for the deallocation of funds from the transfer of one Clerk Typist II position from the Office of Substance Abuse and the elimination of one Clerk Typist II position in this account.

**DEPARTMENT OF THE SECRETARY OF STATE**  
**TOTAL**                       
 (789)

**SECTION**  
**TOTAL ALLOCATIONS**                                            
 (104,149) (226,161)

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

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

Personal Services	227,420	355,105
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	58,456	170,050
Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through the productivity plans.		

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
**TOTAL**                                            
 285,876 525,155

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

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

All Other	85,000	86,445
Provides for the allocation of funds from the transfer of the voluntary compliance program from Agricultural Production to Office of Agricultural, Natural and Rural Resources in accordance		

with approved restructuring plans.

**Agricultural Production**

All Other	(85,000)	(86,445)
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Provides for the deallocation of funds from the transfer of the voluntary compliance program from Agricultural Production to Office of Agricultural, Natural and Rural Resources in accordance with approved restructuring plans.

**Agricultural Production**

Personal Services	(91,048)	(97,626)
All Other	(78,089)	(79,953)

<b>TOTAL</b>	<u>                    </u>	<u>                    </u>
	(169,137)	(177,579)

Provides for the deallocation of funds from the transfer of the Potato Virus Y-N program from Agricultural Production to the new Division of Plant Industry in accordance with approved restructuring plans.

**Division of Plant Industry**

Personal Services	91,048	97,626
All Other	78,089	79,953

<b>TOTAL</b>	<u>                    </u>	<u>                    </u>
	169,137	177,579

Provides for the allocation of funds from the transfer of the Potato Virus Y-N program from Agricultural Production to the Division of Plant Industry in accordance with approved restructuring plans.

**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES**  
**TOTAL**                                            
 -0- -0-

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Energy Resources - Office of**

Positions - Other Count	(-3.0)	(-3.0)
Personal Services	(51,837)	(108,797)

Provides for the deallocation of funds from the elimination of one Clerk Typist III position and one Energy Conservation Specialist position, and the transfer of one Energy Conservation Specialist position to the Department of Environmental Protection as part of the Productivity Realization Task Force plan.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

**EDUCATION, DEPARTMENT OF**

**Administrative Services Unit**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(48,227)	(52,227)

Provides for the deallocation of funds through the elimination of one Equal Employment Opportunity Coordinator position.

**Administrative Services Unit**

All Other		(20,000)
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Provides for the transfer of allocation to the Leadership program.

**Administrative Services Unit**

Positions - Other Count	(-1.0)	
Personal Services	(48,999)	
All Other	(58,518)	
Capital Expenditures	(3,200)	

<b>TOTAL</b>		<b>(110,717)</b>
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Provides for the transfer of allocation and one position to the Leadership program.

**Administrative Services Unit**

Positions - Other Count	(-3.5)	
Personal Services	(142,853)	
All Other	(48,916)	

<b>TOTAL</b>		<b>(191,769)</b>
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Provides for the transfer of allocation and positions to the Leadership program.

**Division of Adult Education**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(3,987)	(26,190)

Provides for the deallocation of funds through the elimination of one Clerk Stenographer II position.

**Division of Adult Education**

All Other		(463,928)
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Provides for the transfer of allocation to the Learning Systems program.

**Division of Adult Education**

Positions - Other Count		(-1.0)
Personal Services		(63,805)
All Other		(1,187,973)
Capital Expenditures		(4,000)

<b>TOTAL</b>		<b>(1,255,778)</b>
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Provides for the transfer of allocation and one position to the Learning Systems program.

**Division of Applied Technology**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(27,368)	(27,419)

Provides for the deallocation of funds through the elimination of 1/2 of one Education Specialist II position.

**Division of Applied Technology**

Positions - Other Count	(-12.0)	
Personal Services	(530,154)	
All Other	(5,317,772)	
Capital Expenditures	(10,150)	

<b>TOTAL</b>		<b>(5,858,076)</b>
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Provides for the transfer of allocation and positions to the Learning Systems program.

**Blind and Visually Impaired - Division for the**

Positions - Other Count	(-1.5)	(-1.5)
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Personal Services	(23,221)	(50,613)	Provides for the transfer of allocation and one position to the Learning Systems program.	
Provides for the deallocation of funds through the elimination of one Accountant II position and one half-time Rehabilitation Consultant position to implement recommendations of the Productivity Realization Task Force.				
<b>Division of Finance</b>			<b>Division of Instruction</b>	
Positions - Other Count		(-3.0)	All Other	(63,123)
Personal Services		(96,349)	Provides for the transfer of allocation to the Regional Services program.	
All Other		(6,312)	<b>Division of Instruction</b>	
<b>TOTAL</b>		<u>(102,661)</u>	All Other	(112,605)
Provides for the transfer of allocation and positions to the Support Systems program.			Provides for the transfer of allocation to the Regional Services program.	
<b>Division of Higher Education</b>			<b>Division of Instruction</b>	
Positions - Other Count	(-3.0)	(-3.0)	Positions - Other Count	(-1.0)
Personal Services	(66,541)	(121,269)	Personal Services	(52,299)
All Other		(25,525)	All Other	(2,446,376)
<b>TOTAL</b>	<u>(66,541)</u>	<u>(146,794)</u>	Capital Expenditures	(18,000)
Provides for the deallocation of funds through the elimination of one Education Specialist III position, one Education Specialist II position, and one Clerk Stenographer II position.			<b>TOTAL</b>	<u>(2,516,675)</u>
<b>Division of Higher Education</b>			Provides for the transfer of allocation and one position to the Learning Systems program.	
All Other		(390,319)	<b>Division of Instruction</b>	
Provides for the transfer of allocation to the Regional Services program.			All Other	(33,287)
<b>Division of Higher Education</b>			Provides for the transfer of allocation to the Regional Services program.	
All Other		(90,000)	<b>Division of Instruction</b>	
Provides for the transfer of allocation to the Support Systems program.			All Other	(99,922)
<b>Division of Instruction</b>			Provides for the transfer of allocation to the Learning Systems program.	
Positions - Other Count		(-1.0)	<b>Division of Instruction</b>	
Personal Services		(42,831)	Positions - Other Count	(-2.0)
All Other		(56,825)	Personal Services	(95,979)
<b>TOTAL</b>		<u>(99,656)</u>	All Other	(191,840)

TOTAL	(287,819)	<b>Learning Systems</b>	
Provides for the transfer of allocation and positions to the Learning System program.		Positions - Other Count	(1.0)
		Personal Services	32,025
		All Other	2,465,894
		TOTAL	2,497,919
<b>Leadership</b>		Provides for the transfer of allocation and one position from the Preschool Handicapped program.	
Positions - Other Count	(3.5)		
Personal Services	142,853	<b>Learning Systems</b>	
All Other	48,916	Positions - Other Count	(1.0)
TOTAL	191,769	Personal Services	33,012
Provides for the transfer of allocation and positions from the Administrative Services Unit.		All Other	966,090
<b>Leadership</b>		TOTAL	999,102
All Other	20,000	Provides for the transfer of allocation and one position from the Preschool Handicapped program.	
Provides for the transfer of allocation from the Administrative Services Unit.		<b>Learning Systems</b>	
<b>Leadership</b>		All Other	2,625,000
Positions - Other Count	(1.0)	Provides for the transfer of allocation from the School to Work Transition program.	
Personal Services	48,999	<b>Learning Systems</b>	
All Other	58,518	Positions - Other Count	(15.0)
Capital Expenditures	3,200	Personal Services	752,293
TOTAL	110,717	All Other	10,547,969
Provides for the transfer of allocation and positions from the Administrative Services Unit.		TOTAL	11,300,262
<b>Learning Systems</b>		Provides for the transfer of allocation and positions from the Division of Special Services.	
Positions - Other Count	(1.0)	<b>Learning Systems</b>	
Personal Services	63,805	Positions - Other Count	(13.0)
All Other	1,187,973	Personal Services	540,025
Capital Expenditures	4,000	All Other	28,684,398
TOTAL	1,255,778	Capital Expenditures	2,850
Provides for the transfer of allocation and one position from the Division of Adult Education.		TOTAL	29,227,273
<b>Learning Systems</b>		Provides for the transfer of allocation and positions from the Division of Special Services.	
All Other	463,928	<b>Learning Systems</b>	
Provides for the transfer of allocation from the Division of Adult Education program.		Positions - Other Count	(1.0)
		Personal Services	45,194

All Other	91,102	<b>Learning Systems</b>	
TOTAL	<u>136,296</u>	Positions - Other Count	(12.0)
Provides for the transfer of allocation and one position from the Division of Special Services.		Personal Services	530,154
		All Other	5,317,772
		Capital Expenditures	10,150
		TOTAL	<u>5,858,076</u>
<b>Learning Systems</b>		Provides for the transfer of allocation and positions from the Division of Applied Technology.	
Personal Services	8,782		
All Other	538,315	<b>Learning Systems</b>	
TOTAL	<u>547,097</u>	Positions - Other Count	(1.0)
Provides for the transfer of allocation from the Division of Special Services.		Personal Services	42,831
		All Other	56,825
		TOTAL	<u>99,656</u>
<b>Learning Systems</b>		Provides for the transfer of allocation and one position from the Division of Instruction.	
Positions - Other Count	(1.0)		
Personal Services	63,089	<b>Learning Systems</b>	
All Other	753,049	Positions - Other Count	(2.0)
TOTAL	<u>816,138</u>	Personal Services	95,979
Provides for the transfer of allocation and one position from the Division of Special Services.		All Other	191,840
		TOTAL	<u>287,819</u>
<b>Learning Systems</b>		Provides for the transfer of allocation and positions from the Division of Instruction.	
All Other	281,332		
Provides for the transfer of allocation from the Division of Special Services.		<b>Learning Systems</b>	
		All Other	99,922
		Provides for the transfer of allocation from the Division of Instruction.	
<b>Learning Systems</b>			
Positions - Other Count	(1.0)	<b>Learning Systems</b>	
Personal Services	46,963	Positions - Other Count	(1.0)
All Other	1,550	Personal Services	52,299
TOTAL	<u>48,513</u>	All Other	2,446,376
Provides for the transfer of allocation and one position from the Division of Special Services.		Capital Expenditures	18,000
		TOTAL	<u>2,516,675</u>
<b>Learning Systems</b>		Provides for the transfer of allocation and one position from the Division of Instruction.	
Positions - Other Count	(3.0)		
Personal Services	162,292	<b>Management Information Systems</b>	
All Other	68,480	All Other	20,660
TOTAL	<u>230,772</u>		
Provides for the transfer of allocation and positions from the Division of Special Services.			

<p>Provides for the transfer of allocation from the Division of Management Information.</p> <p><b>Division of Management Information</b></p> <p>All Other (20,660)</p> <p>Provides for the transfer of allocation to the Management Information Systems program.</p> <p><b>Preschool Handicapped</b></p> <p>Positions - Other Count Personal Services All Other</p> <p>TOTAL</p> <p>Provides for the transfer of allocation and one position to the Learning Systems program.</p> <p><b>Preschool Handicapped</b></p> <p>Positions - Other Count Personal Services All Other</p> <p>TOTAL</p> <p>Provides for the transfer of allocation and one position to the Learning Systems program.</p> <p><b>Regional Services</b></p> <p>All Other</p> <p>Provides for the transfer of allocation from the Division of Instruction.</p> <p><b>Regional Services</b></p> <p>All Other</p> <p>Provides for the transfer of allocation from the Division of Instruction.</p> <p><b>Regional Services</b></p> <p>All Other</p> <p>Provides for the transfer of allocation from the Division of Instruction.</p> <p><b>Regional Services</b></p> <p>All Other</p>	<p>(20,660)</p> <p>(-1.0) (32,025) (2,465,894)</p> <hr/> <p>(2,497,919)</p> <p>(-1.0) (33,012) (966,090)</p> <hr/> <p>(999,102)</p> <p>998,948</p> <p>33,287</p> <p>112,605</p> <p>390,319</p>	<p>Provides for the transfer of allocation from the Division of Higher Education.</p> <p><b>Regional Services</b></p> <p>All Other 63,123</p> <p>Provides for the transfer of allocation from the Division of Instruction.</p> <p><b>Rehabilitation Services</b></p> <p>Positions - Other Count Personal Services</p> <p>Provides for the deallocation of funds through the elimination of one Rehabilitation Consultant position, one Rehabilitation Counselor II position, one Caseworker Supervisor position, 3 Account Clerk II positions, one Clerk Typist III position and one Clerk II position in fiscal years 1995-96 and 1996-97 and one Regional Director Rehabilitation Services position and one Rehabilitation Services Manager position in fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.</p> <p><b>Division of School Business Services</b></p> <p>Positions - Other Count Personal Services</p> <p>Provides for the deallocation of funds through the elimination of one Clerk Stenographer III position, one Sanitarian II position, and 2 Nutritionist positions.</p> <p><b>Division of School Business Services</b></p> <p>Positions - Other Count Personal Services All Other Capital Expenditures</p> <p>TOTAL</p>	<p>(-8.0) (243,775)</p> <p>(-10.0) (318,945)</p> <p>(-4.0) (110,602)</p> <p>(-4.0) (106,825)</p> <p>(-7.0) (317,330) (20,236,898) (15,500)</p> <hr/> <p>(20,569,728)</p>
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Provides for the transfer of allocation and positions to the Support Systems program.			All Other	(538,315)
			<b>TOTAL</b>	<u>(547,097)</u>
<b>School to Work Transition</b>			Provides for the transfer of allocation to the Learning Systems program.	
All Other	(2,625,000)			
Provides for the transfer of allocation to the Learning Systems program.			<b>Division of Special Services</b>	
			Positions - Other Count	(-1.0) (-1.0)
			Personal Services	(46,651) (44,552)
<b>Division of Special Services</b>			Provides for the deallocation of funds through the elimination of one Education Specialist III position.	
Positions - Other Count	(-1.0)	(-3.0)		
Personal Services	(43,433)	(56,354)	<b>Division of Special Services</b>	
Provides for the deallocation of funds through the elimination of one Education Specialist II position effective on July 1, 1995; one Clerk Typist II position on September 30, 1996; and one Secretary position on December 30, 1996.			Positions - Other Count	(-1.0) (-2.0)
			Personal Services	(43,433) (55,004)
<b>Division of Special Services</b>			Provides for the deallocation of funds through the elimination of one Education Specialist II position effective July 1, 1995 and one Clerk Stenographer II position effective September 30, 1996.	
Positions - Other Count	(-1.0)			
Personal Services	(46,963)		<b>Division of Special Services</b>	
All Other	(1,550)		Positions - Other Count	(-1.0) (-1.0)
<b>TOTAL</b>	<u>(48,513)</u>		Personal Services	(77,869) (76,116)
Provides for the transfer of allocation and one position to the Learning Systems program.			Provides for the deallocation of funds through the elimination of one Director of Compensatory Education position and a portion of one Clerk Typist II position.	
<b>Division of Special Services</b>			<b>Division of Special Services</b>	
All Other	(281,332)		Positions - Other Count	(-15.0)
Provides for the transfer of allocation to the Learning Systems program.			Personal Services	(752,293)
			All Other	(10,547,969)
<b>Division of Special Services</b>			<b>TOTAL</b>	<u>(11,300,262)</u>
Positions - Other Count	(-1.0)		Provides for the transfer of allocation and positions to the Learning Systems program.	
Personal Services	(45,194)		<b>Division of Special Services</b>	
All Other	(91,102)		Positions - Other Count	(-13.0)
<b>TOTAL</b>	<u>(136,296)</u>		Personal Services	(28,684,398)
Provides for the transfer of allocation and one position to the Learning Systems program.			Capital Expenditures	(2,850)
<b>Division of Special Services</b>				
Personal Services	(8,782)			

TOTAL	(29,227,273)	from the Division of School Business Services.		
Provides for the transfer of allocation and positions to the Learning Systems program.				
<b>Division of Special Services</b>		<b>DEPARTMENT OF EDUCATION</b>	(735,107)	(961,039)
		<b>TOTAL</b>		
Positions - Other Count	(-3.0)	<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
Personal Services	(162,292)	<b>Air Quality Control</b>		
All Other	(68,480)	Positions - Other Count		(-4.5)
TOTAL	(230,772)	Personal Services		(189,555)
Provides for the transfer of allocation and positions to the Learning Systems program.		All Other		(3,488)
<b>Division of Special Services</b>		TOTAL		(193,043)
Positions - Other Count	(-1.0)	Provides for the deallocation of funds from the elimination of one Clerk Typist III position, one Environmental Specialist III position and 2.5 Environmental Specialist II positions.		
Personal Services	(63,089)	<b>Lake Restoration and Protection Fund</b>		
All Other	(753,049)	Positions - Other Count		(-2.5)
TOTAL	(816,138)	Personal Services		(105,571)
Provides for the transfer of allocation and positions to the Learning Systems program.		All Other		(1,943)
<b>Support Systems</b>		TOTAL		(107,514)
All Other	90,000	Provides for the deallocation of funds from the elimination of one Environmental Specialist II position, one part-time Biologist Aide position and one Biologist I position.		
Provides for the transfer of allocation from the Division of Higher Education.		<b>Land Quality Control</b>		
<b>Support Systems</b>		Positions - Other Count		(-1.0)
Positions - Other Count	(3.0)	Personal Services		(57,531)
Personal Services	96,349	All Other		(1,059)
All Other	6,312	TOTAL		(58,590)
TOTAL	102,661	Provides for the deallocation of funds from the elimination of one Environmental Specialist IV position.		
Provides for the transfer of allocation and positions from the Division of Finance.		<b>Land Quality Control</b>		
<b>Support Systems</b>		Personal Services	4,167	(1,817)
Positions - Other Count	(7.0)	Provides for the allocation of funds through the elimination of one		
Personal Services	317,330			
All Other	20,236,898			
Capital Expenditures	15,500			
TOTAL	20,569,728			

Administrative Assistant position and the transfer in of one Environmental Specialist II position from the Land Quality Control program, General Fund.

Provides for the deallocation of funds from the elimination of one Environmental Specialist III position and one Environmental Specialist II position.

**Oil and Hazardous Materials Control**

Personal Services 479 1,726

Provides for the allocation of funds for the reclassification of one Clerk Typist III position to one Staff Development Specialist II position.

**Oil and Hazardous Materials Control**

Positions - Other Count (-1.0)  
 Personal Services (48,150)  
 All Other (1,204)  
 TOTAL (49,354)

**Oil and Hazardous Materials Control**

Positions - Other Count (-1.0) (-1.0)  
 Personal Services (11,020) (37,265)

Provides for the deallocation of funds through the elimination of one Environmental Specialist II position.

Provides for the deallocation of funds from the elimination of one Environmental Specialist III position.

**Water Quality Control**

Positions - Other Count (-3.0)  
 Personal Services (122,977)  
 All Other (2,263)  
 TOTAL (125,240)

**Oil and Hazardous Materials Control**

Positions - Other Count (1.0) (1.0)  
 Personal Services 18,906 56,693

Provides for the allocation of funds for the transfer of one Environmental Specialist IV position from the Oil and Hazardous Materials Control program, General Fund.

Provides for the deallocation of funds from the elimination of one Environmental Specialist IV position, one Environmental Specialist III position, and one Biologist Aide position.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

TOTAL (508) (645,238)

**Oil and Hazardous Materials Control**

Positions - Other Count (-1.0) (-1.0)  
 Personal Services (13,040) (44,358)

Provides for the deallocation of funding through the elimination of one Environmental Specialist III position.

**HUMAN SERVICES, DEPARTMENT OF**

**Administration - Human Services**

Positions - Other Count (-1.0) (-3.0)  
 Personal Services (8,729) (82,706)  
 All Other (750) (4,500)  
 TOTAL (9,479) (87,206)

**Oil and Hazardous Materials Control**

Positions - Other Count (-2.0)  
 Personal Services (84,914)  
 All Other (1,562)  
 TOTAL (86,476)

Provides for the deallocation of funds from the elimination of one Personnel and Payroll Technician position in fiscal year 1995-96 and fiscal year 1996-97; and 2 Data Entry Specialist positions in fiscal year

1996-97 only, and related All Other.			Administration - Human Services and the elimination of one Clerk Typist II position in this account.		
<b>Administration - Regional - Human Services</b>			<b>Administration - Income Maintenance</b>		
Positions - Other Count	(87.5)		Personal Services	(5,857)	
Personal Services	2,450,778		Provides for the deallocation of funds from the salary savings derived through the transfer of one Clerk Stenographer III position from the Department of Education and the elimination of one Clerk Typist III position in this account.		
Provides for the allocation of funds from the transfer of clerical positions into the Regional Clerical Pool, which includes one Clerk Typist I position, one part-time and 75 full- time Clerk Typist II positions, 7 Clerk Typist III positions, 3 Clerk Stenographer II positions, and one Human Services Aide III position.			<b>Administration - Income Maintenance</b>		
<b>Administration - Income Maintenance</b>			Personal Services	(6,702)	
Positions - Other Count	(-3.0)	(-3.0)	Provides for the deallocation of funds from the salary savings derived through the transfer of one Clerk Stenographer III position from the Department of Education and the elimination of one Clerk Typist III position in this account.		
Personal Services	(34,859)	(111,267)	<b>Administration - Income Maintenance</b>		
All Other	(3,750)	(4,500)	Personal Services	(6,702)	
TOTAL	<u>(38,609)</u>	<u>(115,767)</u>	Provides for the deallocation of funds from the salary savings derived through the transfer of one Clerk Stenographer III position from the Department of Education and the elimination of one Human Services Aide III position in this account.		
Provides for the deallocation of funds from the elimination of one Paralegal Assistant position, one Hearings Examiner position, one Clerk Typist II position, and related All Other.			<b>Administration - Income Maintenance</b>		
<b>Administration - Income Maintenance</b>			Personal Services	(6,702)	
Positions - Other Count	(-16.0)		Provides for the deallocation of funds from the salary savings derived through the transfer of one Clerk Stenographer III position from the Department of Education and the elimination of one Human Services Aide III position in this account.		
Personal Services	(516,767)		<b>Administration - Social Services</b>		
Provides for the deallocation of funds to transfer 11 Clerk Typist II positions and 5 Clerk Typist III positions into the Regional Clerical Pool.			Positions - Other Count	(-1.0)	(-1.0)
<b>Administration - Income Maintenance</b>			Personal Services	(12,050)	(36,279)
Personal Services	(13,166)		All Other	(1,500)	(1,500)
Provides for the deallocation of funds from the salary savings derived through the transfer of one Clerk Typist II position from			TOTAL	<u>(13,550)</u>	<u>(37,779)</u>
			Provides for the deallocation of funds from the elimination of one Planning and Research		

Associate I position, and related All Other.

position, one Assistant Director, Disease Control position, and related All Other.

**Aid to Families with Dependent Children - Foster Care**

Positions - Other Count	(-2.0)	
Personal Services	(54,296)	

Provides for the deallocation of funds to transfer 2 Clerk Typist II positions into the Regional Clerical Pool.

**Income Maintenance - Regional**

Positions - Other Count	(-3.0)	(-3.0)
Personal Services	(33,266)	(98,509)
All Other	(4,500)	(4,500)

TOTAL	(37,766)	(103,009)
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Provides for the deallocation of funds from the elimination of one Clerk Typist II position, one Clerk Typist III position, and one Income Maintenance Specialist position, and related All Other.

**Child Welfare Services**

Positions - Other Count	(-5.0)	
Personal Services	(140,058)	

Provides for the deallocation of funds to transfer 5 Clerk Typist II positions into the Regional Clerical Pool.

**Income Maintenance - Regional**

Positions - Other Count		(-55.0)
Personal Services		(1,481,524)

Provides for the deallocation of funds to transfer 52 Clerk Typist II positions, 2 Clerk Typist III positions, and one Human Services Aide III position into the Regional Clerical Pool.

**Elder and Adult Services - Bureau of**

Positions - Other Count	(-3.0)	(-3.0)
Personal Services	(39,096)	(118,073)
All Other	(6,000)	(6,000)
TOTAL	(45,096)	(124,073)

Provides for the deallocation of funds from the elimination of 2 part-time Foster Grandparent Program Specialist positions, one Social Service Program Specialist I position, and one Comprehensive Health Planner I position, and related All Other.

**Income Maintenance - Regional**

Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(42,453)	(169,812)
All Other	(1,500)	(6,000)

TOTAL	(43,953)	(175,812)
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Provides for the deallocation of funds for the elimination of 4 Disability Claims Examiner positions and related All Other.

**Health - Bureau of**

Positions - Other Count	(-6.0)	(-6.0)
Personal Services	(69,285)	(222,264)
All Other	(8,250)	(10,500)
TOTAL	(77,535)	(232,764)

Provides for the deallocation of funds from the elimination of one Paralegal Assistant position, 2 part-time Planning and Research Associate I positions, one Word Processing Operator position, one Public Health Educator II position, one Clerk III

**Medical Care Administration**

Positions - Other Count	(-9.5)	(-9.5)
Personal Services	(141,071)	(418,132)
All Other	(15,000)	(15,000)

TOTAL	(156,071)	(433,132)
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Provides for the deallocation of funds from the elimination of one Health Services Supervisor position, 2 Comprehensive Health

Planner I positions, one full-time and one part-time Comprehensive Health Planner II positions, 3 Health Services Consultant positions, one Clerk Typist III position, one Medical Claims Evaluator position and related All Other.

Management position, from the Employment Security Services program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.

**Medical Care Administration**

Positions - Other Count  
Personal Services (1.0)  
(28,389)

Provides for the deallocation of funds to transfer one Clerk Typist II position into the Regional Clerical Pool.

**Administration - Labor**

Positions - Other Count (5.0) (5.0)  
Personal Services 37,389 200,170

Provides for the allocation of funds from the transfer of one Accountant III position, one Account Clerk II position and one Executive Director - JTPA position to be reclassified to one Executive Director Operations position from the Job Training Partnership Fund program, Federal Expenditures Fund and for the transfer of one Accountant II position and one Account Clerk II position from the Administration - Bureau of Labor Standards program, General Fund to implement recommendations of the Productivity Realization Task Force.

**Welfare Employment, Education and Training**

Positions - Other Count (-8.5)  
Personal Services (229,744)

Provides for the deallocation of funds to transfer one Clerk Typist I position, one part-time and 4 full-time Clerk Typist II positions, and 3 Clerk Stenographer II positions into the Regional Clerical Pool.

**DEPARTMENT OF HUMAN SERVICES**

**TOTAL** (454,486) (1,309,542)

**Administration - Labor**

**LABOR, DEPARTMENT OF**

**Administration - Labor**

Positions - Other Count (10.0) (10.0)  
Personal Services 64,976 376,443

Provides for the allocation of funds from the transfer of one Director of Administrative Services position, one Chief Accountant position, 2 Accountant III positions, 2 Accountant II positions, one Accountant I position, one Account Clerk II position, one Account Clerk I position and one Assistant Director of Administrative Services position to be reclassified to a Director of Facilities

Positions - Other Count (3.0) (5.0)  
Personal Services 20,111 205,442

Provides for the allocation of funds for the transfer of 2 Accountant I positions and one Account Clerk II position from the 12 County SDA Job Training Partnership program, Federal Expenditures Fund in fiscal year 1995-96 and 1996-97 and the transfer of one Management Analyst II position from the Employment Security Services program, Federal Expenditures Fund and the transfer of one Director of Planning and Program Services position

from the Job Training Partnership Fund program, Federal Expenditures Fund to be reclassified to a Director Grant Management position in fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.

through the transfer of one Account Clerk I position, one Account Clerk II position, one Accountant I position, 2 Accountant II positions, 2 Accountant III positions, one Chief Accountant position, one Director Administrative Services position and one Assistant Director of Administrative Services position for fiscal year 1995-96 and fiscal year 1996-97 and the transfer of one Management Analyst II position for fiscal year 1996-97 to the Administration - Labor program, Federal Expenditures Fund to implement recommendations of the Productivity Realization Task Force.

**Administration - Bureau of Labor Standards**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(41,703)	(43,257)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(43,203)</b>	<b>(44,757)</b>

Provides for the deallocation of funds through the elimination of one Programmer Analyst position in fiscal year 1995-96 and fiscal year 1996-97 from the Labor Standards Administration Program to implement recommendations from the Productivity Realization Task Force.

**Employment Security Services**

Personal Services (152,208)

Provides for the deallocation of funds associated with the merger of employment and training programs within the Department of Labor.

**Employment Security Services**

Positions - Other Count	(-83.5)	(-83.5)
Personal Services	(2,428,129)	(2,881,703)
All Other	(102,000)	(132,000)
<b>TOTAL</b>	<b>(2,530,129)</b>	<b>(3,013,703)</b>

Provides for the deallocation of funds through the elimination of 38 seasonal positions, 3 part-time positions, and 62 full-time positions in fiscal year 1995-96 and fiscal year 1996-97 and associated costs to implement recommendations of the Productivity Realization Task Force. Position detail is on file at the Bureau of the Budget.

**Job Training Partnership Program**

Positions - Other Count (-3.0) (-4.0)  
 Personal Services (28,507) (223,243)

Provides for the deallocation of funds through the transfer of one Account Clerk II position, one Accountant III position and one Executive Director - JTPA position in fiscal year 1995-96 and fiscal year 1996-97 and one Director Planning and Program Services position in fiscal year 1996-97 to the Administration - Labor program, Federal Expenditures Fund to implement recommendations of the

**Employment Security Services**

Positions - Other Count	(-10.0)	(-11.0)
Personal Services	(73,452)	(473,261)

Provides for the deallocation of funds

Productivity Realization Task Force.			Productivity Realization Task Force.		
<b>Job Training Partnership Program</b>			<b>Twelve County SDA - Job Training Partnership Program</b>		
Positions - Other Count Personal Services	(-2.0) (10,606)	(-2.0) (62,094)	Positions - Other Count Personal Services	(-1.5) (11,691)	(-1.5) (58,380)
Provides for the deallocation of funds through the elimination of one Accountant I position and one Accountant II position to implement recommendations of the Productivity Realization Task Force.			Provides for the deallocation of funds through the elimination of one part-time Account Clerk I position and one Accountant III position to implement recommendations of the Productivity Realization Task Force.		
<b>Job Training Partnership Program</b>			<b>Twelve County SDA - Job Training Partnership Program</b>		
Positions - Other Count Personal Services		(4.0) 243,256	Positions - Other Count Personal Services		(3.0) 201,379
Provides for the allocation of funds to establish 4 Center Manager positions in fiscal year 1996-97 in the Job Training Partnership Program, Federal Expenditures Fund to implement recommendations from the Productivity Realization Task Force.			Provides for the allocation of funds to establish 3 Regional Coordinator positions in fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.		
<b>Job Training Partnership Program</b>			<b>Twelve County SDA - Job Training Partnership Program</b>		
Personal Services		79,124	Personal Services		(91,453)
Provides for the allocation of funds associated with the merger of employment and training programs within the Department of Labor.			Provides for the deallocation of funds associated with the merger of employment and training programs within the Department of Labor.		
<b>Twelve County SDA - Job Training Partnership Program</b>			<b>Occupational Information Coordination</b>		
Positions - Other Count Personal Services	(-3.0) (22,191)	(-3.0) (103,485)	Personal Services	4,796	27,523
Provides for the deallocation of funds through the transfer of one Account Clerk II position and 2 Accountant I positions to the Administration - Labor program, Federal Expenditures Fund to implement recommendations of the			Provides for the allocation of funds through the transfer of one Secretary position to the Maine Occupational Information Coordinating Committee program, General Fund and the transfer of one Education Specialist III position from the Maine Occupational Information Coordinating Committee program, General Fund to		

implement recommendations of the Productivity Realization Task Force.

**Occupational Information Coordination**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(43,214)	(58,885)

Provides for the deallocation of funds through the elimination of one Executive Secretary MOICC position to implement recommendations of the Productivity Realization Task Force.

**Regulation and Enforcement**

Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(89,834)	(91,734)
All Other	(3,000)	(3,000)

<b>TOTAL</b>	<u>(92,834)</u>	<u>(94,734)</u>
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Provides for the deallocation of funds through the elimination of one Safety Compliance Specialist position and one Occupational Health Specialist position and related costs to implement recommendations of the Productivity Realization Task Force.

**DEPARTMENT OF LABOR TOTAL**

<u>(2,728,555)</u>	<u>(3,042,866)</u>
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**MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF**

**Mental Health Services - Children**

Positions - Other Count	(-5.0)
Personal Services	(221,738)
All Other	(15,915)

<b>TOTAL</b>	<u>(237,653)</u>
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Provides for the deallocation of funds through the privatization of Bath Children's Home pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor.

**DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL**

(237,653)

**PUBLIC SAFETY, DEPARTMENT OF**

**Criminal Justice Academy**

Positions - Other Count	(-3.0)	(-3.0)
Personal Services	(26,616)	(128,751)
All Other	(46,000)	(365,274)

<b>TOTAL</b>	<u>(72,616)</u>	<u>(494,025)</u>
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Provides for the deallocation of funds through the elimination of one Clerk Stenographer II position and the transfer of one Senior Planner position and one Field Examiner II position to the Bureau of Highway Safety to provide for departmental central grants management.

**Highway Safety - Department of Public Safety**

Positions - Other Count	(1.0)	(1.0)
Personal Services	(6,305)	67,966
All Other	46,000	365,274

<b>TOTAL</b>	<u>39,695</u>	<u>433,240</u>
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Provides for the allocation of funds for the implementation of the central grants administration unit for the department through the elimination of one Highway Safety Aide position and the transfer of one Senior Planner position, and one Field Examiner II position from the Maine Criminal Justice Academy.

**DEPARTMENT OF PUBLIC SAFETY TOTAL**

<u>(32,921)</u>	<u>(60,785)</u>
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**SECTION TOTAL ALLOCATIONS**

<u>(3,717,538)</u>	<u>(5,840,765)</u>
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**Sec. A-4. Allocations.** The following funds are allocated from the 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>			approved restructuring plan.		
<b>Executive Branch Departments and Independent Agencies - Statewide</b>			<b>Agricultural Production</b>		
Personal Services	96,123	152,454	Personal Services	24,245	48,490
Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through the productivity plans.			All Other	(24,245)	(48,490)
			<b>TOTAL</b>	<u>-0-</u>	<u>-0-</u>
<b>Executive Branch Departments and Independent Agencies - Statewide</b>			Provides for the allocation of funds for 1/2 of one split-funded Department Information Systems Manager position as authorized by Public Law 1995, chapter 502.		
Personal Services	24,708	73,005	<b>Agricultural Production</b>		
Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through the productivity plans.			All Other	(516)	(531)
			Provides for the deallocation of funds from the transfer of the cranberry development program to the Division of Market and Production Development in accordance with the approved restructuring plan.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL</b>	<u>120,831</u>	<u>225,459</u>	<b>Agricultural Production</b>		
<b>AGRICULTURE, FOOD AND RURAL RESOURCES DEPARTMENT OF</b>			All Other	(506)	(511)
<b>Office of Agricultural, Natural and Rural Resources</b>			Capital Expenditures	(1,500)	
All Other	10,320	10,320	<b>TOTAL</b>	<u>(2,006)</u>	<u>(511)</u>
Provides for the allocation of funds from the transfer of the complaint response program from Agricultural Production in accordance with the approved restructuring plan.			Provides for the deallocation of funds from the transfer of the ginseng program to the Division of Plant Industry in accordance with the approved restructuring plan.		
<b>Office of Agricultural, Natural and Rural Resources</b>			<b>Agricultural Production</b>		
All Other	15,000	15,000	All Other	(15,000)	(15,000)
Provides for the allocation of funds from the transfer of the cull potato removal program from Agricultural Production in accordance with the			Provides for the deallocation of funds from the transfer of the cull potato removal program to the Office of Agricultural, Natural and Rural Resources in accordance with the approved restructuring plan.		
			<b>Agricultural Production</b>		
			All Other	(10,320)	(10,320)

Provides for the deallocation of funds to transfer the complaint response program from Agricultural Production to the Office of Agricultural, Natural and Rural Resources in accordance with the approved restructuring plan.

**Agricultural Production**

Positions - Other Count	(-16.5)	(-16.5)
Personal Services	(790,989)	(799,737)
All Other	(312,699)	(321,433)
Capital Expenditures	(10,000)	(10,000)
<b>TOTAL</b>	<b>(1,113,688)</b>	<b>(1,131,170)</b>

Provides for the deallocation of funds to transfer the seed certification program to the Division of Plant Industry in accordance with the approved restructuring plan.

**Division of Plant Industry**

All Other	506	511
Capital Expenditures	1,500	
<b>TOTAL</b>	<b>2,006</b>	<b>511</b>

Provides for the allocation of funds from the transfer of the ginseng program from Agricultural Production in accordance with the approved restructuring plan.

**Division of Plant Industry**

Positions - Other Count	(16.5)	(16.5)
Personal Services	790,989	799,737
All Other	312,699	321,433
Capital Expenditures	10,000	10,000
<b>TOTAL</b>	<b>1,113,688</b>	<b>1,131,170</b>

Provides for the allocation of funds from the transfer of the seed certification program from Agricultural Production in accordance with the approved restructuring plan.

**Division of Market and Production Development**

All Other	516	531
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Provides for the allocation of funds from the transfer of the cranberry development program from Agricultural Production in accordance with the approved restructuring plan.

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

**AUDIT, DEPARTMENT OF**

**Audit - Municipal Bureau**

Positions - Other Count	(-13.0)	(-13.0)
Personal Services	(446,014)	(516,983)

Provides for the deallocation of funds through the elimination of 4 Auditor I positions, one Director of Audits position, 2 Auditor II positions, 3 Auditor III positions, 2 Secretary positions and one Department Computer Supervisor position in accordance with the recommendations of the Productivity Realization Task Force.

**DEPARTMENT OF AUDIT**

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Energy Conservation Division**

Personal Services	(18,325)	(36,334)
All Other	(272)	(1,134)
<b>TOTAL</b>	<b>(18,597)</b>	<b>(37,468)</b>

Provides for the deallocation of funds from the elimination of one Energy Conservation Specialist position and All Other savings, as part of the Productivity Realization Task Force plan. The headcount is in the Federal Expenditures Fund account.

**Energy Conservation Division**

Personal Services	(18,837)	(41,156)
All Other	(364)	(1,150)
<b>TOTAL</b>	<u>(19,201)</u>	<u>(42,306)</u>

Provides for the deallocation of funds from the transfer of one Energy Conservation Specialist position to the Department of Environmental Protection as part of the Productivity Realization Task Force plan. The headcount is in the Federal Expenditures Fund account.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL**

<u>(37,798)</u>	<u>(79,774)</u>
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**EDUCATION, DEPARTMENT OF**

**Division of Applied Technology**

All Other	(25,000)
Provides for the transfer of allocation to the Learning Systems program.	

**Division of Finance**

All Other	(269,320)
Provides for the transfer of allocation to the Leadership program.	

**Division of Finance**

All Other	(552)
Provides for the transfer of allocation to the Support Systems program.	

**Division of Higher Education**

Positions - Other Count	(-7.0)
Personal Services	(358,302)
Provides for the transfer of allocation and positions to the Support Systems program.	

**Division of Instruction**

Positions - Other Count	(-2.0)
Personal Services	(80,678)
All Other	(15,313)

**TOTAL** (95,991)

Provides for the transfer of allocation and positions to the Learning Systems program.

**Division of Instruction**

All Other	(42,195)
Provides for the transfer of allocation to the Learning Systems program.	

**Leadership**

All Other	269,320
Provides for the transfer of allocation from the Division of Finance.	

**Learning Systems**

All Other	350,000
Provides for the transfer of allocation from the Special Education - State Agency Client program.	

**Learning Systems**

All Other	25,000
Provides for the transfer of allocation from the Division of Applied Technology.	

**Learning Systems**

All Other	42,195
Provides for the transfer of allocation from the Division of Instruction	

**Learning Systems**

Positions - Other Count	(2.0)
Personal Services	80,678
All Other	15,313

**TOTAL** 95,991

Provides for the transfer of allocation and positions from the Division of Instruction.

**Division of School Business Services**

All Other	(5,015)
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Provides for the transfer of allocation to the Support Systems program.		Personal Services	815	2,656
<b>Special Education - State Agency Client</b>		Provides for the allocation of funds for the reclassification of one Personnel Assistant position to one Staff Development Specialist III position to implement recommendations of the Productivity Realization Task Force.		
All Other	(350,000)			
Provides for the transfer of allocation to the Learning Systems program.				
<b>Support Systems</b>		<b>Administrative Service Center</b>		
All Other	552	Positions - Other Count	(-0.5)	(-0.5)
Provides for the transfer of allocation from the Division of Finance.		Provides for a correction in headcount to Public Law 1995, chapter 502, Part B, section 3. One Conservation Aide position was transferred from the Administration - Environmental Protection program, Other Special Revenue as one instead of 1/2 headcount.		
<b>Support Systems</b>		<b>Administrative Service Center</b>		
All Other	5,015	Positions - Other Count	(0.5)	(0.5)
Provides for the transfer of allocation from the Division of School Business Services.		Provides for a correction in headcount to Public Law 1995, chapter 502, Part B, section 3. One Conservation Aide position was eliminated as one instead of 1/2 headcount.		
<b>Support Systems</b>		<b>Administrative Service Center</b>		
Positions - Other Count	(7.0)	Positions - Other Count	(0.5)	(0.5)
Personal Services	358,302	Provides for a correction in headcount to Public Law 1995, chapter 502, Part B, section 3. One Conservation Aide position was eliminated as one instead of 1/2 headcount.		
Provides for the transfer of allocation and positions from the Division of Higher Education.				
<b>DEPARTMENT OF EDUCATION TOTAL</b>	<hr/> -0-	<b>Maine Environmental Protection Fund</b>		
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		Positions - Other Count	(1.0)	(1.0)
<b>Administration - Environmental Protection</b>		Personal Services	25,719	44,580
Positions - Other Count	(-0.5)	(-0.5)		
Provides for a correction in headcount to Public Law 1995, chapter 502, Part B, section 3. One Conservation Aide position was transferred to the Administrative Services Center program, Other Special Revenue as one instead of 1/2 headcount.		Provides for the allocation of funds from the transfer of one Environmental Specialist II position from the Land Quality Control program, General Fund.		
<b>Administration - Environmental Protection</b>		<b>Maine Environmental Protection Fund</b>		
		Positions - Other Count	(1.0)	(1.0)
		Personal Services	19,434	41,402
		All Other	485	1,035
		<b>TOTAL</b>	<hr/> 19,919	<hr/> 42,437
		Provides for the allocation of funds from the transfer of one Energy		

<p>Conservation Specialist position from the Energy Conservation Division program in the Department of Economic and Community Development.</p>			<p>Positions - Other Count (-2.0) Personal Services (81,404) All Other (1,498)</p> <hr/> <p>TOTAL (82,902)</p> <p>Provides for the deallocation of funds from the elimination of 2 Oil and Hazardous Material Specialist positions.</p>		
<p><b>Land Quality Control</b></p>					
<p>Positions - Other Count (-1.0) Personal Services (37,908) All Other (1,024)</p> <hr/> <p>TOTAL (38,932)</p> <p>Provides for the deallocation of funds from the elimination of one Environmental Specialist II position.</p>			<p><b>Solid Waste Management</b></p> <p>Positions - Other Count (-1.0) (-1.0) Personal Services (10,703) (33,655)</p> <p>Provides for the deallocation of funds through the elimination of one Clerk IV position.</p>		
<p><b>Municipal Sewerage Construction</b></p>					
<p>Positions - Other Count (-2.0) Personal Services (71,059) All Other (1,307)</p> <hr/> <p>TOTAL (72,366)</p> <p>Provides for the deallocation of funds from the elimination of one Clerk Typist II position and one Assistant Environmental Engineer position.</p>			<p><b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b></p> <hr/> <p>TOTAL 17,019 (200,260)</p> <p><b>HISTORIC PRESERVATION COMMISSION, MAINE</b></p> <p><b>Historic Preservation Commission</b></p> <p>Positions - Other Count (-5.5) (-5.5) Personal Services (137,817) (161,316) All Other 137,817 161,316</p> <p>Provides for the transfer of funds from Personal Services to All Other from the elimination of 15 part-time seasonal Museum Technician I positions and to allow for contracting these services.</p>		
<p><b>Oil and Hazardous Materials Control</b></p>					
<p>Personal Services 606 2,070</p> <p>Provides for the allocation of funds for the reclassification of one Director, Environmental Services position to one Director, Innovation and Assistance position.</p>			<p><b>MAINE HISTORIC PRESERVATION COMMISSION</b></p> <hr/> <p>TOTAL -0- -0-</p> <p><b>HUMAN SERVICES, DEPARTMENT OF</b></p> <p><b>Administration - Human Services</b></p> <p>Positions - Other Count (-1.0) (-1.0) Personal Services (11,119) (38,793) All Other (750) (1,500)</p> <hr/> <p>TOTAL (11,869) (40,293)</p> <p>Provides for the deallocation of funds from the elimination of one</p>		
<p><b>Oil and Hazardous Materials Control</b></p>					
<p>Positions - Other Count (-1.0) (-1.0) Personal Services (19,337) (64,148)</p> <p>Provides for the deallocation of funds through the elimination of one Division Director, Environmental Service's position.</p>					

Statistician II position and related All Other.  
**Administration - Regional - Human Services**

Positions - Other Count	(5.0)	
Personal Services	158,410	

Provides for the allocation of funds to transfer 5 Clerk Typist III positions into the Regional Clerical Pool.

**Administration - Income Maintenance**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(20,263)	(58,539)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<b>(21,763)</b>	<b>(60,039)</b>

Provides for the deallocation of funds from the elimination of one Support Enforcement Field Supervisor position and related All Other.

**Administration - Income Maintenance**

Positions - Other Count	(-5.0)	
Personal Services	(158,410)	

Provides for the deallocation of funds to transfer 5 Clerk Typist III positions into the Regional Clerical Pool.

**Administration - Income Maintenance**

Personal Services	(6,520)	
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Provides for the deallocation of funds from the salary savings derived through the transfer of one Secretary position from the Department of Education and the elimination of one Clerk Typist III position.

**Elder and Adult Services - Bureau of**

Positions - Other Count	(0.5)	(0.5)
Personal Services	6,425	27,097
All Other	411	1,688
<b>TOTAL</b>	<b>6,836</b>	<b>28,785</b>

Provides for the allocation of funds to allow the transfer of one part-time Health Care Financial Analyst position and related All Other from the Office of Health Planning and Development.

**Health - Bureau of**

Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(19,037)	(62,520)
All Other	(3,750)	(4,500)

<b>TOTAL</b>	<b>(22,787)</b>	<b>(67,020)</b>
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Provides for the deallocation of funds from the elimination of one part-time Laboratory Technician II position, one part-time Stores Clerk position, one Safety Compliance Specialist position and related All Other.

**Health - Bureau of**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(14,755)	(49,821)
All Other	(750)	(1,500)

<b>TOTAL</b>	<b>(15,505)</b>	<b>(51,321)</b>
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Provides for the deallocation of funds from the elimination of one Chemist II position and related All Other.

**Health Planning and Development**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(1,694)	(10,648)
All Other	(750)	(1,500)

<b>TOTAL</b>	<b>(2,444)</b>	<b>(12,148)</b>
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Provides for the deallocation of funds from the elimination of one part-time Clerk Typist II position and related All Other.

**Health Planning and Development**

Positions - Other Count	(-0.5)	(-0.5)
Personal Services	(6,425)	(27,097)
All Other	(411)	(1,688)

<b>TOTAL</b>	<b>(6,836)</b>	<b>(28,785)</b>
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Provides for the deallocation of funds to be transferred to the Bureau of Elder and Adult Services, including one part-time Health Care Financial Analyst position and related All Other.

<b>Medical Care Administration</b>		
Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(11,786)	(34,050)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<u>(13,286)</u>	<u>(35,550)</u>

Provides for the deallocation of funds from the elimination of one Planning and Research Assistant position and related All Other.

<b>Plumbing - Control Over</b>		
Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(11,046)	(31,908)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<u>(12,546)</u>	<u>(33,408)</u>

Provides for the deallocation of funds from the elimination of one Clerk Typist III position and related All Other.

<b>DEPARTMENT OF HUMAN SERVICES</b>		
<b>TOTAL</b>	<u>(106,720)</u>	<u>(299,779)</u>

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior, District and Administrative**

All Other	132,000	400,000
Provides for the allocation of funds for mediation services as a result of the productivity plan.		
<b>JUDICIAL DEPARTMENT TOTAL</b>	<u>132,000</u>	<u>400,000</u>

**LABOR, DEPARTMENT OF**

**Administration - Labor**

Personal Services	8,447	53,935
Provides for the allocation of funds for the Other Special Revenue proportionate share of position actions as a result		

of recommendations of the Productivity Realization Task Force.

<b>Safety Education and Training Programs</b>		
Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(32,655)	(33,638)
All Other	(1,500)	(1,500)
<b>TOTAL</b>	<u>(34,155)</u>	<u>(35,138)</u>

Provides for the deallocation of funds through the elimination of one Labor Statistician Technician position to implement recommendations of the Productivity Realization Task Force.

<b>Safety Education and Training Programs</b>		
Personal Services	1,792	12,021

Provides for the allocation of funds for the reclassification of one Occupational Health Specialist position to one Senior Occupational Health Specialist position and of one Occupational Safety Engineer position to one Senior Occupational Safety Engineer position to implement recommendations of the Productivity Realization Task Force.

<b>Safety Education and Training Programs</b>		
Personal Services	(4,876)	(27,867)

Provides for the deallocation of funds through changes in allocation ratios for fiscal year 1995-96 and fiscal year 1996-97 to implement recommendations of the Productivity Realization Task Force.

<b>DEPARTMENT OF LABOR TOTAL</b>	<u>(28,792)</u>	<u>2,951</u>
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**MARINE RESOURCES, DEPARTMENT OF**

**Marine Development - Bureau of**

Positions - Other Count	(-4.5)	(-4.5)
Personal Services	(65,383)	(136,598)
All Other	(28,945)	(56,702)
Capital Expenditures	(2,285)	(2,285)
<b>TOTAL</b>	<b>(96,613)</b>	<b>(195,585)</b>

Provides for the deallocation of funds for the transfer of one Marine Resource Technician position, one Marine Resource Specialist I position and 4 Conservation Aide positions from the Division of Community Resource Development to the Bureau of Resource Management.

**TOTAL** (136,441) (281,879)

Provides for the deallocation of funds for the transfer of one Marine Resource Scientist II position, one Marine Resource Specialist I position, one Marine Patrol Officer position and 2 Conservation Aide positions from the Division of Community Resource Development to the Bureau of Resource Management.

**Marine Development - Bureau of**

All Other (34,838) (69,983)

Provides for the deallocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**Marine Development - Bureau of**

All Other	(4,670)	(32,497)
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Provides for the deallocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**Marine Development - Bureau of**

All Other (17,588) (35,000)  
Capital Expenditures (12,500) (25,000)

**TOTAL** (30,088) (60,000)

Provides for the deallocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**Marine Development - Bureau of**

All Other	(17,216)	(56,035)
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Provides for the deallocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**Marine Sciences - Bureau of**

Positions - Other Count	(4.5)	(4.5)
Personal Services	65,383	136,598
All Other	28,945	56,702
Capital Expenditures	2,285	2,285

**TOTAL** 96,613 195,585

Provides for the allocation of funds for the transfer of

**Marine Development - Bureau of**

Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(87,085)	(182,045)
All Other	(29,046)	(59,212)
Capital Expenditures	(20,310)	(40,622)

one Marine Resource Technician position, one Marine Resource Specialist I position and 4 Conservation Aide positions from the Division of Community Resource Development to the Bureau of Resource Management.

**Marine Sciences - Bureau of**

All Other	4,670	32,497
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Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**Marine Sciences - Bureau of**

Positions - Other Count	(4.0)	(4.0)
Personal Services	87,085	182,045
All Other	29,046	59,212
Capital Expenditures	20,310	40,622

TOTAL	136,441	281,879
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Provides for the allocation of funds for the transfer of one Marine Resource Scientist II position, one Marine Resource Specialist I position, one Marine Patrol Officer position, and 2 Conservation Aide positions from the Division of Community Resource Development to the Bureau of Resource Management.

**Marine Sciences - Bureau of**

All Other	17,216	56,035
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Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**Marine Sciences - Bureau of**

All Other	17,588	35,000
Capital Expenditures	12,500	25,000

TOTAL	30,088	60,000
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Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**Marine Sciences - Bureau of**

All Other	34,838	69,983
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Provides for the allocation of funds to transfer allotment from the Division of Community Resource Development to the Bureau of Resource Management. This brings the dedicated accounts into alignment with the General Fund accounts.

**DEPARTMENT OF MARINE RESOURCES**

TOTAL	-0-	-0-
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**MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF**

**Augusta Mental Health Institute**

Positions - Other Count	(-17.0)	(-24.0)
Personal Services	(527,083)	(730,023)
All Other		(22,795)

TOTAL	(527,083)	(752,818)
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Provides for the deallocation of funds through the elimination of the following positions: one Assistant to the Superintendent, one Director, Social Services, one Carpenter Supervisor, one Medical Records Administrator, one Rehabilitation Services Director, one Nurse Manager, one Chief Operations Officer, one part-time Clerk Typist III, one Custodial Worker II,

one part-time Food Service Worker, one Housekeeper II, one Institutional Custodial Worker, one Locksmith, one Medical Secretary, one Payroll Supervisor, one Plumber II, one Safety Compliance Officer, 5 intermittent Mental Health Worker I, one intermittent Nurse II, one Switchboard Operator and the reduction of 13 hours for 2 Clerk Typist III positions pursuant to plans submitted to the Productivity Realization Task Force and approved by the Governor. Also deallocates funds from the elimination of one Habilitation Aide position, one Mental Health Worker III position, one Mental Health Worker V position, one Nurse I position, one Nurse II position, one Psychiatric Therapy Instructor position, one Habilitation position, 5 intermittent Mental Health Worker I positions and one intermittent Nurse II position effective September 30, 1996 to maintain a reserve capacity for acute admissions until adequate community alternatives are in place.

**Bangor Mental Health Institute**

Positions - Other Count	(-38.5)	(-38.5)
Personal Services	(363,703)	(942,651)
All Other		(36,567)
<b>TOTAL</b>	<u>(363,703)</u>	<u>(979,218)</u>

Provides for the deallocation of funds through the reduction from full-time to part-time one Personnel Officer position and one Clerk Typist II position, and the elimination of the following positions: one Account Clerk II, 9 Mental Health Worker I, one Mental Health

Worker II, 3 Nurse I, 3 Nurse II, 6 Nurse III, one Nurse IV, one Switchboard Operator, one Psychiatric Social Worker I, one Psychiatric Social Worker II, 2 LPN, one Custodial Worker II, one Custodial Worker III, one Laborer II, one Safety Officer, one Physician Assistant, 2 Ward Clerk, one Assistant Team Leader, one 18-hour-per-week Clinical Dietitian, and one part-time Psychiatric Nursing Instructor pursuant to the plans submitted to the Productivity Realization Task Force.

**DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION**

<b>TOTAL</b>	<u>(890,786)</u>	<u>(1,732,036)</u>
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**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Insurance - Bureau of**

Personal Services	500	2,000
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Provides for the allocation of funds for the reorganization of one Principal Insurance Examiner position to one Managing Insurance Examiner position as part of the department's productivity plan.

**Insurance - Bureau of**

Personal Services	450	1,800
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Provides for the allocation of funds for the range change of one Insurance Rate Analyst position from range 21 to range 22 as part of the department's productivity plan.

**Licensing and Enforcement**

Positions - Other Count		(3.0)
Personal Services		89,989
All Other		43,500
Capital Expenditures		7,500

<b>TOTAL</b>		<u>140,989</u>
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Provides for the allocation of funds for the transfer of one Chief Boiler Elevator Inspector position and 2 Clerk Typist III positions in fiscal year 1996-97 from the Regulation and Enforcement program, General Fund in the Department of Labor to implement recommendations of the Productivity Realization Task Force.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION TOTAL**

950 144,789

**PUBLIC SAFETY, DEPARTMENT OF**

**Administration - Public Safety**

Positions - Other Count (30.0)  
 Personal Services 1,207,227  
 All Other 254,407  
 TOTAL 1,461,634

Provides for the allocation of funds for the establishment, through transfer from the Office of the State Fire Marshal and the Licensing and Enforcement Unit of the Maine State Police, of 3 Clerk Typist III positions, 5 Clerk Typist II positions, one Account Clerk II position, one State Police Sergeant position, 2 State Police Detective positions, 2 Public Safety Inspector III positions, 4 Public Safety Inspector II positions, 11 Public Safety Inspector I positions and one Senior Information Systems Support Specialist position to the Licensing and Inspections Unit within the Administrative Services Division of the Department of Public Safety.

**Drug Enforcement Agency**

Positions - Other Count (-2.0) (-3.0)  
 Personal Services 1,829 (152,361)

Provides for the deallocation of funds through the elimination of one Business Manager I position and one Senior Agent position in fiscal year 1995-96 and the transfer of one Senior Information Systems Support Specialist position in fiscal year 1996-97 to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety.

**Fire Marshal - Office of**

Positions - Other Count (-25.0)  
 Personal Services (901,955)  
 All Other (153,589)  
 TOTAL (1,055,544)

Provides for the deallocation of funds through the elimination of one Clerk Typist II position, 2 Clerk Stenographer II positions, one Fire Inspector position, one Fire Protection Specialist Assistant position, the transfer and reclassification of one Fire Inspector Supervisor position, 7 Fire Inspector positions, one Fire Protection Specialist position, 7 Fire Protection Specialist Assistant positions and one Clerk Stenographer II position and the transfer of 2 Clerk Typist II positions and one Account Clerk II position to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety.

**Fire Marshal - Office of**

Positions - Other Count (-1.0)  
 Personal Services (40,495)  
 All Other (6,683)  
 TOTAL (47,178)

Provides for the deallocation of funds for one Fire Protection Specialist Assistant position transferred to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety.

**Licensing and Enforcement - Public Safety**

Positions - Other Count	(-8.0)	
Personal Services	(338,299)	
All Other	(94,135)	
<b>TOTAL</b>	<b>(432,434)</b>	

Provides for the deallocation of funds through the transfer and reclassification of 2 Clerk Stenographer III positions, the transfer of 2 Clerk Typist II positions, one Clerk Typist III position, one State Police Sergeant position and 2 State Police Detective positions to the Licensing and Inspection Unit within the Administrative Services Division of the Department of Public Safety.

**Traffic Safety - Commercial Vehicle Enforcement**

Personal Services	(13,988)	(60,540)
Provides for the deallocation of funds as a result of a classification change of 2 State Trooper positions to 2 Motor Carrier Inspector positions.		

**Turnpike Enforcement**

Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(6,479)	(28,733)
Provides for the deallocation of funds through the elimination of one vacant Clerk Typist III position.		

**DEPARTMENT OF PUBLIC SAFETY**

<b>TOTAL</b>	<b>(18,638)</b>	<b>(315,156)</b>
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<b>SECTION</b>		
<b>TOTAL ALLOCATIONS</b>	<b>(1,257,948)</b>	<b>(2,370,789)</b>

**Sec. A-5. Allocations.** The following funds are allocated from the Federal Block Grant 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**

**EDUCATION, DEPARTMENT OF**

**Division of Instruction**

Positions - Legislative Count	(-2.0)
Personal Services	(114,801)
All Other	(5,420)
<b>TOTAL</b>	<b>(120,221)</b>

Provides for the transfer of allocation and positions to the Learning Systems program.

**Learning Systems**

Positions - Legislative Count	(2.0)
Personal Services	114,801
All Other	5,420
<b>TOTAL</b>	<b>120,221</b>

Provides for the transfer of allocation and positions from the Division of Instruction.

**Management Information Systems**

Positions - Legislative Count	(5.0)
Personal Services	268,100
All Other	2,320,605
Capital Expenditures	30,000
<b>TOTAL</b>	<b>2,618,705</b>

Provides for the transfer of allocation and positions from the Support Services Unit.

**Support Services Unit**

Positions - Legislative Count	(-5.0)
Personal Services	(268,100)
All Other	(2,320,605)
Capital Expenditures	(30,000)
<b>TOTAL</b>	<b>(2,618,705)</b>

Provides for the transfer of allocation and positions to the Management

Information Systems program.  
**DEPARTMENT OF EDUCATION**  
**TOTAL** \_\_\_\_\_ -0-

**HUMAN SERVICES, DEPARTMENT OF Administration - Regional - Human Services**

Positions - Legislative Count (5.0)  
 Personal Services 142,395

Provides for the allocation of funds to transfer clerical positions into the Regional Clerical Pool, which includes 5 Clerk Typist II positions.

**Maternal and Child Health**

Positions - Legislative Count (-5.0)  
 Personal Services (142,395)

Provides for the deallocation of funds to transfer 5 Clerk Typist II positions into the Regional Clerical Pool.

**Maternal and Child Health**

Positions - Legislative Count (-1.0) (-1.0)  
 Personal Services (13,807) (13,807)  
 All Other (1,500) (1,500)  
**TOTAL** \_\_\_\_\_ (15,307) \_\_\_\_\_ (15,307)

Provides for the deallocation of funds from the elimination of one Comprehensive Health Planner I position and related All Other.

**DEPARTMENT OF HUMAN SERVICES**

**TOTAL** \_\_\_\_\_ (15,307) \_\_\_\_\_ (15,307)

**SECTION TOTAL ALLOCATIONS** \_\_\_\_\_ (15,307) \_\_\_\_\_ (15,307)

**Sec. A-6. Allocations.** The following funds are allocated from the Telecommunications 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>		

**Intergovernmental Telecommunications Fund**  
 All Other (9,000) (18,000)

Provides for the deallocation of funds from productivity savings as a result of streamlining operations.

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
**TOTAL** \_\_\_\_\_ (9,000) \_\_\_\_\_ (18,000)

**SECTION TOTAL ALLOCATIONS** \_\_\_\_\_ (9,000) \_\_\_\_\_ (18,000)

**Sec. A-7. Allocations.** 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>		

**Data Processing Services**

Positions - Other Count (-10.0) (-10.0)  
 Personal Services (251,091) (396,651)  
 All Other (213,376) (325,392)

**TOTAL** \_\_\_\_\_ (464,467) \_\_\_\_\_ (722,043)

Provides for the deallocation of funds to reflect the savings produced through productivity efforts in operations through the elimination of one Computer Operator position, one Database Analyst position, one Programmer Analyst position, one Data Communications Technician position, one Computer Support Supervisor position, one Computer Operations Assistant Manager position, one Data Control Librarian Supervisor position, one Storekeeper I position, one Data Control Specialist position and one Computer Operations Supervisor position.

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(464,467)	(722,043)
<b>SECTION</b>		
<b>TOTAL ALLOCATIONS</b>	(464,467)	(722,043)

**Sec. A-8. Allocations.** The following funds are allocated from Internal Services Fund - Statewide 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	14,975	23,656
Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through the productivity plans.		

<b>Executive Branch Departments and Independent Agencies - Statewide</b>		
Personal Services	3,849	11,328
Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through the productivity plans.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	18,824	34,984
<b>SECTION</b>		
<b>TOTAL ALLOCATIONS</b>	18,824	34,984

**Sec. A-9. Allocations.** 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	(-9.5)	(-9.5)
Positions - Other Count	(-4.5)	(-4.5)
Personal Services	(391,846)	(471,462)

Provides for the deallocation of funds through the elimination of 2 Assistant Manager Retail Store positions, 6.5 Retail Store Clerk positions, one Retail Store Manager I position, 3.5 seasonal Retail Store Clerk positions, 12 intermittent Retail Store Clerk positions and one seasonal Store Clerk position.

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	(391,846)	(471,462)
<b>SECTION</b>		
<b>TOTAL ALLOCATIONS</b>	(391,846)	(471,462)

**Sec. A-10. Allocations.** The following funds are allocated from the Enterprise Fund - Statewide 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	23,370	28,118
Provides for the allocation of funds for the unfunded liability portion of the Personal Services savings achieved through the productivity plans.		

<b>Executive Branch Departments and Independent Agencies - Statewide</b>		
Personal Services	6,007	13,465
Provides for the allocation of funds for the retiree health insurance portion of the Personal Services savings achieved through the productivity plans.		

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	29,377	41,583
SECTION		
TOTAL ALLOCATIONS	\$29,377	\$41,583

**PART B**

**Sec. B-1. 5 MRSA §12004-I, sub-§§87 and 88**, as amended by PL 1989, c. 875, Pt. M, §§1 and 13, are further amended to read:

87.	Maine Tourism Commission	Expenses Only	5 MRSA §13067- §13080-R
88.	Maine State Film Commission	Expenses Only	5 MRSA §13069- §13080-T

**Sec. B-2. 5 MRSA §13055, sub-§1, ¶B**, as amended by PL 1991, c. 622, Pt. F, §7, is further amended to read:

B. The Office of Tourism and Community Development.

**Sec. B-3. 5 MRSA §13062-A, sub-§§1 and 3**, as enacted by PL 1993, c. 410, Pt. NNN, §1, are amended to read:

**1. Economic Conversion Division; establishment.** The Economic Conversion Division, referred to in this section as the "division," is established within the Office of Business Tourism and Community Development to implement the recommendations of the Task Force on Defense Realignment and the Economy.

**3. Responsibilities.** The Economic Conversion Division, in conjunction with ~~the Office of Business Development and~~ the Task Force on Defense Realignment and the Economy, shall perform the following functions:

- A. Serve as a clearinghouse for any firm, community or worker concerning economic conversion or defense dislocation assistance;
- B. Coordinate all interagency state economic conversion and diversification resources, activities and programs;
- C. Provide necessary support and coordination of established and future regional conversion task force efforts in the State;
- D. Pursue federal economic conversion assistance programs; and

E. Assist the Task Force on Defense Realignment and the Economy in monitoring shifts in federal defense spending trends and related impacts on the State's major defense-dependent firms and military installations, in serving as a liaison and legislative advocate to the Governor, Legislature and congressional delegation on conversion activities and related matters, and in developing a public awareness program on the State's defense dependency, conversion efforts and related assistance programs.

**Sec. B-4. 5 MRSA §13063-B** is enacted to read:

**§13063-B. Energy conservation programs**

The Director of the Office of Business Development, referred to in this section as the "director," shall administer the following energy conservation programs.

**1. Federally mandated programs.** The director shall administer the following federally mandated programs, formerly administered by the Office of Energy Resources:

- A. State Energy Conservation Program;
- B. Energy Extension Service; and
- C. Institutional Conservation Program.

**2. Energy conservation standards.** The director shall adopt energy conservation standards and adopt rules for administration of the standards and the certification of energy-efficient buildings, as defined in Title 10, chapter 214.

**3. Approval; denial of certificates.** The director shall provide for the approval or denial of certificates of energy efficiency, as required in Title 10, chapter 214.

**4. Preparation of manual.** The director shall prepare the Manual of Accepted Practices, as described in Title 10, chapter 214.

**5. Review; inspection.** The director may review plans and specifications and may inspect buildings to determine compliance with the energy conservation standards, established in Title 10, chapter 214.

**6. Rule-making authority.** If the Residential Conservation Service, as established by the federal National Energy Conservation Policy Act, Public Law 95-619, November 9, 1978, 92 STAT. 3206 as amended by the federal Energy Security Act, Public Law 96-294, June 30, 1980, 94 STAT. 611, is repealed or amended by deleting the requirements for providing energy conservation information and energy

audits and arranging financing for energy conservation improvements for residential customers, the director may adopt rules pursuant to the Maine Administrative Procedure Act to continue these services. In establishing these rules, the director shall simplify federal rules without preventing fulfillment of the program objectives and the director may not impose rules containing additional requirements for utilities.

Until the director adopts new rules under this subsection, the previously existing federal regulations and any state rules implementing them are deemed state rules with full force.

**Sec. B-5. 5 MRSA c. 383, sub-c. II, art. 3,** as amended, is repealed.

**Sec. B-6. 5 MRSA c. 383, sub-c. III** is amended by repealing the subchapter headnote and enacting the following in its place:

### **SUBCHAPTER III**

#### **TOURISM AND COMMUNITY DEVELOPMENT**

**Sec. B-7. 5 MRSA c. 383, sub-c. III, art. 1** is amended by repealing the article headnote and enacting the following in its place:

#### **Article 1**

#### **COMMUNITY DEVELOPMENT**

**Sec. B-8. 5 MRSA §13072,** as amended by PL 1995, c. 395, Pt. D, §§6 to 9, is further amended by repealing and replacing the headnote to read:

#### **§13072. Community development**

**Sec. B-9. 5 MRSA §13072, first ¶,** as amended by PL 1987, c. 816, Pt. P, §8, is further amended to read:

The Office of Tourism and Community Development shall assist municipalities in planning for and achieving economic growth and development while, at the same time, preserving and protecting their resources and assets. To achieve this purpose, the department, through the office, shall strive to remove barriers to balanced economic growth and provide planning, technical and financial resources to the municipalities to enhance economic development.

**Sec. B-10. 5 MRSA §13072, 2nd ¶,** as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

The ~~Deputy Commissioner for Community Development shall be the~~ Director of the Office of Tourism and Community Development ~~and~~ shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter.

The director ~~shall have~~ has the following powers and duties.

**Sec. B-11. 5 MRSA c. 383, sub-c. III, art. 1-C** is enacted to read:

#### **Article 1-C**

#### **TOURISM**

#### **§13080-O. Tourism**

**1. Tourism; establishment.** The Office of Tourism and Community Development shall administer a program to support and expand the tourism industry and promote the State as a tourist destination. The Director of the Office of Tourism and Community Development shall administer the office in accordance with the policies of the commissioner and the provisions of this article. The office includes the Maine Tourism Commission and the Maine State Film Commission.

**2. Duties.** The Director of the Office of Tourism and Community Development shall:

A. Implement advertising and promotion programs to market the State's travel industry and to attract on-location filming of movies, advertisements and videos in the State;

B. Print, or cause to have printed, alone or in cooperation with other travel promotion agencies and groups, booklets, brochures, pamphlets and other materials as required to fulfill requests for information on the State's travel products and the State's facilities, sites and services for the filming of movies and videos in the State;

C. Encourage the development of travel product facilities and activities by locating potential developers, providing market and feasibility analysis, assisting developers in complying with applicable laws and rules and providing technical assistance to local decision making, including decisions regarding site selection, financing and utilities;

D. Review and comment upon the policies and programs of state agencies that directly affect the achievement of the duties and responsibilities of the office;

E. Provide basic support and discretionary matching grants to local, regional and statewide nonprofit agencies that directly affect the achievement of the duties and responsibilities of the office;

F. Staff or cause to be staffed any information center constructed, owned, leased, acquired or operated by the State;

G. Employ or engage outside technical or professional consultants or organizations as are necessary or appropriate to assist the office in carrying out its functions;

H. Accept fees as the director may designate for the preparation and distribution of books, booklets, brochures, pamphlets, films, photos, maps, exhibits, mailing lists and all similar materials and media advertising. There is established within the office a revolving fund for the use of the office to help offset the preparation and distribution costs of these materials. The office shall retain, without charge, an appropriate number of each publication for complimentary distribution. Income from the sale of publications and other materials charged to the revolving fund is credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the revolving fund;

I. Subject to the approval of the commissioner, adopt, amend and repeal rules to carry out the purposes of this section; and

J. Undertake other activities that the commissioner considers appropriate and necessary to ensure the successful implementation of this section.

#### **§13080-P. Historical marker program**

1. Historical markers. The Director of the Office of Tourism and Community Development may erect historical markers or signs on any highway. No more than 10 historical markers may be erected in one year. Markers that would interfere with reasonable use of highways may not be erected.

2. Review council. The Director of the Office of Tourism and Community Development shall consult with the Maine Historic Preservation Commission and the Department of Transportation on the historical marker program. Before erecting any marker, the director shall secure the Maine Historic Preservation Commission's approval of the marker, the marker's location and the marker's wording. The Maine Historic Preservation Commission shall obtain, or cause to be obtained, as needed, information on the event to be commemorated and on the appropriate location for the marker, including consulting historians and holding public hearings.

3. Municipal permission. Municipal officers may permit the erection of monuments, tablets and markers by individuals or societies on public highways or other public grounds, in places and of a character as may be approved by the municipal officers, to indicate the occurrence of historic events and matters of public interest, as long as the markers

do not interfere with reasonable use of the highways or other public places.

4. Cooperative agreements. The Maine Historic Preservation Commission may enter into cooperative agreements with any municipality or historical society to erect a historical marker on any highway. The agreement must provide for reasonable sharing of the initial expense and for the municipality or society to maintain and care for the marker.

5. Damages. If a person's property is damaged by the erection of a monument, tablet or marker, that person may apply to the municipal officers within 6 months after the erection to assess and recover damages.

6. Change of location. A person whose rights or interests are affected by the location of a monument, tablet or marker may, within 60 days after the approval of the municipal officers, petition the municipal officers for a change of location and, after notice to parties and hearing, the municipal officers may alter or revoke approval to use the location.

7. Petition to court. If the municipal officers neglect or refuse after 30 days to decide upon any petition addressed to them or if a party whose interests are affected by the decision is dissatisfied with the decision, the dissatisfied petitioner or party may apply to the Superior Court for relief within 60 days of the decision.

8. Return; record; fees. The municipal officers shall, within 30 days, decide upon every petition presented to them and upon every location approved under this section, and shall cause this information to be recorded by the town clerk. The fees of the municipal officers and town clerk must be paid by the petitioner.

#### **§13080-Q. Tourism marketing and development strategy**

1. Development. The Office of Tourism and Community Development shall develop a 5-year marketing and development strategy for state tourism growth that maximizes the effectiveness of state and private sector contributions in attracting visitors to the State and increasing tourism-based revenues. The strategy must incorporate components of direct marketing in maintenance and primary markets, matching grants programs, trade markets, regional development and research.

2. Administration. The Office of Tourism and Community Development shall administer the components of the strategy after development. Administration includes development of new markets, creation of an image of the State to entice visitor inquiries and provision of appropriate technical

assistance and response mechanisms. The Office of Tourism and Community Development shall support staffing of the visitor information centers and fulfill tourism information requests and shall work in partnership with the tourism industry in the State in administering the strategy.

**3. Tourism Marketing and Development Fund.** The Tourism Marketing and Development Fund is established within the department. The fund must be used for the development and administration of a tourism marketing and development strategy. All receipts of taxes pursuant to Title 36, section 1811, 3rd paragraph must be credited to the fund in an aggregate amount not to exceed the legislatively authorized allocations for fiscal years 1993-94, 1994-95, 1995-96 and 1996-97.

This subsection is repealed July 1, 1997.

### **§13080-R. Maine Tourism Commission**

**1. Maine Tourism Commission.** The Maine Tourism Commission, established by section 12004-I, subsection 87 and referred to in this section as the "commission," shall assist and advise the Office of Tourism and Community Development to achieve its purpose under section 13080-O. The commission consists of 9 members of major tourism trade associations and 8 public members who must represent their respective regions and have experience in the field or have demonstrated concern for the travel industry. The terms of the members are for 4 years each, except that, for the members first appointed, 4 members are appointed for terms of 4 years, 4 members for terms of 3 years, 4 members for terms of 2 years and 5 members for terms of one year. The members are appointed by the Governor, who shall fill a vacancy in the membership for the unexpired term. The commissioner, director or a designee of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: the department; the State Planning Office; the Department of Conservation; the Department of Transportation; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Education; the Bureau of Public Improvements; and the Canadian Affairs Coordinator. A chair and vice-chair must be elected annually from the appointed membership.

**2. Powers and duties.** The commission shall:

A. Recommend rules for the implementation of section 13080-S and make recommendations on the award of matching funds to the commissioner and the Director of the Office of Tourism and Community Development;

B. Recommend policy guidelines on marketing, promotion and advertising strategies to the

Office of Tourism and Community Development;

C. Conduct public hearings necessary to obtain input concerning tourism policy development from a broad cross-section of travel interests;

D. Assist the Office of Tourism and Community Development in providing technical assistance to the travel industry and in planning and conducting periodic tourism conferences;

E. Prepare a report for annual submission to the Governor and the Legislature relative to the programs, policies and accomplishments of the commission; and

F. Assist the Office of Tourism and Community Development in other areas the commissioner considers appropriate and necessary to ensure the successful implementation of this section.

**3. Compensation.** Commission members are entitled to compensation as provided by chapter 379.

### **§13080-S. Travel Promotion Matching Fund Program**

**1. Statement of purpose.** The Travel Promotion Matching Fund Program is established for the following purposes:

A. To allow the State to provide part of the funds necessary for public and private, nonprofit travel promotional organizations to conduct promotional programs; and

B. To strengthen the State's image by coordinating the promotional efforts of the private sector with those of the Office of Tourism and Community Development.

**2. Eligible organization.** Matching funds must be made available to those nonprofit travel promotional organizations that best meet the purposes of this section. An organization may not disburse state matching funds to a private, for-profit business for the purpose of promoting its goods, services, functions or activities.

**3. Limitations.** This section does not reduce any organization's financial participation in any ongoing project, but rather to increase or develop new programs. The grant program as established in subsection 4, must be geared to specific promotional efforts and costs and is not intended to match any administrative costs, including any form of personal services.

**4. Administration.** The Office of Tourism and Community Development shall administer the Travel Promotion Matching Fund Program with such

flexibility as to bring about the most effective and economical travel promotion program possible. Applications from all regions of the State must be equally considered. The Maine Tourism Commission shall recommend rules and procedures necessary and appropriate to the proper operation of the Travel Promotion Matching Fund Program. These rules must establish eligibility requirements, allocation formulas, application procedures and criteria subject to the final approval of the commissioner. The Maine Tourism Commission shall establish a schedule for review of grant applications and make timely recommendations of grant awards to the Office of Tourism and Community Development. Grants recommended by the Maine Tourism Commission to the Office of Tourism and Community Development must be approved by the Director of the Office of Tourism and Community Development prior to any disbursement of funds.

**5. Bookkeeping systems.** The department and all tourist promotional organizations qualifying for matching funds under this section shall keep accurate records of any applications, transactions, payment receipts and correspondence relating to the implementation of the Travel Promotion Matching Fund Program.

A. The department shall establish a standard accounting procedure to be used by any organization receiving money under this section.

B. The records of any organization pertaining to accounts and contracts funded with money under this section must be open to audit by the State or by any firm employed by the State to audit these records.

Additional matching funds may not be awarded to an organization until the provisions of this subsection have been met.

#### **§13080-T. Maine State Film Commission**

**1. Maine State Film Commission established.** The Maine State Film Commission, as established by section 12004-I, subsection 88, is within the Office of Tourism and Community Development and shall advise and assist the office as necessary. The commission shall advise the commissioner and the Director of the Office of Tourism and Community Development with respect to the operation of the Maine State Film Commission program.

A. The commission consists of 11 members appointed by the Governor.

(1) The members appointed must be involved in a related business field or have experience or familiarity with media marketing or public relations. The Governor

shall ensure an equitable regional representation from the State.

(2) The Director of the Maine Arts Commission and the commissioner shall serve as ex officio, nonvoting members of the commission.

B. The terms of office of commission members are as follows.

(1) All members are appointed for 3-year terms. Of those first appointed, 3 are appointed for 3-year terms, 4 are appointed for 2-year terms and 4 are appointed for one-year terms. The Governor shall designate the terms of office of those first appointed at the time of appointment.

(2) Members shall serve until their successors are appointed and take office. The Governor may terminate the membership of any appointee for just cause and the reason for the termination must be communicated in writing to each member whose term is so terminated.

(3) Vacancies must be filled in the same manner as original appointments, except that any person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the vacancy.

C. The chair and vice-chair are appointed by the Governor annually at the first meeting of the commission and serve for one-year terms.

(1) The chair shall call meetings of the commission.

D. Members are compensated for expenses only in accordance with chapter 379.

E. Financing of promotional and development materials and expenses pursuant to this section must be made with funds within the limit of the budget of the department for the Office of Tourism and Community Development.

**2. Powers and duties.** The Maine State Film Commission has the following powers and duties:

A. To recommend rules for the implementation of the provisions relating to the promotion of filming activities in the State;

B. To advise and assist the Director of the Maine State Film Office and the Director of the Office of Tourism and Community Development with respect to this section and section 13080-U;

C. To raise and accept funds from public and private sources to be used to promote filming activities in the State; and

D. To promote the State for in-state, on-location filming of movies, advertisements and videos.

**§13080-U. Maine State Film Office**

The Maine State Film Office is established within the Office of Tourism and Community Development. The Director of the Maine State Film Office is responsible for undertaking a program of film promotion and implementing the recommendations and policies of the commissioner.

**Sec. B-12. 5 MRSA §13084**, as amended by PL 1991, c. 548, Pt. A, §1, is repealed.

**Sec. B-13. 5 MRSA §13085**, as enacted by PL 1989, c. 875, Pt. M, §§7 and 13, is repealed.

**PART C**

**Sec. C-1. 5 MRSA §948, sub-§1, ¶¶I and J**, as amended by PL 1991, c. 837, Pt. B, §4, are further amended to read:

I. Director, Maine Drug Enforcement Agency; ~~and~~

J. Assistant Director, Maine Drug Enforcement Agency; ~~and~~

**Sec. C-2. 5 MRSA §948, sub-§1, ¶K** is enacted to read:

K. Two majors, Bureau of State Police.

**Sec. C-3. 25 MRSA §1501, 3rd ¶**, as amended by PL 1985, c. 785, Pt. B, §108, is further amended to read:

Subject to the approval of the Commissioner of Public Safety, the chief may appoint 2 commissioned officers of the State Police to act as ~~his~~ the chief's deputies and ~~serve at his pleasure 2 commissioned officers of the State Police to act as the chief's majors, all of whom serve at the pleasure of the chief.~~ Subject to the Civil Service Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules, subject to the approval of the State Civil Service Appeals Board, for the discipline and control of the State Police. If a deputy chief or major is removed or fails to be reappointed for any reason other than malfeasance of office and, at that time, does not have at least 20 years of service with the State Police, ~~he shall~~ the deputy chief or major must be reinstated at the commissioned rank

held at the time of the appointment with all the rights and privileges as provided by law and personnel rules.

**Sec. C-4. Effective date.** This Part takes effect October 31, 1996.

**PART D**

**Sec. D-1. Calculation and transfer.** The State Budget Officer shall calculate the amounts in section 3 of this Part that apply against each General Fund account for all departments and agencies based on the proportionate share of data processing in the All Other appropriations of the affected account. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Budget Office shall distribute the calculated amounts resulting from section 3 of this Part among the affected accounts as appropriated adjustments.

**Sec. D-2. Data processing rates.** The Bureau of Information Services shall calculate new data processing rates in fiscal years 1995-96 and 1996-97 based on savings resulting from streamlining operations pursuant to plans submitted to the Productivity Realization Task Force.

**Sec. D-3. 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</b>		
All Other	(\$317,902)	(\$488,492)
Provides for the deappropriation of funds related to the General Fund share of savings associated with the reductions in data processing costs resulting from the streamlining of operations within the Bureau of Information Services pursuant to plans submitted to the Productivity Realization Task Force.		

**PART E**

**Sec. E-1. 5 MRSA §938, sub-§1**, as amended by PL 1995, c. 368, Pt. UU, §§2 to 5 and 7 and affected by c. 395, Pt. U, §3, is repealed.

**Sec. E-2. 5 MRSA §938, sub-§1-A** is enacted to read:

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

- A. Deputy Commissioner;
- B. Director, Office of Management Services;
- C. Director, Policy Development and Implementation;
- D. Director, Education and Outreach;
- E. Director, Innovation and Assistance;
- F. Director, Bureau of Air Quality Control;
- G. Director, Bureau of Remediation and Waste Management; and
- H. Director, Bureau of Land and Water Quality.

**Sec. E-3. 38 MRSA §342, sub-§2,** as amended by PL 1989, c. 890, Pt. A, §15 and affected by §40, is further amended to read:

**2. Employment of personnel.** The commissioner may employ, subject to the Civil Service Law, personnel for the department and prescribe the duties of these employees, except persons occupying the positions defined in Title 5, section 938, subsection 4 1-A, as the commissioner ~~deems~~ determines necessary to fulfill the duties of the department. For purposes of this subsection, personnel for the department does not include staff of the board.

**Sec. E-4. 38 MRSA §342, sub-§5-A, ¶C,** as amended by PL 1987, c. 787, §4, is further amended to read:

- C. Directors as defined in Title 5, section 938, subsection 4 1-A.

**Sec. E-5. Nonlapsing funds.** Any unencumbered balance of General Fund appropriations remaining on June 30, 1996 in the Statewide - Unfunded Liability - Retirement account and the Statewide - Retiree Health account in the Department of Administrative and Financial Services may not lapse but must be carried forward to be used for the same purposes.

**Sec. E-6. Nonlapsing funds.** Any unencumbered balance of Highway Fund allocations remaining on June 30, 1996 in the Statewide - Unfunded Liability - Retirement account and the Statewide -

Retiree Health account in the Department of Administrative and Financial Services may not lapse but must be carried forward to be used for the same purposes.

**Sec. E-7. Nonlapsing funds.** Notwithstanding any other provision of law, any unencumbered balance of Highway Fund allocations or General Fund appropriations remaining on June 30, 1996 in the Personal Services line category of accounts as a result of Public Law 1995, chapter 502, Part R may not lapse but must be carried forward to be used in fiscal year 1996-97 for the same purposes.

**Sec. E-8. Transfer of funds.** Notwithstanding any other provision of law, the Department of Labor may periodically transfer up to \$70,000 during fiscal year 1996-97, from the Safety Education and Training Fund to the Licensing and Enforcement Program, Other Special Revenue, in the Department of Professional and Financial Regulation. The transfers are for the purpose of meeting start-up costs for the boiler, elevator and tramway certification program and are to be repaid to the Safety Education and Training Fund as program receipts become available.

## PART F

**Sec. F-1. 5 MRSA §48, sub-§3,** as amended by PL 1995, c. 426, §1, is further amended to read:

**3. Interpreting services and coordination for interpreters; request to the Bureau of Rehabilitation Services; interpreter compensation; continuation of services.** Interpreting services and coordination for interpreters are governed as follows.

- A. With the cooperation of the Maine Association of the Deaf and the Registry of Interpreters for the Deaf, Inc., the ~~Office~~ Bureau of Rehabilitation Services is authorized and directed to prepare and continually update a listing of qualified and available interpreters.

- B. When requested by an agency or court, the ~~Office~~ Bureau of Rehabilitation Services shall furnish the agency or court with a directory of information on appropriate and qualified interpreter sources.

- C. An interpreter appointed under this section must be reimbursed by the ~~Office~~ Bureau of Rehabilitation Services, upon certification by the appropriate agency or court of services performed, at a fixed rate reflecting the current fee schedule as established by the ~~Office~~ Bureau of Rehabilitation Services, plus travel expenses; except that employees of the State or any of its political subdivisions, public employees and public or private school, university and college teachers or administrators for interpreting services or any-

one who receives salary during regular work hours may not be reimbursed under this section for interpreter services performed during their regular working hours. Nothing in this section prevents any agency or court from employing a qualified interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate.

D. It is the sole responsibility of the Director of the ~~Office Bureau~~ of Rehabilitation Services to ensure implementation and continuation of the provisions of this section.

**Sec. F-2. 5 MRSA §937, sub-§1, ¶¶G and H,** as repealed and replaced by PL 1995, c. 465, Pt. A, §6, are amended to read:

G. Federal and State Education Program Coordinator; and

H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council; and.

**Sec. F-3. 5 MRSA §937, sub-§1, ¶I,** as repealed and replaced by PL 1995, c. 465, Pt. A, §6, is repealed.

**Sec. F-4. 5 MRSA §1822,** as amended by PL 1993, c. 708, Pt. J, §3, is further amended to read:

**§1822. Blind-made products**

A Blind-made Products Committee, comprising the State Purchasing Agent, the Director of the ~~Office Bureau~~ of Rehabilitation Services and the Director of the Division for the Blind and Visually Impaired, ~~Office Bureau~~ of Rehabilitation Services, and in this section and sections 1823 and 1824 called "the committee," shall determine the price of all products that meet specifications prescribed by the State Purchasing Agent and are agreeable to all members of the committee and are manufactured by the Maine Center for the Blind and Visually Impaired and offered for sale to the State or a political subdivision, governmental agency or public benefit corporation of the State. The committee shall revise prices from time to time in accordance with changing cost factors and shall make rules and regulations regarding selection of products, time of delivery and other relevant matters necessary to carry out the purpose of this section and sections 1823 and 1824.

**Sec. F-5. 5 MRSA §1826-C, sub-§1,** as amended by PL 1993, c. 708, Pt. J, §5, is further amended to read:

**1. Committee established.** There is established the Work Center Purchases Committee, consisting of

the State Purchasing Agent, the Director of the ~~Office Bureau~~ of Rehabilitation Services, a representative of the Department of Mental Health and Mental Retardation, a representative of work centers, a disabled person and a representative of the business community.

**Sec. F-6. 5 MRSA §12004-I, sub-§11-A,** as enacted by PL 1993, c. 708, Pt. E, §1, is repealed.

**Sec. F-7. 5 MRSA §12004-I, sub-§40,** as amended by PL 1993, c. 708, Pt. J, §6, is repealed.

**Sec. F-8. 5 MRSA §12004-I, sub-§§54-A and 54-B** are enacted to read:

<u>54-A.</u> <u>Education:</u> <u>Office of</u> <u>Rehabilita-</u> <u>tion Services</u>	<u>Advisory</u> <u>Committee</u> <u>on Improving</u> <u>Outdoor</u> <u>Recreational</u> <u>Opportunities</u> <u>for Persons</u> <u>with</u> <u>Disabilities,</u> <u>commonly</u> <u>known as</u> <u>Maine</u> <u>Outdoor</u> <u>Recreation</u> <u>for Everyone.</u> <u>M.O.R.E.</u>	<u>As</u> <u>Author-</u> <u>ized by</u> <u>Commit-</u> <u>tee</u>	<u>26</u> <u>MRSA</u> <u>§1416-A</u>
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<u>54-B.</u> <u>Labor:</u> <u>Rehabilita-</u> <u>tion Services</u>	<u>Advisory</u> <u>Council to</u> <u>Division of</u> <u>Deafness</u>	<u>Expenses</u> <u>Only</u>	<u>26</u> <u>MRSA</u> <u>§1413-C</u>
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**Sec. F-9. 20-A MRSA §203, sub-§1, ¶¶G and H,** as amended by PL 1993, c. 708, Pt. J, §7, are further amended to read:

G. Federal and State Education Program Coordinator; and

H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council; and.

**Sec. F-10. 20-A MRSA §203, sub-§1, ¶I,** as enacted by PL 1993, c. 708, Pt. J, §7, is repealed.

**Sec. F-11. 20-A MRSA Pt. 8,** as amended, is repealed.

**Sec. F-12. 26 MRSA c. 19** is amended by repealing the chapter headnote and enacting the following in its place:

**CHAPTER 19****DEPARTMENT OF LABOR****SUBCHAPTER I****DEPARTMENT OF LABOR**

Sec. F-13. 26 MRSA c. 19, sub-c. II is enacted to read:

**SUBCHAPTER II****REHABILITATION SERVICES****Article 1****REHABILITATION ACT****§1411. Short title**

This article may be known and cited as the "Rehabilitation Act."

**§1411-A. Definitions**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

**1. Community rehabilitation program.**

"Community rehabilitation program" means a facility operated for the primary purpose of providing rehabilitation services to or gainful employment for people with disabilities, or evaluation and vocational services for disadvantaged individuals, that provides one or more of the following services for people with disabilities:

A. Comprehensive rehabilitation services, which must include medical, psychological, social and vocational services under one management;

B. Testing, fitting or training in the use of prosthetic or orthotic devices;

C. Prevocational conditioning or recreational therapy;

D. Physical and occupational therapy;

E. Speech and hearing therapy;

F. Psychological and social services;

G. Vocational evaluation;

H. Personal and work adjustment;

I. Vocational training in combination with other rehabilitation services;

J. Placement;

K. Transitional and supported employment; and

L. Extended employment for people with severe disabilities who can not readily enter the competitive labor market.

**2. Disadvantaged individuals.** "Disadvantaged individuals" means:

A. Persons with disabilities as defined in this section;

B. Individuals disadvantaged by reason of youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records or other conditions; and

C. Other members of their families when the provision of rehabilitation services to family members is necessary for the rehabilitation of individuals described in paragraph A or B.

**3. Evaluation and vocational services.** "Evaluation and vocational services" includes, as appropriate in each case, such services as:

A. A preliminary diagnostic study to determine that the individual is disadvantaged or has a disability related barrier to employment and that services are needed;

B. A diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social and environmental factors that bear on the individual's barrier to employment and rehabilitation potential, including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities and other pertinent data helpful in determining the nature and scope of services needed;

C. Services to appraise the individual's patterns of work behavior and ability to acquire occupational skills and to develop work attitudes, work habits, work tolerances and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

D. Any other goods or services provided to a disadvantaged individual that are determined in accordance with federal regulations to be necessary for, and are provided for the purpose of, ascertaining the nature of the barrier to employment and whether it may reasonably be

expected that the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals;

E. Outreach, referral and advocacy; and

F. The administration of these evaluation and vocational services.

**4. Gainful employment.** "Gainful employment" includes employment in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work, including work for which payment is in kind rather than in cash; supported employment; sheltered employment; and home industries or other gainful homebound work.

**5. Person with disability.** "Person with a disability" means an individual who has a physical or mental disability that constitutes a substantial barrier to employment but is of such a nature that vocational rehabilitation services may reasonably be expected to render the individual fit to engage in gainful employment that is consistent with the individual's capacities and abilities. "Person with a disability" also means an individual who has a physical or mental disability that constitutes a substantial barrier to employment and for whom vocational rehabilitation services are necessary to determine rehabilitation potential. An "individual who is under a physical or mental disability" means an individual who has a physical or mental condition that materially limits, contributes to limiting or, if not corrected, results in limiting that individual's activities or functions.

**6. Rehabilitation services.** "Rehabilitation services," which may be provided directly or through public or private resources, means goods and services necessary to assist a person with a disability to engage in a gainful occupation or to determine the individual's rehabilitation potential, including but not limited to vocational rehabilitation services. Vocational rehabilitation services available to people with disabilities include:

A. Evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

B. Counseling, guidance and placement services for people with disabilities, including follow-up services to assist those individuals to maintain employment;

C. Training services for people with disabilities, which must include personal and vocational adjustment, on-the-job training and books and other training materials;

D. Interpreting and other specific services necessary to meet the unique needs of those persons who are deaf or who have impaired hearing. These services must include the aid of qualified personnel and interpreters who can relate to and communicate on an effective and meaningful basis with persons who are deaf or have impaired hearing;

E. Recruitment and training services for people with disabilities to provide them with suitable employment opportunities;

F. Physical restoration services, including but not limited to:

(1) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive and constitutes a substantial barrier to employment but is of such a nature that correction or modification may reasonably be expected to eliminate or substantially reduce the barrier within a reasonable length of time;

(2) Necessary hospitalization in connection with surgery or treatment;

(3) Prosthetic and orthotic devices; and

(4) Eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;

G. Maintenance as necessary during rehabilitation, as established by the rules of the department;

H. Occupational licenses, tools, equipment and initial stocks and supplies;

I. In the case of a small business operated by people with severe disabilities, the operation of which can be improved by management services and supervision provided by the department, the provision of those services and that supervision, alone or together with the acquisition by the department of vending stands or other equipment and initial stocks and supplies;

J. The construction or establishment, in accordance with federal regulations, of public or other nonprofit community rehabilitation programs and the provision of other facilities and services that may contribute substantially to the rehabilitation of a group of individuals but are not related directly to the rehabilitation plan of any one person with a disability;

K. Transportation in connection with the rendering of any other rehabilitation service;

L. Any other goods and services necessary to render a person with a disability employable; and

M. Services to the families of people with disabilities when the services will contribute substantially to the rehabilitation of the individuals.

#### **§1411-B. Rehabilitation services unit created**

There is created within the department a functional unit of rehabilitation services, which is equal in administrative level and status with the other major administrative units within the department.

#### **§1411-C. Authority**

The department is designated and established as the sole state agency to provide rehabilitation services, including but not limited to vocational rehabilitation services, and to provide evaluation and vocational services for purposes of the Federal Rehabilitation Act and acts amendatory and additional to the Federal Rehabilitation Act. The commissioner shall make those rules that the commissioner finds necessary and appropriate for the administration of a program of rehabilitation services and shall organize such a program within the department in a manner that is consistent with existing federal and state laws, rules and regulations.

#### **§1411-D. Powers and duties of department**

In carrying out this article, the commissioner:

1. Cooperates with other departments. Shall cooperate with other departments, agencies and institutions, both public and private, in providing for the rehabilitation of people with disabilities and the evaluation and vocational services of disadvantaged individuals, in studying the problems involved and in establishing, developing and providing, in conformity with the purposes of this article, programs, facilities and services necessary or desirable;

2. Reciprocal agreements with other states. May enter into reciprocal agreements with other states to provide for the rehabilitation of people with disabilities and disadvantaged individuals who are residents of the states concerned;

3. Community rehabilitation programs. May establish, construct and operate community rehabilitation programs and make grants to public or other nonprofit organizations for those purposes;

4. Vending stands and other businesses. May supervise the operation of vending stands and other small businesses established pursuant to this article to be conducted by people with severe disabilities;

5. Research fellowships and traineeships. May make studies, investigations, demonstrations and

reports and provide training and instruction, including the establishment and maintenance of research fellowships and traineeships, with stipends and allowances as determined necessary, in matters relating to rehabilitation;

6. Joint project. May share funding and administrative responsibility with another state agency in order to carry out a joint project to provide services to people with disabilities;

7. Joint undertakings. May enter into joint undertakings with public and private agencies to further the effectiveness of services for disadvantaged individuals;

8. Eligibility and priority. Shall determine the eligibility of individuals for rehabilitation services or evaluation and vocational services and the priority for those services in accordance with rules established by the department; and

9. Transitional services coordination projects. Shall participate in the coordination of rehabilitation services with local transitional services coordination projects for youth with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project.

#### **§1411-E. Acceptance of federal provisions**

The department shall cooperate with the Federal Government in carrying out the purposes of federal statutes pertaining to vocational rehabilitation and is authorized to adopt methods of administration found by the Federal Government to be necessary for the proper and efficient operation of agreements or other conditions as necessary to secure the full benefits of the federal statutes to the State and its residents.

The department is authorized, subject to the approval of the Governor, to:

1. Apply for assistance. Apply for federal assistance under the Federal Rehabilitation Act and acts amendatory and additional to the Federal Rehabilitation Act, and to comply with conditions, not inconsistent with this article, that are required for such assistance; and

2. Perform for Federal Government. Perform functions and services for the Federal Government in addition to those provided for in this section.

#### **§1411-F. Receipt and disbursement of funds**

The Treasurer of State is the appropriate officer of the State to receive and administer federal grants for rehabilitation programs, as contemplated by the Federal Rehabilitation Act and acts amendatory and additional to the Federal Rehabilitation Act, and the

State Controller shall authorize expenditures as approved by the department.

**§1411-G. Gifts**

The commissioner, with the approval of the Governor, may accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of this article. Gifts made under conditions that in the judgment of the department are proper and consistent with this article may be accepted, with the approval of the Governor, and must be held, invested, reinvested and used in accordance with the conditions of the gift. All money received as gifts or donations must be deposited in the State Treasury and constitutes a permanent fund to be called the Special Fund for Rehabilitation of People with Disabilities and to be used by the department to defray the expenses of rehabilitation in special cases as determined by the commissioner, including the payment of necessary expenses of persons undergoing training.

**§1411-H. Maintenance not assignable**

The right of a handicapped or disadvantaged individual to maintenance under this article is not transferable or assignable at law or in equity and none of the money paid or payable or rights existing under this article are subject to execution, levy, attachment, garnishment or other legal process or to the operation of bankruptcy or insolvency law.

**§1411-I. Hearings and judicial review**

An individual applying for or receiving rehabilitation under this article who is aggrieved by an action or inaction of the department is entitled to a fair hearing by the commissioner or the commissioner's designated representative. An individual aggrieved because of the decision made on the basis of the fair hearing may appeal to the Superior Court.

**§1412. Misuse of lists and records**

Except for purposes directly connected with the administration of the rehabilitation program and in accordance with its rules, it is unlawful for a person or individual to solicit, disclose, receive or make use of, authorize, knowingly permit or participate in or acquiesce in the use of a list of names of, or information concerning, individuals applying for or receiving rehabilitation when that list or information is directly or indirectly derived from the records, papers, files or communications of the State or subdivisions of the State or acquired in the course of the performance of official duties. A person who violates a provision of this section is subject to a fine of not less than \$50 nor more than \$300 or by imprisonment for not more than 60 days, or both.

**§1412-A. Employees not to engage in political activities**

An officer or employee engaged in the administration of the rehabilitation program may not use that officer's or employee's official authority to influence or permit the use of the rehabilitation program for the purpose of interfering with an election or affecting the results of an election or for a partisan political purpose. An officer or employee may not solicit or receive or be obliged to contribute or render a service, assistance, subscription, assessment or contribution for a political purpose. An officer or employee violating this provision is subject to appropriate disciplinary action.

**§1412-B. Continuing study of rehabilitation needs**

The department shall make continuing study of the needs of people with disabilities and disadvantaged individuals in the State and how these needs may be met most effectively. The study and planning must include appraisal of community rehabilitation programs in the State and their effectiveness and adequacy in meeting the overall needs of people with disabilities and disadvantaged. The continuing study and recommendations must be reflected in the biennial reports of the commissioner.

**§1412-C. Bureau of Rehabilitation Services**

The commissioner shall establish within the department the Bureau of Rehabilitation Services, which shall administer that group of rehabilitation services specifically related to the federal vocational rehabilitation programs.

**§1412-D. Provision of rehabilitation services**

Rehabilitation services may be provided directly or through public or private resources to people with disabilities, including those who are eligible for rehabilitation services under the terms of an agreement with another state or with the Federal Government.

**§1412-E. Rules**

The department is authorized to establish rules required for the proper administration of a vocational rehabilitation program under the Federal Rehabilitation Act and acts amendatory and additional to the Federal Rehabilitation Act. These rules must include procedures for ensuring access to records by the protection and advocacy agencies designated under Title 5, Part 24 pursuant to an investigation of alleged rights violations.

**§1412-F. Adoption of a grievance procedure concerning discrimination on the basis of disability**

The commissioner shall adopt rules pursuant to Title 5, chapter 375, subchapter II to create a grievance procedure applicable to all bodies of State Government in accordance with 45 Code of Federal Regulations, Section 84.7 and with 28 Code of Federal Regulations, Section 35.107(b). To the extent that a grievance procedure adopted under this section conflicts with a grievance procedure otherwise adopted by a state agency to comply with 45 Code of Federal Regulations, Section 84.7, the procedure adopted under this section controls, except in cases of conflict with other federal regulations.

## Article II

### DIVISION OF DEAFNESS

#### §1413. Division of Deafness

There is established the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services.

#### §1413-A. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

**1. Advisory council.** "Advisory council" means the advisory council for the Division of Deafness.

**2. Deaf.** "Deaf" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that individual must depend primarily upon visual communication.

**3. Hard of hearing.** "Hard of hearing" means a hearing loss in an individual that results in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

**4. Statewide registry.** "Statewide registry" means a current listing, developed in cooperation with various registries throughout the State, of those persons in the State who are deaf or hard-of-hearing persons.

#### §1413-B. Powers and duties

To provide the following services and information to deaf and hard-of-hearing persons, the Division of Deafness shall:

**1. Provide advocacy.** Provide cooperative agreements or coordinate with agencies or community resources to provide advocacy for the rights of deaf and hard-of-hearing persons in the areas of employment, education, legal aid, health care, social services, finance, housing and other personal assistance while avoiding duplication of effort in these areas:

**2. Statewide registry.** Maintain, coordinate and update a voluntary statewide registry of deaf and hard-of-hearing persons developed in cooperation with various registries throughout the State. Use of this list is restricted by the provisions of section 1420;

**3. Information and referral.** Provide information and referral services to deaf and hard-of-hearing persons and their families on questions related to their disorder;

**4. Develop objectives.** Develop a plan with goals and objectives for development, planning and implementation within a framework for greater cooperation and coordination among agencies and organizations now serving or having the potential to serve deaf and hard-of-hearing persons;

**5. Community service center.** Continue to study the need to establish, maintain and fund at least one community service center where deaf and hard-of-hearing persons and their families can receive pertinent information relating to the coordination of services that each requires;

**6. Promote accessibility.** Promote accessibility to all governmental services for residents of the State who are deaf or hard-of-hearing persons; and

**7. Recommendations.** Make recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over labor matters with respect to modifications in existing services or establishment of additional services for deaf and hard-of-hearing persons and their families.

#### §1413-C. Advisory council

There is established within the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness, an advisory council consisting of 24 members and 3 members-at-large appointed by the Director of the Bureau of Rehabilitation Services in conjunction with the Director of the Division of Deafness and representing equally consumers, professionals and the public. Members are entitled to compensation in accordance with Title 5, chapter 379.

The Director of the Bureau of Rehabilitation Services, in conjunction with the Director of the Division of Deafness, shall appoint, from the advisory council, a chair and vice-chair to serve 2-year terms. The council shall meet at the call of the chair but not less than 4 times during a calendar year. The chair may delegate duties to members to carry out the functions of the council.

#### §1413-D. Advisory council; powers and duties

The advisory council shall advise the Director of the Bureau of Rehabilitation Services and shall

prepare an annual report, which is a public document to the extent that it complies with section 1412. The report must include, but is not limited to:

**1. Review.** Review of the status of services to deaf and hard-of-hearing persons;

**2. Recommendations.** Recommendations for priorities for the development and coordination of services to deaf and hard-of-hearing persons;

**3. Evaluation.** An evaluation of the progress made as the result of recommendations made in the preceding report of the chair;

**4. Statement of goals.** A statement of goals for activities of the division during the subsequent fiscal year; and

**5. Implementation of functions.** The steps to be taken by the division to implement the functions listed in section 1413-B.

#### **§1413-E. Director of the Division of Deafness**

**1. Director.** The Director of the Bureau of Rehabilitation Services shall appoint the Director of the Division of Deafness, who is responsible for administering the Division of Deafness and its programs and policies, including generating and seeking out financial aid, grants and money.

**2. Director of the Division of Deafness; staff; qualifications.** The Director of the Division of Deafness and the staff must be knowledgeable of the needs of the deaf and hard of hearing and possess the ability to communicate on a meaningful basis with those persons.

### **Article III**

#### **INDEPENDENT LIVING SERVICES FOR PEOPLE WITH DISABILITIES**

##### **§1414. Definitions**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

**1. Independent living services.** "Independent living services" means services that promote or train people with severe disabilities in managing their personal affairs, participating in day-to-day life in the community, fulfilling a range of social roles and making decisions that lead to self-determination and the minimization of physical or psychological dependence on others.

##### **§1414-A. Grants**

The department may make grants to establish independent living services. Funds must be disbursed and audited in accordance with departmental grant policies and procedures. The department shall submit an annual accounting of the program to the joint standing committee of the Legislature having jurisdiction over labor matters.

### **Article IV**

#### **ASSISTANCE TO PEOPLE WITH SEVERE PHYSICAL DISABILITIES TO ENABLE THEM TO WORK**

##### **§1415. Definitions**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

**1. Bureau.** "Bureau" means the Bureau of Rehabilitation Services in the Department of Labor.

**2. Employed.** "Employed" means engaged in activity of 20 or more hours per week for remuneration.

**3. Personal care assistance services.** "Personal care assistance services" means services required by an individual with a severe physical disability for that individual to become physically independent in connection with that individual's capability for or actual employment. These services include, but are not limited to:

A. Routine bodily functions, such as bowel or bladder care;

B. Dressing;

C. Preparation and consumption of food;

D. Moving in and out of bed;

E. Routine bathing;

F. Ambulation; and

G. Any other similar function of daily living.

**4. Severe physical disability.** "Severe physical disability" means a functional loss of 3 extremities when it is anticipated that the loss is permanent.

##### **§1415-A. Subsidy**

The bureau shall subsidize, in whole or in part, personal care assistance services for individuals eligible under section 1415-B. The amount of the subsidy for each hour of personal care assistance services is determined by the director of the bureau.

The director of the bureau shall establish a sliding scale for financial participation by individuals who receive subsidies for personal care assistance services under this article.

The sliding scale must be based on the net income of individuals who apply for or receive subsidies for personal care assistance services. The expenses associated with each individual's disabilities must be factored into the calculation of net income for the individual. Information needed to determine net income must be furnished through the self-declaration of individuals who apply for or receive subsidies, or their representatives.

#### **§1415-B. Eligibility**

An individual is eligible for a subsidy under section 1415-A if that individual:

1. **Severe physical disability.** Has a severe physical disability;

2. **Employed.** Is employed or ready for employment;

3. **Need for services.** Has a need documented under section 1415-C for no fewer than 14 nor more than 35 hours a week of personal care assistance services, which services are necessary to enable the individual to be employed. The limitation of 35 hours may be exceeded as provided in section 1415-C;

4. **Not otherwise eligible.** Is not otherwise eligible for personal care assistance services under other state or federal programs;

5. **Agrees to reevaluation.** Agrees to a periodic reevaluation of the individual's need for personal care assistance services and of the extent of that need; and

6. **Income and support.** Has no or insufficient personal income or other support from public services, family members or neighbors.

#### **§1415-C. Evaluation team report**

1. **Team designation.** The director of the bureau shall designate one or more evaluation teams, which must consist of at least 2 persons, one of whom must be a registered nurse licensed under Title 32, chapter 31, subchapter III and one of whom must be a registered occupational therapist.

2. **Duties.** An individual who applies to the bureau for a personal care assistance services subsidy must be evaluated by an evaluation team, which shall determine the need of that individual for personal care assistance services and the extent of that need. If the team determines that the individual needs more than 35 hours a week of personal care assistance services,

that recommendation must be part of the report to the director.

3. **Redetermination.** An individual receiving a personal care assistance services subsidy under section 1415-A must be periodically reevaluated by an evaluation team to determine the individual's continuing need for personal care assistance services and the extent of that need.

#### **§1415-D. Rules**

The director of the bureau may adopt rules necessary to carry out the director's duties under this article.

### **Article V**

## **ADVISORY COMMITTEE ON IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES**

### **§1416. Definitions**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. **Committee.** "Committee" means the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities, commonly known as "Maine Outdoor Recreation for Everyone" or M.O.R.E.

### **§1416-A. Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities**

The Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities, as established in Title 5, section 12004-I, subsection 54-A, is within the Bureau of Rehabilitation Services. The following provisions apply to the committee.

1. **Membership.** The committee consists of the following 19 members:

A. One person or that person's designee from the Bureau of Rehabilitation Services, appointed by the commissioner;

B. One person or that person's designee from the Department of Conservation, Bureau of Parks and Recreation, appointed by the Commissioner of Conservation;

C. One person or that person's designee from the Department of Inland Fisheries and Wildlife who is knowledgeable about outdoor recreation, appointed by the Commissioner of Inland Fisheries and Wildlife;

D. One person or that person's designee from the Department of Marine Resources who is knowledgeable about outdoor recreation, appointed by the Commissioner of Marine Resources;

E. One person or that person's designee from the Department of Transportation who is knowledgeable about highway parks and rest areas, appointed by the Commissioner of Transportation;

F. One person or that person's designee from the Department of Economic and Community Development who is knowledgeable about local recreation planning, appointed by the Commissioner of Economic and Community Development;

G. Nine persons with disabilities, appointed by the Governor;

H. Two persons involved in the business of providing recreational opportunities, appointed by the Governor;

I. One person representing an association of municipal recreation and parks officials, appointed by the Governor; and

J. One member of the Legislature, appointed by the Chair of the Legislative Council.

**2. Term; vacancy.** All members are appointed for a term of 3 years. A vacancy is filled in the same manner as the initial appointment and for the remainder of the vacant term.

**3. Compensation.** If funds permit, the committee, by majority vote, may set an amount for reimbursement of nonstate employee members, which may not exceed the compensation provided in Title 5, chapter 379.

**4. Chair.** Annually, the committee shall choose one of its members to serve as chair. The committee may select other officers and designate their duties.

**5. Funds.** The committee is authorized to accept state and federal funds, private grants and donations. As funding permits, the committee may award grants, enter into contracts and otherwise expend funds to carry out the purposes of this article. Expenditures may not be incurred that have an impact on the General Fund.

**6. Duties.** The committee shall:

A. Advise the commissioner, the Commissioner of Human Services, the Commissioner of Conservation, the Commissioner of Transportation, the Commissioner of Marine Resources, the Commissioner of Economic and Community Development and the Commissioner of Inland Fisheries and Wildlife on ways:

(1) To provide technical assistance to outdoor recreational providers and users with regard to improving access for persons with disabilities;

(2) To promote the expansion of existing, and the creation of new, recreational areas that are accessible to persons with disabilities;

(3) To make the public aware of existing outdoor recreational opportunities that are accessible to persons with disabilities; and

(4) To provide and disseminate information and education to public and private clubs, organizations and civic groups on making outdoor recreation accessible to persons with disabilities; and

B. Conduct accessibility evaluations upon request and provide technical assistance to outdoor recreational providers and users with regard to providing access for persons with disabilities.

## Article VI

### REHABILITATION SERVICES

#### §1417. Rehabilitation services

The department, under the direction of the Governor, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance for students with disabilities. That rehabilitation work must be in cooperation with vocational education, as provided by Title 20-A, chapter 313.

Funds provided for aid and assistance carried on by the department may be used in providing rehabilitation services.

## Article VII

### SERVICES FOR BLIND AND VISUALLY IMPAIRED INDIVIDUALS

#### §1418. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

**1. Blind person.** "Blind person" means a person having not more than 20/200 central visual acuity in the better eye after correction or an equally disabling loss of the visual field so that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

**2. Director.** "Director" means the Director of the Division for the Blind and Visually Impaired.

**3. Division.** "Division" means the Division for the Blind and Visually Impaired in the department.

**4. Jurisdiction.** "Jurisdiction" means the control of the maintenance, operation and protection of public buildings and property of the State or of a county or a municipality.

**5. Licensing agency.** "Licensing agency" means the Division for the Blind and Visually Impaired, which is the state agency designated by the Rehabilitation Services Administration in the United States Department of Education to issue licenses to blind persons for the operation of vending facilities.

**6. Manager.** "Manager" means the blind person, duly licensed by the division, who personally operates the vending facility.

**7. Public building or property.** "Public building or property" means a building or land owned, leased or occupied by a department, agency or authority of the State or a county or a municipality of the State.

**8. Vending facility.** "Vending facility" means a restaurant, a cafeteria, including the cafeteria located in the State Office Building in Augusta, a snack bar, a vending machine for food and beverages and goods and services customarily offered in connection with a restaurant, a cafeteria, a snack bar or a vending machine.

#### **§1418-A. Division for the Blind and Visually Impaired**

The Division for the Blind and Visually Impaired is established within the department under the jurisdiction of the Director of the Division for the Blind and Visually Impaired. The commissioner shall appoint the director, subject to the Civil Service Law.

#### **§1418-B. Jurisdiction of director defined**

"Jurisdiction of the director" means having direct administrative responsibility for all programs and personnel under this article.

#### **§1418-C. Program established**

The division shall provide a program of services for the blind, including prevention of blindness, locating of blind persons, vocational guidance and training of the blind, placement of blind persons in employment, assistance to local schools in meeting the special needs of blind students, instruction of adult blind persons in their homes and other social services to the blind.

#### **§1418-D. Education of blind children**

**1. Division services.** The division shall provide the following services to blind and visually impaired persons from birth to age 21:

A. Itinerant teacher services;

B. Mobility instruction;

C. Braille instruction;

D. Low-vision services;

E. Special aids and supplies needed to participate in the educational process; and

F. Advocacy, counseling and guidance services to students and their parents.

**2. School administrative units.** Nothing in this section relieves school administrative units from fulfilling their responsibilities under Title 20-A, Part 4, subpart 1.

#### **§1418-E. Mandatory report of blindness**

Whenever, upon examination at a clinic, hospital or other institution, or elsewhere, by a physician, optometrist, institutional superintendent or other qualified person, the visual acuity of a person is found to be with correction 20/200 or less in the better eye, or the peripheral field of the person's vision is found to have contracted to a 20-degree diameter or less, regardless of visual acuity, the person conducting the examination shall, within 30 days, report to the director the result of the examination and that blindness of the person examined has been established. The report may not be made if the person examined so requests. If blindness of the person examined has been established, the division shall inform and advise that person as to services for the blind provided by the division.

#### **§1418-F. Business enterprise program**

To provide blind persons with remunerative employment, enlarge the economic opportunities of blind persons and encourage blind persons to become self-supporting, the officer, board or other authority in charge of a public building or property shall grant to the division authority:

**1. Vending facility.** To install in that building or property a vending facility whenever a vending facility may be operated by a blind person; and

**2. Vending machines.** To place vending machines operated by the division in a building or property if a vending facility operated by a blind person is not warranted. Income from these vending

machines must be used for the purposes set forth in this section.

#### **§1418-G. Preference**

The officer, board or other authority in charge of a public building or property shall:

**1. Policies.** Adopt policies and take actions necessary to ensure that blind persons are given preference in the establishment and the operation of vending facilities on property under its jurisdiction;

**2. Surveys.** Cooperate with the division in surveys of properties and buildings under its control in order to find suitable locations for the operation of vending facilities by managers and, after a determination that a facility may be operated by a manager, shall cooperate with the division in the installation of a vending facility;

**3. Income.** To achieve and protect the preference of blind persons in the operation of vending facilities, arrange for the assignment of the income derived from vending machines that are located in reasonable proximity to and in direct competition with a vending facility for which authority is granted pursuant to this article to the manager or managers affected. A vending machine that vends articles authorized for vending pursuant to section 1418, subsection 8 and is so located that it attracts customers who would otherwise patronize the vending facility is considered to be in reasonable proximity to and in direct competition with the vending facility;

**4. Licensing.** Inform the division not less than 60 days prior to the termination, issuance or renewal of a contract for the operation of a vending facility; and

**5. Vending machines.** Allow the division to place vending machines in a building where a vending facility operated by a manager would not be feasible. Income from these machines accrues to the division's set-aside account for purposes stated in section 1418-F.

#### **§1418-H. Powers and duties of the division**

In carrying out this article the division shall:

**1. Rules.** Prescribe rules governing:

**A.** The maintenance of a roster of blind persons eligible to become managers and the issuance of licenses;

**B.** A fair hearing. In the case of a manager desiring to appeal a decision, the division shall appoint a hearing board consisting of 3 persons, one to be chosen by the manager, one to be chosen by the division and the 3rd person chosen

by the other 2 persons. The decision of the board is final;

**C.** The right to, the title to and the interest in vending facility equipment and stock; and

**D.** The civil rights of managers;

**2. Other.** Prescribe rules necessary to carry out the purposes of this article;

**3. Surveys.** Conduct surveys to find locations where vending facilities may be operated by blind persons and establish vending facilities as it determines appropriate;

**4. Management.** Provide management and supervisory services determined necessary to ensure that each vending facility is operated in the most effective and productive manner possible;

**5. Plans.** Provide plans and specifications for proposed vending facilities and equipment to the appropriate officer, board or authority for approval prior to installation; and

**6. Other action.** Take any other action necessary or appropriate to carry out the purposes of this article.

#### **§1418-I. Construction; remodeling; planning for vending facility**

To carry out the purposes of this article, when new construction, remodeling, leasing, acquisition or improvement of public buildings or properties is authorized, the agency directing that construction, remodeling, leasing, acquisition or improvement shall, when the size of the building or property warrants, make available suitable space and facilities for vending facilities to be operated in the building or property by blind persons.

#### **§1418-J. Construction of buildings**

If a suitable location is available for a vending facility that requires the construction of a portable building, the division may construct such a building and may have the use of the land on which to construct the building.

#### **§1418-K. Fees**

A rental fee may not be required or received for the granting of authority to the division to operate a vending facility.

#### **§1418-L. Correctional, mental and certain educational institutions**

This article does not apply to or authorize the installation of vending facilities in a building wholly

used by a correctional or mental institution or by an educational institution of any type supported in whole or in part from public funds, unless that educational institution is a university, college, junior college or a technical college.

#### **§1418-M. Application**

If a vending facility not under the control of the division exists in a building or on property of the State, a county or a municipality, the person having jurisdiction over that building or property shall give preference to the division to continue operation of the vending facility when an existing lease or contract expires or is terminated.

### **Article VIII**

#### **DEAF AND HARD-OF-HEARING PERSONS**

##### **Subarticle 1**

#### **GENERAL PROVISIONS**

#### **§1419. General provisions**

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

A. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.

B. "Hard-of-hearing person" means a person whose sense of hearing is defective, but still functional, with or without amplification.

C. "Speech-impaired person" means a person whose speech is nonfunctional or defective for the purpose of ordinary communication.

D. "Telecommunications device for the deaf" means a teletypewriter or other telecommunication equipment used by deaf, hard-of-hearing or speech-impaired persons to conduct telephone communications.

E. "Telecommunications relay service" means a service transmitting messages and information between a person using standard telephone equipment for spoken communications and a deaf, hard-of-hearing or speech-impaired person using a telecommunications device for the deaf.

2. Teletypewriter system. The department shall consult with appropriate agencies and organizations serving the deaf community concerning the needs of the teletypewriter system. To the extent that funds are available, the department shall take steps necessary to preserve and maintain a viable teletypewriter system for use by the deaf population in

this State, including, but not limited to, providing for repair services and equipment for loaning to persons whose teletypewriter equipment is being repaired.

#### **§1419-A. Telecommunication equipment for deaf, hard-of-hearing and speech-impaired persons**

1. Money for telecommunication equipment. The Bureau of Rehabilitation Services within the department, pursuant to appropriation of money to the bureau for special telecommunication equipment for deaf, hard-of-hearing and speech-impaired persons, shall, upon request, provide up to 50% of the cost of special telecommunication equipment to an organization or municipality that makes available the remaining funds for this equipment in a manner satisfactory to the Director of the Bureau of Rehabilitation Services.

2. Telecommunications Equipment Fund. There is established the Telecommunications Equipment Fund to be used by the Division of Deafness within the Bureau of Rehabilitation Services. The Division of Deafness may accept gifts or grants for the purposes of this section. These gifts and grants and authorized appropriations must be deposited in the Telecommunications Equipment Fund and disbursed in accordance with this section. The Telecommunications Equipment Fund may be used for purchase, lease, upgrading, installation, maintenance and repair of special telecommunications equipment for deaf, hard-of-hearing or speech-impaired persons. The Division of Deafness may draw on the Telecommunications Equipment Fund in accordance with the telecommunications equipment plan required under subsection 3.

3. Telecommunications equipment plan. The Division of Deafness shall develop a plan to make special telecommunications equipment available to deaf, hard-of-hearing or speech-impaired persons and to distribute money from the Telecommunications Equipment Fund. The plan must be developed by the Division of Deafness annually, not later than January 1st, in accordance with the rule-making procedures in Title 5, chapter 375. The plan must provide for the expenditure of money from the Telecommunications Equipment Fund for the benefit of deaf, hard-of-hearing or speech-impaired persons for the purchase, lease, upgrading, installation, maintenance and repair of special telecommunications equipment capable of serving their needs. Persons who are profoundly deaf or speech impaired so that they are unable to use the telephone for expressive or receptive communications, as verified by a written report from an otologist, an audiologist or a physician, are eligible for assistance from the Telecommunications Equipment Fund. The plan must include specific criteria that govern the priorities assigned to various persons who need this

equipment. The criteria must take into account household income, degree of impairment, need for emergency communications, living arrangements and other factors determined relevant by the Division of Deafness.

### **Subarticle II**

## **RIGHTS OF DEAF AND HARD-OF-HEARING PERSONS**

### **§1420. Policy**

It is the policy of this State to encourage and enable deaf and hard-of-hearing persons to participate fully in the social and economic life of this State and to engage in remunerative employment. The provisions of rights and penalties for denial of those rights, as specified in this subarticle, are not intended to abrogate any actions or penalties provided for violation of human rights, as specified in the Maine Human Rights Act, Title 5, chapter 337.

### **§1420-A. Rights**

The rights, established by this subarticle, of deaf and hard-of-hearing persons are as follows.

**1. Streets and public places.** Deaf and hard-of-hearing persons have the same rights as able-bodied persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

**2. Public conveyances.** Deaf and hard-of-hearing persons are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation or amusement, or resorts and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

**3. Guide dogs.** Every deaf or hard-of-hearing person has the right to be accompanied by a guide dog, described and known as a "hearing dog," especially trained for the purpose, and identified by a collar and leash colored hunter orange, as that color is defined in Title 12, section 7001, subsection 16, in a place listed in subsection 2 without being required to pay an extra charge for the guide dog, except that the person is liable for any damage done to the premises or facilities by that dog. When the deaf or hard-of-hearing person is accompanied by a guide dog, the person must also carry a card, issued by the Bureau of Rehabilitation Services, that states that the dog is an especially trained guide dog and cites section 1420 and this section that allow for access by the person

and the person's dog to streets, public places and public conveyances.

**4. Especially trained guide dog trainer; access to public facilities; responsibilities.** An especially trained hearing dog trainer, while engaged in the actual training of hearing dogs, has the same rights, privileges and responsibilities with respect to access to public facilities as a deaf or hard-of-hearing person.

**5. Housing accommodations; persons with hearing-assistance animals.** Every hard-of-hearing person who has a hearing-assistance animal is entitled to full and equal access to all housing accommodations provided for in this section. Hard-of-hearing persons may not be required to pay extra compensation to keep hearing-assistance animals. A hard-of-hearing person is liable for any damage done to the premises by the animal.

**6. Housing accommodations; defined.** "Housing accommodations," as used in this section, means a real property, or portion of real property, that is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single-family and multifamily rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

A. The rental of a housing accommodation in a building that contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or

B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation.

### **§1420-B. Motor vehicle drivers**

The driver of a vehicle approaching a deaf or hard-of-hearing person using a properly identified guide dog shall take all necessary precautions to avoid injury to that person and the guide dog. A driver who fails to take such precautions is liable in damages for any injury caused to that person or dog. A deaf or hard-of-hearing person not using a guide dog in any of the places, accommodations or conveyances listed in section 1420-A has all of the rights and privileges conferred by law upon other persons. The failure of a deaf or hard-of-hearing person to use a guide dog in those places, accommodations or conveyances does

not constitute nor is it evidence of contributory negligence.

**§1420-C. Penalty; misrepresentation of hearing dog**

A person or the person's agent who denies or interferes with admittance to or enjoyment of the public facilities described in section 1420-A or otherwise interferes with the rights of a deaf or hard-of-hearing person under section 1420-A commits a Class E crime.

A person who fits a dog with a collar and leash of the type required by section 1420-A, subsection 3 in order to represent that the dog is a hearing dog when training of the type that a hearing dog normally receives has not in fact been provided commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

**Article IX**

**PERSONAL CARE ASSISTANCE SERVICES  
FOR ADULTS WITH SEVERE PHYSICAL  
DISABILITIES**

**§1421. Program established**

The department shall establish a program of personal care assistance services, including consumer-directed personal care assistance services, for adults with long-term care needs who are eligible under section 1421-A.

**§1421-A. Eligibility**

An adult with long-term care needs is eligible for personal care assistance services under this article if the department or its designee determines that the adult:

**1. Severe disability.** Has a severe disability;

**2. Need for services.** Needs personal care assistance services or an attendant at night, or both, which services are necessary to prevent, or remove the adult from, inappropriate placement in an institutional setting; and

**3. Income and support.** Has no or insufficient personal income or other support from public services, family members and neighbors. A sliding scale must be established for services provided under this article. The sliding scale must be based on the net income of individuals who receive subsidies for personal care assistance services. The expenses associated with each individual's disabilities must be factored into the calculation of net income for the individual.

**§1421-B. Evaluation teams**

**1. Team designation.** The commissioner shall designate evaluation teams in the State to assist the department with evaluations of adults with long-term care needs who apply for personal care assistance services pursuant to this article.

**2. Membership.** Each evaluation team includes at least one registered nurse, one registered occupational therapist and the adult with long-term care needs.

**3. Duties.** For each adult with long-term care needs evaluated by an evaluation team, the team shall assist the department to:

**A.** Determine the eligibility of the adult for personal care assistance services;

**B.** Determine the capability of the adult, at the time of evaluation or after skills training provided pursuant to subsection 4, to hire and direct a personal care assistant;

**C.** Reevaluate the adult periodically to determine the adult's continuing need for the services; and

**D.** Consult when possible with the adult's attending physician.

**4. Skills training.** The commissioner may authorize an evaluation team to arrange for skills training for an adult with long-term care needs who applies for consumer-directed personal care assistance services pursuant to this article. Skills training may be provided in the following areas by the following individuals:

**A.** Personal health management to maximize personal well-being in relation to the adult's disability, provided by a registered nurse or other qualified person experienced in the rehabilitation of the severely disabled, including all aspects of prevention, maintenance and treatment techniques;

**B.** Personal care assistant management, provided by a registered nurse experienced in the rehabilitation of the severely disabled, including training in recruiting, hiring and managing a personal care assistant; scheduling; and potential problems; and

**C.** Functional skills required to maximize the adult's abilities in activities of daily living, provided by a registered occupational therapist experienced in the rehabilitation of the severely disabled.

**Sec. F-14. 26 MRSA §475, 2nd ¶**, as amended by PL 1993, c. 708, Pt. J, §8, is further amended to read:

The board consists of 9 members, of whom 6 are appointed by the director, subject to the approval of the Governor. Each member holds office until a successor is duly appointed. At the expiration of each member's term, that member's successor is appointed by the director, subject to the approval of the Governor, from the same classification in accordance with this section for a term of 4 years. In case of a vacancy in board membership, the director, with the approval of the Governor, appoints a member of the proper classification to serve the term of the absent member. Of the 6 members of the board appointed by the director, one must represent owners or lessees of elevators in the State; one must represent manufacturers of elevators; one must be a licensed elevator mechanic; one must be a representative of a ski area operator presently operating tramways in the State; one must be a qualified licensed professional engineer who is familiar with tramway design, inspection and operation; and one must be a public member. The 7th member of the board must be a physically handicapped person appointed by the Director of the ~~Office~~ Bureau of Rehabilitation Services, subject to the approval of the Governor, for a term of 4 years. The 8th member of the board must be a member of the Division of Fire Prevention appointed by the Commissioner of Public Safety and the 9th member of the board is the Director of the Bureau of Labor Standards, who is chair of the board.

**Sec. F-15. 35-A MRSA §7302, sub-§1**, as repealed and replaced by PL 1995, c. 462, Pt. A, §66, is amended to read:

**1. Rate reduction.** The commission shall establish a 70% rate reduction for intrastate toll calls made on lines, or via credit cards assigned to lines, used for making calls from certified deaf, hard-of-hearing or speech-impaired persons who must rely on teletypewriters for residential telephone communications. In addition, the 70% rate reduction must apply to all calls using the state telecommunications relay service. Upon request, this discount must be provided to any noncertified user making calls to a certified user, provided the noncertified user informs the local exchange carrier or toll provider of the relevant billed calls made during each billing period. This reduction must also apply to intrastate toll calls made by agencies certified by the Division of Deafness in the Department of ~~Education~~ Labor as eligible to receive a discount, while providing vocal relay services to deaf, hard-of-hearing or speech-impaired persons, as well as to community service centers serving deaf, hard-of-hearing or speech-impaired persons certified by the Division of Deafness of the Department of ~~Education~~ Labor as eligible to receive a discount. The costs

incurred by a telephone company under this subsection are just and reasonable expenses for rate-making purposes.

**Sec. F-16. Transition provisions: Division for the Blind and Visually Impaired; and Office of Rehabilitation Services of the Department of Education**

**1. Funds transferred.** Notwithstanding the Maine Revised Statutes, Title 5, sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances, appropriations or allocations, transfers, revenues and other available funds in any account or subdivision of any account of the Division for the Blind and Visually Impaired and the Office of Rehabilitation Services of the Department of Education or any subunit of those offices affected by this Part are transferred to the Department of Labor as required by the assignment of responsibilities of this Part.

**2. Personnel and employment benefits transferred.** All employees of the Division for the Blind and Visually Impaired and the Office of Rehabilitation Services of the Department of Education or any subunit of those offices are transferred to the Department of Labor as required by the assignment of responsibilities of this Part.

**3. Equipment and property transferred.** All equipment, records and property of the State used by employees and officials of the Division for the Blind and Visually Impaired and the Office of Rehabilitation Services of the Department of Education or any subunit of those offices are transferred to the Department of Labor as required by the assignment of responsibilities of this Part.

**4. Financial order required.** The Commissioner of Labor and the Commissioner of Education shall jointly request, by financial order through the State Budget Office, the Governor's approval of the funds, positions, equipment and property to be transferred.

**5. Rules and procedures.** All rules and procedures currently in effect and in operation pertaining to the Division for the Blind and Visually Impaired and the Office of Rehabilitation Services of the Department of Education or any subunit of those offices remain in effect until rescinded or amended as provided by state law.

**6. Contracts and agreements.** All contracts and agreements currently in effect with respect to the Division for the Blind and Visually Impaired and the Office of Rehabilitation Services of the Department of Education or any subunit of those offices remain in effect until rescinded, terminated or modified as provided by state law.

**7. Organization and operation.** Notwithstanding any other provision of law, any planning or preparatory work may occur prior to the effective date of this Part, but is not binding until the effective date of this Part.

**Sec. F-17. Memorandum of agreement.** The Commissioner of Education and the Commissioner of Labor shall jointly establish a memorandum of agreement that guarantees continuing support and assistance from the Department of Education to the education programs of the Division for the Blind and Visually Impaired. The memorandum of agreement must be developed with input from all identifiable groups and individuals with an interest in the division.

**Sec. F-18. Report.** The Commissioner of Education and the Commissioner of Labor shall jointly report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than January 15, 1997 on the status of the transfer of the Office of Rehabilitation Services and the development of the memorandum of agreement established pursuant to section 17 of this Part.

**PART G**

**Sec. G-1. 4 MRSA §807, sub-§3, ¶F,** as repealed and replaced by PL 1989, c. 755, is amended to read:

F. A person who is not an attorney, but is representing the Bureau of ~~Employment Security Unemployment Compensation~~ or the Bureau of Taxation under section 807-A;

**Sec. G-2. 4 MRSA §807-A,** as amended by PL 1989, c. 508, §1, is further amended to read:

**§807-A. Representation by Bureau of Unemployment Compensation or Bureau of Taxation employees**

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of ~~Employment Security Unemployment Compensation~~ may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes and overpayments for which warrants have been issued pursuant to Title 26, chapter 13.

Upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Taxation may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes for which warrants have been issued pursuant to Title 36, and may

represent the State Tax Assessor in arraignment proceedings in District Court in cases in which a criminal complaint has been filed alleging violation of Title 36, section 2113, 3234 or 5332.

If the Supreme Judicial Court adopts rules under this section, the rules ~~shall~~ **must** include the establishment of standards and a method to certify employees of the Bureau of ~~Employment Security Unemployment Compensation~~ and the Bureau of Taxation who may represent the State in court under this section as being familiar with court procedures.

**Sec. G-3. 5 MRSA §943,** as amended by PL 1995, c. 462, Pt. B, §1, is further amended to read:

**§943. Department of Labor**

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

- B. Director, Bureau of Labor Standards;
- C. Executive Director, Maine Labor Relations Board;
- D. Assistant to the Commissioner;
- E. Assistant to the Commissioner for Public Affairs;
- ~~F. Director, Planning and Program Services;~~
- F-1. Director, Grants Management;
- ~~G. Executive Director, Bureau of Employment Security;~~
- G-1. Beginning April 15, 1996, Executive Director, Bureau of Employment Services;
- ~~H. Executive Secretary, Maine Occupational Information Coordinating Committee; and~~
- ~~I. Executive Director, Bureau of Employment Training Programs.~~
- J. Executive Director, Office of Operations; and
- K. Director, Bureau of Rehabilitation Services.

**Sec. G-4. 5 MRSA §7036, sub-§12,** as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

**12. Coordinate and use State Government services.** Coordinate and use the services available to State Government to create an effective, motivated state employee labor force, including the services of

the ~~Maine Job Service~~ Bureau of Employment Services; the Welfare Employment, Education and Training, WEET, program of the Department of Human Services; and any other services that are appropriate to the purpose of the Bureau of Human Resources;

**Sec. G-5. 20-A MRSA §12704, sub-§2, ¶D**, as enacted by PL 1985, c. 695, §11, is amended to read:

D. The employment and training programs funded under the United States Job Training Partnership Act, Public Law 97-300, or its successor, and overseen by the Department of Labor, Bureau of Employment Services, or its successor; and

**Sec. G-6. 20-A MRSA §12709, sub-§11**, as amended by PL 1989, c. 700, Pt. A, §68 and Pt. B, §46, is further amended to read:

**11. Interagency cooperation and communication.** To promote cooperation and communication with the Department of Education and the Bureau of Employment and Training Programs Services, or their successors, with the University of Maine System and with other public and private educational and training institutions;

**Sec. G-7. 20-A MRSA §12727, sub-§2**, as enacted by PL 1993, c. 707, Pt. CC, §1, is amended to read:

**2. Recruitment and screening.** Recruitment of trainees and preliminary screening and testing for programs developed through the centers must be conducted by the technical colleges in conjunction with the ~~Maine Job Service~~ Bureau of Employment Services, state job training providers, human service offices and other referring agencies.

**Sec. G-8. 24-A MRSA §2386, sub-§7**, as enacted by PL 1991, c. 885, Pt. B, §12 and affected by §13, is amended to read:

**7. Mandatory deductible.** A deductible applies to all workers' compensation insurance policies issued to employers in the Accident Prevention Account that meet the following qualifications:

A. A net annual premium of \$20,000 or more subject to adjustment pursuant to this section in the State;

B. A premium not subject to retrospective rating; and

C. The employer's threshold loss ratio, as determined under subsection 4, paragraph B, subparagraph (1), is 1.0 or greater.

The deductible is \$1,000 per claim but applies only to wage loss benefits paid on injuries occurring during the policy year. ~~In no event may the~~ The sum of all deductibles in one policy year may not exceed the lesser of 15% of net annual premium or \$25,000. Each loss to which a deductible applies must be paid in full by the insurer. After the policy year has expired, the employer shall reimburse the insurer the amount of the deductibles. This reimbursement must be considered as premium for purposes of cancellation or nonrenewal.

For purposes of calculations required under this section, losses must be evaluated 60 days from the close of the policy year.

Annually, on July 1st, the superintendent shall, by rule, adjust the \$20,000 premium level established in this subsection to reflect any change in rates for the Accident Prevention Account and any change in wage levels in the preceding calendar year. Changes in wage levels are determined by reference to changes in the state average weekly wage, as computed by the Department of Labor, ~~Bureau of Employment Security~~. Any adjustment is rounded off to the nearest \$1,000 increment.

This subsection takes effect on the effective date of the first approved rate filing after the effective date of this Act.

**Sec. G-9. 24-A MRSA §3712, sub-§3, ¶E**, as enacted by PL 1991, c. 885, Pt. C, §8, is amended to read:

E. Deductibles in the high-risk division are subject to this paragraph.

(1) A deductible applies to all coverage for policyholders in the high-risk division that meet the following qualifications:

(a) A net annual premium of \$20,000 or more subject to adjustment, pursuant to this section, in the State;

(b) A premium not subject to retrospective rating; and

(c) The policyholder's threshold loss ratio, as determined under paragraph D, subparagraph (1), is 1.0 or greater.

The deductible is \$1,000 a claim but applies only to wage loss benefits paid on injuries occurring during the year of coverage. The sum of all deductibles in one year of coverage may not exceed the lesser of 15% of net annual payment for coverage or \$25,000. Each loss to which a deductible applies must be paid in full by the company. After

the year of coverage has expired, the policyholder shall reimburse the company the amount of the deductibles. This reimbursement is considered as payment for coverage for purposes of cancellation or nonrenewal.

Unless otherwise acted upon as provided for in subsection 2, beginning October 1, 1996, the board shall adjust, annually, the \$20,000 payment of coverage level established in this subsection to reflect any change in rates for the high-risk division and any change in wage levels in the preceding calendar year. Changes in wage levels are determined by reference to changes in the state average weekly wage, as computed by the Department of Labor; ~~Bureau of Employment Security~~. Any adjustment is rounded off to the nearest \$1,000 increment.

(2) For policies effective on or after January 1, 1994, the board may modify, with the approval of the superintendent, the mandatory deductible elements. Any modification or elimination of this rating feature must consider the incentive impact on an employer, the reasonableness of the retained cost relative to the claim history, safety record or claims management practices of impacted employers and the ability of employers of all sizes to absorb these costs.

**Sec. G-10. 26 MRSA §1043, sub-§5-A**, as enacted by PL 1979, c. 651, §4, is repealed and the following enacted in its place:

**5-A. Bureau of Unemployment Compensation.** "Bureau" means the Bureau of Unemployment Compensation, the former Division of Unemployment Compensation in the Bureau of Employment Security.

**Sec. G-11. 26 MRSA §1082, sub-§1**, as amended by PL 1993, c. 710, §1, is further amended to read:

**1. Powers and duties of the commissioner.** Except as otherwise provided, it is the duty of the Commissioner of Labor to administer this chapter, through an organization to be known as the Bureau of ~~Employment Security~~ Unemployment Compensation. ~~The commissioner shall appoint a Director of Employment Security to serve at the commissioner's pleasure.~~ The commissioner may employ persons, make expenditures, require reports, make investigations and take other actions the commissioner determines necessary or suitable to that end. The commissioner is responsible and possesses the necessary authority for the operation and management

of the Bureau of ~~Employment—Security~~ Unemployment Compensation. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter. The commissioner may adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to achieve this purpose, except rules pertaining to unemployment insurance as provided in subsection 2. The commissioner may adopt rules with respect to a self-employment assistance program as provided in section 1197. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter and by the Maine Administrative Procedure Act, Title 5, chapter 375. The commissioner shall make recommendations for amendments to this chapter that the commissioner determines proper. When the commissioner believes that a change in contribution or benefit rates is necessary to protect the solvency of the fund, the commissioner shall promptly inform the Governor and the Legislature and make recommendations with respect to the change in rates.

**Sec. G-12. 26 MRSA §1084, sub-§1**, as enacted by PL 1981, c. 648, is amended to read:

**1. Authorization.** The legislative body of a municipality may authorize its municipal officers or their designee to enter into an agreement, not financed by the State, with the ~~Director of the Maine Job Service or the Executive Director of the Bureau of Employment Security~~ commissioner for the purpose of providing job services or job service facilities, or both.

**Sec. G-13. 26 MRSA §1230, sub-§4, ¶A**, as amended by PL 1983, c. 351, §36, is further amended to read:

A. The warrant ~~shall have~~ has the force and effect of an execution issued upon a judgment in a civil action for the collection of taxes and benefit overpayments and may be in substantially the following form:

"..... (Name of County) SS. -- To the sheriffs of our respective counties or their deputies or any agent of the Commissioner of Labor

Whereas, the Bureau of ~~Employment Security~~ Unemployment Compensation or the Attorney General have certified that, pursuant to the terms of Title 26, section 1230, subsection 1, or section 1051, subsection 6, of the Revised Statutes, the amount of certain unemployment compensation tax, or benefit overpayment, assessed against ..... of ..... with interest and penalties, has become final as to law and fact, to wit:

Period	Con- tribu- tions	Benefit Over pay- ment	Inter- rest	Penal- ties	Weeks Involved
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Interest will accrue at \$ .00 per day for each day after .....

Total \$ ..... and \$ ..... costs of this proceeding, .....

We command you, therefore, that of the money, goods and chattels of said debtor, in your precinct, or the value thereof in money, you cause to be paid and satisfied unto the Bureau of ~~Em-  
ployment Security~~ Unemployment Compensation, to satisfy the sums aforesaid and ..... cents more for this warrant, together with your own fees.

Hereof fail not, and make due return of this warrant, with your doings thereon, unto my office within one year from the date hereof.

.....  
Clerk of Courts, County of

.....  
Date....."

**Sec. G-14. 26 MRSA §1401**, as amended by PL 1987, c. 542, Pt. F, §§1,2 and 5, is repealed.

**Sec. G-15. 26 MRSA §§1401-A and 1401-B** are enacted to read:

**§1401-A. Department; commissioner**

**1. Establishment.** There is created and established the Department of Labor, referred to in this chapter as the "department," to achieve the most effective utilization of the employment and training resources in the State by developing and maintaining an accountable state employment and training policy, by ensuring safe working conditions and protection against loss of income and by enhancing the opportunities of individuals to improve their economic status.

**2. Commissioner; entities incorporated.** The department consists of a Commissioner of Labor, referred to in this chapter as the "commissioner," appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following entities as previously created or established are incorporated into the Department of Labor:

A. The Bureau of Unemployment Compensation;

B. Beginning April 15, 1996, the Bureau of Employment Services;

C. The Bureau of Labor Standards;

D. The Bureau of Rehabilitation Services;

E. The Division of Administrative Hearings;

F. The Division of Labor Market Information Services;

G. The Human Resource Development Council; and

H. The Private Industry Council staff.

The Department of Labor may consist of other advisory, planning and coordinating council staff, and such other advisory, planning and coordinating committees or administrative units as the commissioner determines necessary to carry out the purposes of this chapter.

**§1401-B. Commissioner**

The Commissioner of Labor is entitled to receive a fixed weekly salary in accordance with Title 2, section 6, and must be paid from the administrative funds of the Bureau of Employment Services, the Bureau of Unemployment Compensation, the Bureau of Labor Standards, the Bureau of Rehabilitation Services and from other program administrative funds that the commissioner is authorized by statute or Executive Order to administer. The commissioner may establish an Office of the Commissioner, consisting of such personnel as determined necessary to carry out the duties and responsibilities of the commissioner, and paid from administrative funds from programs that the commissioner is authorized to administer.

**1. Duties.** The commissioner has the following duties.

A. The commissioner shall prepare a budget for the department.

B. The commissioner shall appoint to serve at the commissioner's pleasure:

- (1) Assistant to the Commissioner;
- (2) Assistant to the Commissioner for Public Affairs;
- (3) Director, Grants Management;
- (4) Director, Bureau of Labor Standards;

(5) Beginning April 15, 1996, Executive Director, Bureau of Employment Services;

(6) Executive Director, Office of Operations; and

(7) Director, Bureau of Rehabilitation Services.

The commissioner may appoint, subject to the Civil Service Law, such other personnel as may be necessary to carry out the functions of the department. The commissioner may transfer personnel within the department to ensure the efficient utilization of department personnel. The commissioner may require reports and take other actions necessary to carry out the functions of the department.

**2. Purchase.** The commissioner shall coordinate the purchase and use of all department equipment.

**3. Review.** The commissioner shall review the functions and operations of the department to ensure that overlapping functions and operations are brought to the attention of the Governor and the Legislature.

**4. Data collection.** The commissioner shall conduct a survey of manufacturing and nonmanufacturing industries throughout the State once every 2 years to determine hourly occupational wage rates by gender.

**5. Dispute resolution services.** The commissioner may provide, by agreement with other agencies, dispute resolution services, including, but not limited to, adjudicatory proceedings, mediation and other alternative dispute resolution techniques.

**Sec. G-16. 26 MRSA §1452**, as amended by PL 1989, c. 700, Pt. A, §106, is further amended to read:

**§1452. Maine Occupational Information Coordinating Committee**

The Maine Occupational Information Coordinating Committee, as established by Title 5, chapter 379, shall support the development, maintenance and operation of the Comprehensive Career, Occupational and Economic Data-based System and foster communication and coordination of education, employment and training programs through the use of the system. The committee's responsibilities are under the administrative control of the Bureau of Employment Services. ~~The committee shall consist~~ consists of the Commissioner of Labor, Commissioner of Human Services, Commissioner of Education, Commissioner of Economic and Community Development, Director of the State Planning Office and the chairs of the Maine Human Resource Development Council, the

State Board of Education and the Board of Trustees of the Maine Technical College System. The Commissioner of Labor and the Commissioner of Education may serve as the representatives of the chairs of the Maine Human Resource Development Council and the State Board of Education, respectively, upon the agreement of that designation by the Maine Human Resource Development Council and the State Board of Education. ~~The Commissioner of Labor shall be~~ is the chair of the committee, with the Department of Labor serving as the fiscal agent for the committee.

**Sec. G-17. 26 MRSA §1454**, as amended by PL 1985, c. 785, Pt. B, §122, is further amended to read:

**§1454. Operational authority**

~~The chairman shall nominate an executive director for appointment by the committee, who shall serve at the committee's pleasure. With the committee's approval, the executive director~~ The Executive Director of the Bureau of Employment Services may appoint, subject to the Civil Service Law, such personnel as are necessary to carry out the functions of the committee and who are authorized by the committee.

The committee may accept gifts, grants or other ~~moneys~~ money from any source and may enter into contracts, charge fees and make grants for services consistent with this chapter.

**Sec. G-18. 32 MRSA §14055, sub-§3, ¶B**, as enacted by PL 1991, c. 468, §4 and affected by §6, is amended to read:

B. The employee leasing company shall report all unemployment contributions due under its state employer identification number, using its contribution rate. The employee leasing company shall keep separate records and submit separate quarterly wage reports to the Bureau of ~~Employment Security~~ Unemployment Compensation for each of its client companies.

**Sec. G-19. 36 MRSA §5215, sub-§2, ¶B**, as amended by PL 1993, c. 672, §1 and affected by §2, is further amended to read:

B. The term "new jobs credit base" means the excess of ~~Maine Employment Security Commission~~ Bureau of Unemployment Compensation wages for the taxable year of the qualified investment or either of the next 2 calendar years over the ~~Maine Employment Security Commission~~ Bureau of Unemployment Compensation wages for the highest of the 3 calendar years preceding the year of the qualified investment. In computing its new jobs credit base, a successor-taxpayer shall add to its own ~~Maine Employment~~

~~Security Commission Bureau of Unemployment Compensation~~ wages the ~~Maine Employment Security Commission Bureau of Unemployment Compensation~~ wages of its predecessor.

**Sec. G-20. 36 MRSA §5215, sub-§2, ¶C,** as enacted by PL 1977, c. 722, is amended to read:

C. The term "~~Maine Employment Security Commission Bureau of Unemployment Compensation~~ wages" means the total amount of wages paid by an employer subject to tax under Title 26, section 1221, less any excesses attributable to statutory increases.

**Sec. G-21. 39-A MRSA §102, sub-§4, ¶A,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. "Average weekly wages, earnings or salary" of an injured employee means the amount that the employee was receiving at the time of the injury for the hours and days constituting a regular full working week in the employment or occupation in which the employee was engaged when injured; except that this does not include any reasonable and customary allowance given to the employee by the employer for the purchase, maintenance or use of any chainsaws or skidders used in the employee's occupation if that employment or occupation had continued on the part of the employer for at least 200 full working days during the year immediately preceding that injury. For purposes of this paragraph, "reasonable and customary allowance" is the allowance provided in a negotiated contract between the employee and the employer or, if not provided for by a negotiated contract, an allowance determined by the Department of Labor, ~~Bureau of Employment Security~~. In the case of piece workers and other employees whose wages during that year have generally varied from week to week, wages are averaged in accordance with the method provided under paragraph B.

**Sec. G-22. 39-A MRSA §211,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

#### **§211. Maximum benefit levels**

Effective January 1, 1993, the maximum weekly benefit payable under section 212, 213 or 215 is \$441 or 90% of state average weekly wage, whichever is higher. Beginning on July 1, 1994, the maximum benefit level is the higher of \$441 or 90% of the state average weekly wage as adjusted annually utilizing the state average weekly wage as determined by the ~~Bureau of Employment Security~~ Department of Labor.

**Sec. G-23. 39-A MRSA §214, sub-§1, ¶A,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. If an employee receives a bona fide offer of reasonable employment from the previous employer or another employer or through the Bureau of Employment ~~Security Services~~ and the employee refuses that employment without good and reasonable cause, the employee is considered to have voluntarily withdrawn from the work force and is no longer entitled to any wage loss benefits under this Act during the period of the refusal.

**Sec. G-24. 39-A MRSA §214, sub-§§2, 3 and 4,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

**2. Notice to Bureau of Employment Services.** An insurance carrier or self-insurer shall notify the Bureau of Employment ~~Security Services~~ of the name of any injured employee who is unemployed and to whom the insurance carrier or self-insurer is paying benefits under this Act.

**3. Priority.** The Bureau of Employment ~~Security Services~~ shall give priority to finding employment for those persons whose names are supplied under subsection 2.

**4. Notice of refusal; termination of benefits.** The Bureau of Employment ~~Security Services~~ shall notify the board in writing of the name of any employee who refuses any bona fide offer of reasonable employment. Upon notification to the board, the board shall notify the insurance carrier or self-insurer who shall terminate the benefits of the employee pursuant to subsection 1, paragraph A.

**Sec. G-25. 39-A MRSA §352, sub-§6,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**6. Monitoring of lump-sum settlement recipients.** The board shall establish and maintain a program to monitor the postsettlement employment experience of employees who settle their claims pursuant to this section to help develop future policy. The ~~Bureau of Employment Security~~ Department of Labor shall cooperate with the board in the establishment and operation of this monitoring program.

**Sec. G-26. 39-A MRSA §356, sub-§2,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**2. Death of an employee.** In every case of the death of any employee when there is no person entitled to compensation, the employer shall pay to the Treasurer of State a sum equal to 100 times the

average weekly wage in the State as computed by the ~~Employment Security Commission~~ Department of Labor to be credited to the Employment Rehabilitation Fund.

**Sec. G-27. 39-A MRSA §403, sub-§5, ¶F**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

F. If an employer is a partnership or a sole proprietorship and is a member of a self-insurance group associated pursuant to this section, the employer may elect to include as an employee any member of the partnership or owner of the sole proprietorship for purposes of obtaining workers' compensation coverage under this Act. In the event of such an election, the electing employer shall serve upon the group self-insurance association written notice naming the partner or sole proprietor to be covered, and an election is deemed not to have been made within this Act until such notice has been given. By making such an election, the partnership member or sole proprietor is deemed to have stipulated that for premium payment purposes the annual salary or wage of the electing partnership member or sole proprietor is the average weekly wage in the State as computed by the ~~Bureau of Employment Security~~ Department of Labor multiplied by 52 and rounded to the nearest \$100. The assumed average annual wage must be adjusted as of July 1st using the average weekly wage from the prior calendar year.

**Sec. G-28. 39-A MRSA §614, sub-§7, ¶A**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. If an employee is determined to be entitled to compensation for periods of total incapacity occurring on or after October 1, 1983, or if a dependent of an employee is determined to be entitled to full death benefits for periods occurring on or after October 1, 1983, and the employee became incapacitated or died on or after November 30, 1967 and before January 1, 1972, then the weekly compensation paid is equal to 2/3 of the average weekly wage in the State, as computed by the ~~Bureau of Employment Security~~ Department of Labor, that exists on the date the worker files a claim for compensation. If an employee is determined to be entitled to compensation for periods of partial incapacity occurring on or after October 1, 1983, and the employee became incapacitated on or after November 30, 1967 and before January 1, 1972, then the weekly compensation paid is equal to 2/3 of the difference, due to the injury, between the average weekly wage in the State, as computed by the ~~Bureau of Employment~~

Security Department of Labor, that exists on the date the worker files a claim for compensation and the weekly wages, earnings or salary that the employee is able to earn after the claim is filed. If a dependent of an employee is determined to be entitled to partial death benefits for periods occurring on or after October 1, 1983 and the employee died on or after November 30, 1967 and before January 1, 1972, then the weekly compensation paid is equal to the same proportion of the weekly payment provided in this paragraph for full death benefits, as the total amount contributed by the employee to such partial dependents for their support during the year prior to incapacity bears to the employee's earnings during that period.

**Sec. G-29. Effective date.** Those sections of this Part that amend the Maine Revised Statutes, Title 5, section 7036, subsection 12; Title 20-A, section 12704, subsection 2, paragraph D; Title 20-A, section 12709, subsection 11; Title 20-A, section 12727, subsection 2; Title 26, section 1452; Title 26, section 1454; Title 39-A, section 102, subsection 4, paragraph A; Title 39-A, section 214, subsection 1, paragraph A; and Title 39-A, section 214, subsections 2, 3 and 4 take effect April 15, 1996.

**PART H**

**Sec. H-1. 5 MRSA §12004-A, sub-§7**, as enacted by PL 1987, c. 786, §5, is amended to read:

7. Board Expenses ~~26 MRSA §171-~~  
of Boiler Rules Only 32 MRSA §15103

**Sec. H-2. 5 MRSA §12004-A, sub-§14**, as amended by PL 1989, c. 503, Pt. A, §2, is further amended to read:

14. Board of Expenses ~~26 MRSA §475-~~  
Elevator and Tramway Only 32 MRSA §15205  
Safety

**Sec. H-3. 10 MRSA §8001, sub-§38, ¶¶II and JJ**, as enacted by PL 1995, c. 502, Pt. H, §8, are amended to read:

- II. Propane and Natural Gas Board; ~~and~~
- JJ. Real Estate Commission;

**Sec. H-4. 10 MRSA §8001, sub-§38, ¶¶KK and LL** are enacted to read:

- KK. Board of Boiler Rules; and
- LL. Board of Elevator and Tramway Safety.

**Sec. H-5. 14 MRSA §752-B**, as amended by PL 1979, c. 514, §2, is further amended to read:

**§752-B. Ski areas**

All civil actions for property damage, bodily injury or death against a ski area owner or operator or tramway owner or operator or its employees, as defined under Title ~~26~~ 32, chapter ~~5~~, subchapter ~~V-A~~ 133, whether based on tort or breach of contract or otherwise, arising out of participation in skiing or ~~hang gliding~~ hang gliding or the use of a tramway associated with skiing or ~~hang gliding~~ hang gliding shall ~~hang gliding~~ must be commenced within 2 years after the cause of action accrues.

**Sec. H-6. 17 MRSA §2509**, as amended by PL 1979, c. 127, §121, is further amended to read:

**§2509. Tampering with passenger tramway**

Whoever ~~shall~~ willfully ~~break, injure, tamper breaks, injures or tampers~~ with or ~~remove~~ removes part or parts of any tramway as defined in Title ~~26~~ 32, section ~~472~~ 15202, shall ~~must~~ be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

**Sec. H-7. 26 MRSA §41**, as amended by PL 1989, c. 410, §24, is further amended to read:

**§41. Director; personnel; salaries; expenses**

~~A~~ The Bureau of Labor Standards within the Department of Labor, as ~~heretofore~~ established and ~~hereinafter referred to~~ in this Title ~~called~~ as the "bureau," shall ~~be~~ is maintained under the direction of an officer whose title shall ~~be~~ is Director of Labor Standards and state factory inspector, ~~hereinafter referred to~~ in this Title, except in chapter 13, ~~called~~ as the "director." The director shall ~~be~~ is appointed by the Commissioner of Labor and shall ~~hold~~ holds office at the pleasure of the commissioner. The director shall ~~have~~ has an office at the seat of government. The director shall appoint, subject to the Civil Service Law, such employees as may be necessary ~~and a deputy who shall be clerk of the bureau and deputy state factory inspector.~~

**Sec. H-8. 26 MRSA c. 5, sub-c. II**, as amended, is repealed.

**Sec. H-9. 26 MRSA c. 5, sub-c. V-A**, as amended, is repealed.

**Sec. H-10. 26 MRSA §569**, as amended by PL 1979, c. 541, Pt. A, §169, is further amended to read:

**§569. Rules**

The rules ~~and regulations~~ formulated under this chapter may supplement, but shall ~~in no manner do~~ not supersede, the rules ~~and regulations~~ duly promulgated ~~adopted~~ by the Board of Boiler Rules and

the Board of Elevator and Tramway Safety, whose rulemaking authority is clearly set forth in ~~sections 173 and 476~~ Title 32, chapters 131 and 133, respectively, and the rules ~~and regulations~~ duly promulgated ~~adopted~~ by the Department of Human Services under the laws administered by that department. All rules ~~and regulations~~ shall ~~must~~ be adopted pursuant to ~~Title 5, section 8051 et seq~~ the Maine Administrative Procedure Act.

**Sec. H-11. 26 MRSA §2106**, as repealed and replaced by PL 1987, c. 769, Pt. A, §110, is amended to read:

**§2106. Inspection by and assistance of Bureau of Labor Standards**

The Bureau of Labor Standards shall inspect ~~each fire department at least once every 2 years~~ departments to determine compliance with this chapter. The bureau shall assist fire departments in complying with this chapter.

**Sec. H-12. 32 MRSA §1102, sub-§6**, as amended by PL 1995, c. 114, §2, is further amended to read:

**6. Elevator mechanics.** Any person licensed under Title ~~26, sections 484 to 487~~ 32, chapter 133 subject to the restrictions of the license as issued;

**Sec. H-13. 32 MRSA §2401-A, sub-§4**, as enacted by PL 1979, c. 569, §13, is amended to read:

**4. Engineers and operators.** A person holding an engineer's license issued under ~~Title 26, section 478~~ 15109, or working under the general supervision of one so licensed while performing ~~such~~ oil or solid fuel burner repair and maintenance as is necessary in the steam or heating plant where ~~he~~ that person is employed, ~~provided such if that work is performed in compliance with section 2313,~~ or a person employed by companies under the jurisdiction of the Public Utilities Commission or the United States Nuclear Regulatory Commission whose facilities are subject to inspection under Title 26, chapter 5, subchapter II, Article 4;

**Sec. H-14. 32 MRSA cc. 131 and 133** are enacted to read:

**CHAPTER 131****BOILER AND PRESSURE VESSEL  
INSTALLERS AND OPERATORS****§15101. Definitions**

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

**1. Approved.** "Approved" means approved by the board.

**2. Authorized inspector.** "Authorized inspector" means a person holding a certificate of authority to inspect boilers within this State issued under section 15107 or a person, employed by a company licensed to insure boilers in this State, holding a certificate to inspect boilers within this State issued under section 15120.

**3. Board.** "Board" means the Board of Boiler Rules.

**4. Chief inspector.** "Chief inspector" means the Chief Inspector of Boilers approved under section 15106.

**5. Code.** "Code" means the boiler and pressure vessel code of the American Society of Mechanical Engineers and amendments and interpretations made and approved by the council of the society.

**6. Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.

**7. Department.** "Department" means the Department of Professional and Financial Regulation.

**8. Deputy inspector.** "Deputy inspector" means a person, employed by the State and supervised by the chief inspector, authorized to inspect boilers within this State.

**9. Miniature boiler.** "Miniature boiler" means a boiler as defined by the code.

**10. Schoolhouse.** "Schoolhouse" includes, but is not limited to, any structure used by schools or colleges, public or private, for the purpose of housing classrooms, gymnasiums, auditoriums or dormitories.

### **§15102. Exemptions**

**1. Boilers.** This chapter does not apply to:

**A. Boilers that are under federal control;**

**B. Boilers used solely for propelling motor road vehicles;**

**C. Boilers of steam fire engines brought into the State for temporary use in times of emergency to check conflagrations;**

**D. Boilers used for agricultural purposes only;**

**E. Steam heating boilers, hot water heating boilers and hot water supply boilers, except boilers located in schoolhouses or boilers owned by municipalities, constructed and installed in accordance with the rules adopted by the board; or**

**F. Miniature boilers exempt by section 15118.**

**2. Pressure vessels.** This chapter does not apply to:

**A. Pressure vessels that are under federal control;**

**B. Pressure vessels used for the transportation and storage of compressed or liquefied gases constructed in compliance with specifications of the United States Department of Transportation;**

**C. Pressure vessels located on vehicles operating under the rules of other state authorities and used for carrying passengers or freight;**

**D. Pressure vessels installed on the right-of-way of railroads and used directly in the operation of trains;**

**E. Pressure vessels used solely for agricultural purposes on farms;**

**F. Pressure vessels located in private residences and apartment houses with fewer than 6 apartments;**

**G. Pressure vessels having an internal or external operating pressure not exceeding 15 pounds per square inch;**

**H. Vessels for containing water under pressure, including those containing air, the compression of which serves only as a cushion, when neither of the following limitations is exceeded:**

**(1) A design pressure of 300 pressure pounds per square inch; or**

**(2) A design temperature of 210 degrees Fahrenheit;**

**I. Pressure vessels containing water heated by steam or any other direct or indirect means when none of the following limitations are exceeded:**

**(1) A heat input of 200,000 British thermal units per hour;**

**(2) A water temperature of 200 degrees Fahrenheit; or**

**(3) A normal water-containing capacity of 120 gallons;**

**J. Pressure vessels that do not exceed:**

**(1) Five cubic feet in volume and 250 pounds per square inch gauge pressure;**

(2) One and 1/2 cubic feet in volume and 600 pounds per square inch gauge pressure; or

(3) An inside diameter of 6 inches with no limitation on pressure; or

K. Pressure vessels that are used as an integral part of a circuit breaker or transformer.

### **§15103. Board of Boiler Rules**

**1. Membership.** The Board of Boiler Rules, as established by Title 5, section 12004-A, subsection 7, consists of 7 members appointed by the Governor. Of these 7 appointed members, 2 must be representatives of labor within this State who are boilermakers or have boiler licenses, one must be a representative of the owners and users of steam boilers within this State, one must be a representative of the boiler manufacturers within this State, one must be a representative of the operating steam engineers in this State, one must be a representative of a boiler inspection and insurance company licensed to do business within the State and one must be a representative of the public. The board shall annually elect a chair from its membership. Appointments are for 3-year terms. Appointments of members must comply with section 60. A member may be removed by the Governor for cause.

**2. Compensation.** The members of the board are entitled to compensation according to the provisions of Title 5, chapter 379.

**3. Meetings.** The board shall meet at least twice yearly.

**4. Records.** The board shall keep a complete record of the type, dimensions, age, conditions, pressure allowed upon, location and date of last inspection of all boilers to which this chapter applies.

### **§15104. Rules**

The board shall adopt rules for the safe and proper construction, installation, repair, use and operation of boilers and pressure vessels in this State. The rules must conform as nearly as practicable to the code.

Rules adopted by the board may not take effect sooner than 90 days after the date on which they are adopted. Any change in the rules that would raise the standards governing the methods of construction of new boilers and pressure vessels or the quality of material used in them may not take effect sooner than 6 months after the date of adoption of a change in the rules. All rules must be adopted pursuant to the Maine Administrative Procedure Act.

The board shall publish and distribute among boiler manufacturers and others requesting them copies of the rules adopted by the board at a cost sufficient only to cover the printing and mailing expenses of distribution.

### **§15105. Installation of new boilers and pressure vessels**

A new boiler or pressure vessel that does not conform to the rules adopted by the board governing new installations may not be installed in this State.

Unless otherwise exempt, all new boilers and pressure vessels to be installed must be inspected during construction by an inspector authorized to inspect boilers in this State, or, if constructed outside the State, by an inspector holding a certificate of authority from the chief inspector of this State or an inspector who holds a certificate of inspection issued by the National Board of Boiler and Pressure Vessel Inspectors, or its successor organization.

### **§15106. Chief and deputy inspectors**

The commissioner shall appoint, with the approval of the Governor, and may remove for cause when so appointed, a citizen of this State to be Chief Inspector of Boilers at any time the office may become vacant. The Chief Inspector of Boilers must have, at the time of the appointment, not fewer than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boilermaker or boiler inspector, and must have passed the same kind of an examination as that prescribed for deputy and authorized inspectors in section 15107.

The commissioner may likewise hire deputy inspectors as necessary to carry out this chapter from among applicants who have successfully passed the examination provided for in section 15107.

### **§15107. Deputy and authorized inspectors to be examined**

The examination for deputy inspectors and authorized inspectors must be given by the Chief Inspector of Boilers, or by at least 2 examiners to be appointed by the chief inspector. An examination fee for authorized inspectors must be set by the board, but may not exceed \$100. The examination must be written or partly written and partly oral, recorded in writing, and must be confined to determining the fitness and competency of the applicant for the intended service and must be of uniform grade throughout the State. The chief inspector shall certify to the board the names of applicants who have successfully passed the examination. If an applicant for an inspector's certificate of authority fails to pass this examination, the applicant may appeal to the board for a subsequent examination that must be given

by the board or by examiners other than those by whom the first examination was given. These examiners must be appointed immediately to give the subsequent examination. Based on the result of this subsequent examination, the board shall determine whether the applicant is qualified to be issued an inspector's certificate. The record of an applicant's examination, whether original or on appeal, must be accessible to the applicant and to the applicant's employer.

The fee for issuing a certificate of authority as an authorized inspector must be set by the board, but may not exceed \$50 per year when the certificate is granted under section 15120, to a person who holds a certificate as an inspector of steam boilers for a state that has a standard of examination equal to that of this State or a certificate from the National Board of Boiler and Pressure Vessel Inspectors, or its successor organization, and whose examination has been waived in accordance with section 15120. The certificate is valid for a 3-year period beginning with the date of issuance.

The board may file a complaint with the Administrative Court to revoke a certificate of authority pursuant to Title 4, section 1151, for incompetence or untrustworthiness of the holder of the certificate or for willful falsification of any matter or statement contained in the application or in a report of any inspection.

**§15108. Chief and deputy inspectors to furnish bond**

The chief inspector and each deputy inspector shall furnish such bond as may be required by law.

**§15109. Stationary steam engineers and boiler operators**

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

A. "Capacity" means the potential output of a steam boiler designated in pounds per hour of steam flow or its equivalent based on heating surface in the applicable chapter of the code.

B. "Committee" means the examination committee as set forth in this section.

C. "Have charge of" means the general supervisory control over the operation and maintenance of a plant and other stationary steam engineers or other personnel engaged in the operation of the plant.

D. "Operate" means to control by observation and manipulation of mechanical or automatic

and remote controls equipment in connection with a plant, but does not include persons who "have charge of" the plant.

E. "Plant" means heating plant, power plant or process plant.

F. "#/HR" means pounds of steam per hour output or equivalent.

G. "Psi" means pounds per square inch.

H. "Supervise" means to have supervisory control over the operation and maintenance of a plant, other stationary steam engineers or other personnel engaged in the operation or maintenance of a plant, but does not mean "have charge of" as defined in paragraph C.

**2. Licenses.** In order to safeguard life, health and property, the board shall provide for the mandatory licensing of stationary steam engineers and boiler operators.

Those persons operating boilers exempt under section 15102 and those persons employed by companies under the jurisdiction of the Public Utilities Commission or the United States Atomic Energy Commission, or its successor, are exempt from the licensing requirements.

**3. Issuance of license.** The board shall issue a license to an applicant in the grade for which the committee certifies to the board that the applicant has satisfactorily met the examination and other requirements of this section.

A. A license is valid for 3 years from the date of issuance. A license must designate the name of the holder, the license number, the grade of license, the issuing date and the expiration date. Any license issued under this section is automatically renewable upon payment of the renewal fee as set forth in this section. The expiration dates for licenses issued under this chapter may be established at such other times as the commissioner may designate. The board shall notify everyone registered under this chapter of the date of expiration of the license and the fee required for its renewal for a 3-year period. The notice must be mailed to the person's last known address at least 30 days in advance of the expiration date of the license.

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 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 in its discretion, giving due consideration to the protection of the public, waive examination or other requirements. The board may levy penalties for nonrenewal. Notwithstanding any other provision of this chapter, the board shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew that person's license because that person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served more than 4 years in the Armed Forces, except if that person is required by some mandatory provision to serve a longer period and that person submits satisfactory evidence of this mandatory provision to the board.

B. The license certificate must be displayed in plain view in the plant where the licensee is employed.

C. The committee shall certify to the board as eligible for a license any applicant who holds a current stationary steam engineering license issued by the proper authority of any state, territory or possession of the United States, the District of Columbia or Canada that has requirements equal to those of this State and recognizes the license issued by this State without further examination. The committee shall certify to the board as eligible for a license any applicant who holds a current Canadian marine or United States Coast Guard marine engineer's license and who has worked as a boiler engineer or operator 3 of the last 5 years prior to application. The applicant bears the burden of proving those matters necessary for a license based on reciprocity.

4. Denial or revocation of license. The board may file a complaint to revoke the registration of a stationary steam engineer's or boiler operator's license with the Administrative Court pursuant to Title 4, chapter 25, or may deny the application for the license if the board finds:

A. The licensee or applicant guilty of fraud or misrepresentation in the license application;

B. The licensee or applicant operating or being in charge of a plant while under the influence of intoxicating beverages or narcotic drugs. Revocation under this paragraph may not exceed 90 days;

C. The licensee or applicant suffers from physical or mental incapacity of such nature as would jeopardize physical property or lives in the exercise of the license;

D. There is proven against the licensee or applicant evidence of gross incompetence or gross negligence in the exercise of the license; or

E. The licensee or applicant has operated or has had charge of a plant over which the licensee or applicant lacked authority.

5. Examination committee. The examination committee must be appointed by the board and consists of 5 members, one of whom must be a member of the board, one of whom must be an authorized boiler inspector employed by an insurance carrier licensed to do business in this State, one of whom must be appointed from the public at large and who must be knowledgeable in matters dealing with plant operation, one of whom must have charge of plants and one of whom must be an operator of plants. The secretary of the committee is the chief inspector or a duly appointed designee. The members are appointed for a term of 5 years and until their successors are appointed and duly qualified.

6. Examinations. The committee shall cause all examinations required under this section to be conducted and shall certify qualifying applicants to the board for issuance of licenses.

A. Examinations given to the applicants must be based on the code and the Maine Boiler Code and standard engineering practices.

B. Examinations must be administered at least quarterly and at such times and places as the committee believes are suited to reach the maximum number of applicants.

C. Applications for licenses and renewals must be made on forms furnished by the committee and must include a sworn statement by the applicant of the applicant's qualifications as to all matters pertinent for application under this section.

7. Class of license. There must be 2 grades of boiler operator's license and 4 classes of engineering licenses as set out in this subsection.

A. The holder of a low pressure heating boiler operator's license may operate a heating plant covered by this chapter with steam boilers not exceeding 15 psi or hot water and hot water supply boilers not exceeding 160 psi or 250 degrees Fahrenheit, or both.

B. The holder of a boiler operator's license may operate, supervise or have charge of a heating plant having a capacity of not more than 20,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. The applicant for a boiler operator's license must

have 6 months' operating experience prior to examination under a permit. The board shall issue a permit for the purpose of gaining that experience. Such a permit must be limited to a specified plant and must be limited to one year.

C. The holder of a 4th-class engineer's license may have charge of a plant of not more than 50,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. An applicant for a 4th-class engineer's license must be a high school graduate or have equivalent education and at least one year of operating or supervising experience under a duly licensed engineer having charge of a plant.

D. The holder of a 3rd-class engineer's license may have charge of a plant of not more than 100,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. An applicant for a 3rd-class engineer's license must have at least one year operating or supervising experience as a 4th-class engineer.

E. The holder of a 2nd-class engineer's license may have charge of a plant of not more than 200,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. An applicant for a 2nd-class engineer's license must have at least 2 years operating or supervising experience as a 3rd-class engineer.

F. The holder of a first-class engineer's license may operate, supervise or have charge of a plant of unlimited steam capacity. An applicant for a first-class engineer's license must have at least 2 years operating or supervisory experience as a 2nd-class engineer.

G. One year of schooling in the field of boiler operation in a school approved by the board is equivalent to 6 months of operating experience.

H. In the event of a lack of qualified personnel in the plant in which the applicant is employed, the committee may waive the operating experience requirements of the applicant for examination for the next higher grade of license. Any such license issued must be limited to that plant.

I. Notwithstanding the provisions of this subsection, the examining committee may permit an applicant to take the examination for a license if, in the committee's opinion, the experience or educational qualifications, or both, of the applicant are equivalent to the operating experience required by this subsection.

**8. Rules.** The board may adopt all necessary rules and establish necessary procedures for examination and licensing to carry out this section, pursuant to the Maine Administrative Procedure Act.

**9. Fees.** The fees charged for examination and for licenses issued pursuant to this section are set by the board and may not exceed the following:

A. License and license renewal fee for stationary steam engineers, \$100;

B. License and license renewal fee for boiler operators, \$100;

C. A late fee not to exceed \$75 on all renewals for which the board receives a renewal application up to 2 years after the expiration of the license; and

D. Examination fee for engineers and operators, \$50.

**10. Committee expenses.** Committee members are entitled only to reimbursement for all expenses incurred in the performance of their duties under this section.

**§15110. Welding on boilers; certificates for welders**

A welder may not make welded repairs to any boiler or pressure vessel covered by this chapter, without first receiving authorization from the chief inspector or the authorized inspector employed by the insurance company responsible for the inspection of the boiler or pressure vessel. The authorization may be in the form of a general agreement between the chief inspector or the appropriate authorized inspector and the owner or the owner's representative.

The board may adopt rules, pursuant the Maine Administrative Procedure Act, relating to qualifications of welders performing welding for compensation and may conduct examinations, issue certificates and charge a reasonable fee for those examinations and certificates.

**§15111. Operation of condemned vessels**

A boiler or pressure vessel that has been condemned for further use in this or any other state by an authorized boiler inspector employed by an insurance company or by an inspector authorized to inspect boilers by a state or the Federal Government may not be installed or operated in this State.

**§15112. Condemned vessels stamped**

A boiler or pressure vessel condemned in this State must be stamped "XXX Me.," and the board must immediately be notified of the condemnation.

The stamp "XXX Me." placed on condemned boilers must be made across the registration mark or number of the boiler, or if the boiler has no registration mark or number, a stamp must be placed in the location of this mark as determined by the rules of the code.

The stamping must be done with individual letters, driven into the plate so far as to thoroughly cancel any previous registration and must be made with letters at least 3/8 of an inch high.

The laws and regulations of the code must be used in all mathematical computations necessary to determine the safety of a boiler.

### **§15113. Registration; stamping**

A boiler, except one exempt under section 15102, may not be operated in this State unless the boiler is registered in the office of the board upon blanks to be furnished by the board upon request. The completed blanks must contain information regarding maker's name, type of construction, date of construction, age, location and when last inspected and other information as may be required.

A pressure vessel, except those exempt under section 15102, may not be installed and operated in this State after June 30, 1974, unless it is constructed, inspected and stamped in conformity with Section VIII of the code and is registered with and approved by the board.

A pressure vessel that does not bear the code stamping may be registered with and approved by the board, if the person desiring to install the vessel makes application to the board and files a copy of the manufacturer's data report or a copy of the construction details together with material specifications for review and approval prior to installation.

After a boiler or pressure vessel has been registered with the board, the board shall furnish and the owner or user shall stamp or have stamped a number as given, on the shell of the boiler in the space commonly used for such purposes, with letters and figures not less than 3/8 of an inch high.

If a boiler or pressure vessel subject to this section is moved from one location to another, notice must be given the board of the removal and of the new location in which the boiler or pressure vessel is to be set up.

### **§15114. Certificate required**

It is unlawful for any person, firm, partnership or corporation to operate under pressure in this State a boiler to which this chapter applies without a valid inspection certificate as provided in this chapter. The

operation of a boiler without an inspection certificate constitutes a Class E crime on the part of the owner or user of the boiler and is punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both.

### **§15115. Temporary certificate**

If an emergency affecting public safety and welfare exists, the board may authorize the chief inspector to issue a temporary inspection certificate for a period not exceeding 6 months after an inspection certificate has expired. A temporary inspection certificate may be issued without an internal inspection being made. If the boiler is insured, the temporary inspection certificate may not be issued until recommended in writing by the authorized inspector of the company insuring the boiler and by the chief inspector or one of the deputies; or, if the boiler is not insured, the temporary inspection certificate must be recommended in writing by at least 2 authorized state inspectors. The provisions as to posting of the inspection certificate apply to the temporary inspection certificate.

### **§15116. Insurance**

When a boiler is insured and inspected by a duly accredited insurance company licensed to do business in this State, a copy of the record of each internal inspection of the boiler must be filed with the board.

When an insurance company cancels insurance upon any boiler requiring inspection under section 15117 that is not exempt under section 15102 or the policy expires and is not renewed, notice must immediately be given to the board. An insurance company shall notify the board immediately upon insuring a boiler pursuant to this section.

### **§15117. Inspection required; certificates issued**

Each boiler used or proposed for use within this State, except boilers exempt under section 15102, must be thoroughly inspected by the chief inspector or one of the deputy inspectors or authorized inspectors, as to its design, construction, installation, condition and operation. The board shall adopt rules pursuant to the Maine Administrative Procedure Act specifying the method and frequency of inspection. When any boiler inspected as specified by the board is found to be suitable and to conform to the rules of the board, the chief inspector shall issue to the owner or user of that boiler, upon payment of a fee to the board, an inspection certificate for each boiler. The fee must be set by the board and may not exceed \$100. Inspection certificates must specify the maximum pressure that the boiler inspected is allowed to carry. The inspection certificate may be valid for not more than 14 months from its date and must be posted under glass in the engine or boiler room containing the boiler or an

engine operated by it or, in the case of a portable boiler, in the office of the plant where it is temporarily located.

In accordance with the provisions of the Maine Administrative Procedure Act, the chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in the inspector's opinion, the boiler for which it was issued may not continue to be operated without menace to the public safety. An authorized inspector has corresponding powers with respect to inspection certificates for boilers insured by the company employing the inspector. This suspension must continue pending decision on the board's application with the Administrative Court for a temporary suspension pursuant to Title 4, section 1153.

#### **§15118. Inspection charge**

The owner or user of each boiler required by this chapter to be inspected by the chief inspector or a deputy inspector, shall pay the inspector upon inspection a fee or fees to be determined by the board. Not more than \$500 may be collected for the inspection of any one boiler made in any one year, unless additional inspections are required by the owners or users of the boiler or unless the boiler has been inspected and an inspection certificate has been refused, withheld or withdrawn or unless an additional inspection is required because of the change of location of a stationary boiler. The nature and size of miniature boilers to be inspected may be determined by the board.

The fees for additional inspections required by the code must be paid by the boiler owner or contractor and those fees must include the wages and expenses of the inspector.

#### **§15119. Powers of chief inspector**

The chief inspector may:

**1. Free access to premises.** Have free access for the chief inspector or a deputy or deputies inspectors during reasonable hours to any premises in the State where a boiler is built or where a boiler or power plant apparatus is being installed or operated, for the purpose of ascertaining whether the boiler is built, installed and operated in accordance with this chapter;

**2. Inspection certificates.** Issue, suspend and revoke inspection certificates allowing boilers to be operated, as provided in sections 15115 and 15117, and as provided in the Maine Administrative Procedure Act;

**3. Enforce laws and rules.** Enforce the laws of the State governing the use of boilers and enforce the rules of the board; and

**4. Examinations and certificates of competency.** Hold examinations and issue certificates of competency to inspectors who have successfully passed such examinations.

#### **§15120. Authorized inspectors; duties**

In addition to any deputy or authorized boiler inspectors certified and appointed under sections 15106 and 15107, the board shall, upon the request of any company authorized to insure against loss from explosion of boilers in this State, issue to the boiler inspectors of the company certificates of authority as authorized inspectors. Each inspector before receiving a certificate of authority must pass satisfactorily the examination provided for in section 15107 or, in lieu of such an examination, hold a certificate as an inspector of steam boilers for a state that has a standard of examination equal to that of this State or a certificate from the National Board of Boiler and Pressure Vessel Inspectors, or its successor organization. Authorized inspectors are not entitled to receive a salary from, nor may any of their expenses be paid by, the State. The continuance of an authorized inspector's certificate is conditioned upon the authorized inspector continuing in the employ of a boiler inspection and insurance company duly authorized and upon maintenance of the standards imposed by this chapter. Authorized inspectors shall inspect all boilers insured by their respective companies, and the owners or users of those insured boilers are exempt from the payment of the fees provided for in section 15118. Each company employing authorized inspectors shall, within 30 days following each annual internal inspection made by the inspectors, file a report of the inspection with the chief inspector.

### **CHAPTER 133**

#### **ELEVATOR AND TRAMWAY INSTALLERS AND OPERATORS**

#### **§15201. Declaration of policy**

It is the policy of the State to protect its citizens and visitors from unnecessary mechanical hazards in the operation of elevators and tramways and to ensure that reasonable design and construction are used, that accepted safety devices and sufficient personnel are provided and that periodic maintenance, inspections and adjustments considered essential for the safe operation of elevators and tramways are made. The primary responsibility for design, construction, maintenance and inspection rests with the firm, person, partnership, association or corporation that owns or operates elevators or tramways.

**§15202. Definitions**

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

**1. Approved.** "Approved" means as approved by the Board of Elevator and Tramway Safety.

**2. Board.** "Board" means the Board of Elevator and Tramway Safety.

**3. Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.

**4. Department.** "Department" means the Department of Professional and Financial Regulation.

**5. Elevator.** "Elevator" includes an escalator or a manlift and means a guided hoisting and lowering mechanism equipped with a car, platform or load-carrying unit, including doors, well, enclosures, means and appurtenances. "Elevator" does not include a dumbwaiter, conveyor, chain or bucket hoist or a tiering, piling or feeding device.

**6. Escalator.** "Escalator" means a power-driven, inclined and continuous stairway used for raising or lowering passengers.

**7. Freight elevator.** "Freight elevator" means an elevator used for carrying freight on which only the operator and the persons necessary for loading and unloading are permitted to ride.

**8. Licensed tramway inspector.** "Licensed tramway inspector" means an individual who has been licensed by the Board of Elevator and Tramway Safety to inspect tramways pursuant to this chapter.

**9. Manlift.** "Manlift" means a device, consisting of a power-driven, endless belt or chains, provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

**10. Operator.** "Operator" means the person or persons who physically operate an elevator or tramway.

**11. Owner.** "Owner" means a firm, person, partnership, association, corporation or state or political subdivision that owns an elevator or tramway.

**12. Passenger elevator.** "Passenger elevator" means an elevator that is used to carry persons other than the operator and persons necessary for loading and unloading, except that "passenger elevator" does not mean an escalator or a manlift.

**13. Physically handicapped person.**

"Physically handicapped person" means a person who has a physiological disability, infirmity, malformation, disfigurement or condition that eliminates or severely limits the person's ability to have access to the person's environment by normal ambulatory function, necessitating the use of crutches, a wheelchair or other similar device for locomotion.

**14. Skier.** "Skier" means any person while wearing skis and any person while actually on a ski slope or trail located at a ski area for the purpose of skiing, including a person engaged in cross-country, nordic or telemark skiing.

**15. Ski area.** "Ski area" means the ski slopes and trails and passenger tramways administered or operated as a single enterprise within this State.

**16. Ski industry.** "Ski industry" means the activities of all ski area operators.

**17. Ski area operator.** "Ski area operator" means a person or organization having operational responsibility for a ski area, including an agency or a political subdivision of this State.

**18. State inspector.** "State inspector" means an individual in the employ of the State whose duties include the examination and inspection of elevators and tramways under the direction of the commissioner.

**19. Tramway.** "Tramway" means a device used to transport passengers uphill on skis or in cars on tracks or suspended in the air by the use of steel cables, chains or belts or by ropes usually supported by trestles or towers with one or more spans. "Tramway" includes the following:

A. Reversible aerial tramways, which are that class of aerial passenger tramways and lifts by which passengers are transported in carriers and are not in contact with the ground or snow surface, and in which the carriers reciprocate between terminals. This class includes:

(1) Single-reversible tramways, which are a type of reversible lift or aerial tramway having a single carrier, or single group of carriers, that moves back and forth between terminals on a single path of travel, sometimes called "to-and-fro" aerial tramways; and

(2) Double-reversible tramways, which are a type of reversible lift or aerial tramway having 2 carriers, or 2 groups of carriers, that oscillate back and forth between terminals on 2 separate paths of travel, sometimes called "jig-back" aerial tramways;

B. Aerial lifts and skimobiles, which are that class of aerial passenger tramways and lifts by which passengers are transported in carriers and are not in contact with the ground or snow surface, and in which the carriers circulate around a closed system and are activated by a wire rope or chain. The carriers usually make U-turns in the terminals and move along parallel and opposing paths of travel. The carriers may be open or enclosed cabins, chairs, cars or platforms. The carriers may be fixed or detachable. This class includes:

(1) Gondola lifts, which are a type of lift or aerial tramway by which passengers are transported in open or enclosed cabins. The passengers embark and disembark while the carriers are stationary or moving slowly under a controlled arrangement;

(2) Chair lifts, which are a type of lift or aerial tramway by which passengers are transported in chairs, either open or partially enclosed; and

(3) Skimobiles, which are a type of lift or aerial tramway by which passengers are transported in open or enclosed cars that ride on a rigid structural system and are propelled by a wire rope or chain;

C. Surface lifts, which are that class of conveyance by which passengers are propelled by means of a circulating overhead wire rope while remaining in contact with the ground or snow surface. Transportation is limited to one direction. Connection between the passengers and the wire rope is by means of a device attached to and circulating with the haul rope known as a "towing outfit." This class includes:

(1) T-bar lifts, which are a type of lift in which the device between the haul rope and passengers forms the shape of an inverted "T," propelling passengers located on both sides of the stem of the "T";

(2) J-bar lifts, which are a type of lift in which the device between the haul rope and passenger is in the general form of a "J," propelling a single passenger located on the one side of the stem of the "J"; and

(3) Platter lifts, which are a type of lift in which the device between the haul rope and passenger is a single stem with a platter or disk, attached to the lower end of the stem, propelling the passenger astride the stem of the platter or disk;

D. Tows, which are that class of conveyance in which passengers grasp a circulating haul rope, which may be natural or synthetic fiber or metallic, or a handle or gripping device attached to the circulating haul rope, and are propelled by the circulating haul rope. The passengers remain in contact with the ground or snow surface. The upward-traveling haul rope remains adjacent to the uphill track at an elevation that permits the passengers to maintain their grasp on the haul rope, handle or gripping device throughout the portion of the tow length that is designed to be traveled; and

E. Similar equipment not specified in this subsection, but conforming to at least one of the general descriptions in this subsection.

**20. Tramway passenger.** "Tramway passenger" means a person being transported or conveyed by a tramway, waiting in the immediate vicinity for transportation or conveyance by a tramway, moving away from the disembarkation or unloading point of a tramway to clear the way for the following passengers or boarding, embarking upon or disembarking from a tramway.

#### **§15203. Retroactive effect; exception**

This chapter may not be construed to prevent the use or sale of elevators in this State that were being used or installed prior to January 1, 1950 and that must be made to conform to the rules of the board covering existing installations and must be inspected as provided for in this chapter.

This chapter does not apply to elevators or tramways on reservations of the Federal Government, to elevators used for agricultural purposes on farms or to elevators located or maintained in private residences, as long as they are exclusively for private use.

#### **§15204. Appeals; variances**

A person aggrieved by an order or act of the supervising inspector or the state inspector under this chapter may, within 15 days after notice of the order or act, appeal from the order or act to the board, which shall hold a hearing pursuant to Title 5, chapter 375, subchapter IV. After the hearing, the board shall issue an appropriate order either approving or disapproving the order or act.

Any person who is or will be aggrieved by the application of any law, code or rule relating to the installation or alteration of elevators or tramways may file a petition for a variance with the board, whether compliance with that provision is required at the time of filing or at the time that provision becomes effective. The filing fee for a petition for a variance must be set by the board and may not exceed \$100.

The board shall hold a hearing pursuant to Title 5, chapter 375, subchapter IV. The board shall grant a variance if, owing to conditions especially affecting the particular building or installation involved, the enforcement of any law, code or rule relating to elevators or tramways would do manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or any occupant of the petitioner's building or would be unreasonable under the circumstances or condition of the property, provided that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of that law, code or rule. In exercising its powers under this section, the board may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with rules made and amended from time to time. The board immediately shall send a copy of its decision by registered mail to all interested parties.

#### **§15205. Board of Elevator and Tramway Safety**

The Board of Elevator and Tramway Safety, as established by Title 5, section 12004-A, subsection 14, consists of 9 members, of whom 7 are appointed by the Governor. Each member holds office until a successor is duly appointed. At the expiration of each member's term, that member's successor is appointed by the Governor from the same classification in accordance with this section. If a vacancy occurs, the Governor shall appoint a member of the proper classification to serve the term of the absent member. Of the 7 members of the board appointed by the Governor, one must represent owners or lessees of elevators in the State; one must represent manufacturers of elevators; one must represent manufacturers or installers of accessibility lifts; one must be a licensed elevator mechanic; one must be a representative of a ski area operator presently operating tramways in the State; one must be a qualified licensed professional engineer who is familiar with tramway design, inspection and operation; and one must be a public member. The 8th member of the board must be a physically handicapped person appointed by the Director of the Bureau of Rehabilitation Services, subject to the approval of the Governor. The 9th member of the board must be a member of the Division of Fire Prevention appointed by the Commissioner of Public Safety. The board must annually elect a chair from its membership. Appointments are for 3-year terms. Appointments of members must comply with section 60. A member may be removed by the Governor for cause.

**1. Compensation.** The appointed members of the board shall serve without salary and are entitled to compensation according to the provisions of Title 5, chapter 379.

**2. Meetings.** The board shall meet at least twice yearly.

#### **§15206. Powers and duties of board**

The board shall adopt reasonable rules for the safe and proper construction, installation, alteration, repair, use, operation and inspection of elevators and tramways in the State. The rules must include standards for the review and audit of inspections performed by elevator inspectors not employed by the State. The rules must be adopted pursuant to the Maine Administrative Procedure Act and conform as near as practicable to the established standards as approved by the American National Standards Institute. The rules may not take effect sooner than 90 days after the date they are adopted, except that rules applying to the construction of new elevators and tramways may not take effect sooner than 6 months after the date they are adopted.

The board shall keep a record of the date of last inspection and the type, dimensions, age, conditions and location of all elevators to which this chapter applies.

The board shall publish and distribute among elevator and tramway owners, lessees, manufacturers, repair companies and others requesting them copies of the rules as adopted by the board, at a cost sufficient only to cover the printing and mailing expenses of distribution, except those rules that are American National Standards Institute standards, which must be obtained from the publisher.

#### **§15207. Appointment of state inspectors**

The commissioner may hire employees in conformance with section 60-F.

#### **§15208. Examination of elevator inspectors; licenses**

The board shall set standards necessary for the examination of elevator inspectors. The board may set standards for the examination of inspectors limited to the inspection of categories of equipment within the definition of "elevator," including, but not limited to, accessibility lifts. The examination fee is set by the board and may not exceed \$100. The examination must be written, in part or in whole, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform standard throughout the State. If an applicant fails to pass this examination, the applicant may appeal to the board for a 2nd examination within 90 days of notification of the applicant's failure to pass, and the 2nd examination must be given by the board or by examiners other than those by whom the first examination was given. Upon the result of this 2nd

examination, the board shall determine whether the applicant is qualified.

The record of the applicant's examination, whether original or on appeal, must be accessible to the applicant. The examinations must be kept on file in the office of the supervising inspector for a period of not less than 2 years.

Applications for examination and license must be made on forms furnished by the board.

An elevator inspector's license expires on the 3rd anniversary date of the original issue. The license fee must be set by the board and may not exceed \$300.

The license may be renewed for a period of 3 years without further examination if a renewal fee in an amount set by the board, not to exceed \$300, is paid and the licensee has worked as an elevator inspector during the initial 3-year period.

**§15209. Examination of tramway inspectors; licenses**

The board shall license an applicant as a tramway inspector, who may perform the inspections required on tramways, if that applicant:

**1. Registration.** Is a professional engineer with a current valid registration in some state. If an applicant for a tramway inspector's license demonstrates to the board that the applicant possesses more than 6 years' experience in the construction, design, inspection and operation of tramways, this registration requirement may be waived by the board;

**2. Experience.** Has considerable experience in the construction, design or maintenance of tramways;

**3. Experience in inspecting.** Has 4 years' experience inspecting tramways while working for an insurance company, a government agency or a company performing tramway or similar equipment inspections;

**4. Capability and aptitude.** Has the physical capability and aptitude to perform the duties of a tramway inspector in a safe and thorough manner; and

**5. Examination.** Has sufficient experience and knowledge to achieve a satisfactory rating in an examination designed to test the applicant's knowledge of orders and principles of tramway safety. When an applicant for a tramway inspector's license demonstrates more than 6 years' experience in the construction, design, inspection and operation of tramways, the provisions for examination must be waived.

A. The examination for a licensed tramway inspector must be given by the supervising inspec-

tor or by 2 or more examiners appointed by the supervising inspector. The examination must be written, in whole or in part, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform standard throughout the State. If an applicant fails to pass this examination, the applicant may appeal to the board for a 2nd examination within 90 days of notification of the applicant's failure to pass, and the 2nd examination must be given by the board or by examiners other than those by whom the first examination was given. Upon the result of this 2nd examination, the board shall determine whether the applicant is qualified.

B. The record of the applicant's examination, whether original or on appeal, must be accessible to the applicant. The examinations must be kept on file in the office of the supervising inspector for a period of not less than 2 years.

C. A tramway inspector's license expires on the 3rd anniversary date of the original issue. The license fee must be set by the board and may not exceed \$150.

D. Applications for examination and license must be on forms furnished by the board. The examination fee for a tramway inspector's license must be set by the board and may not exceed \$100.

**§15210. Revocation of tramway or elevator inspector's license**

The board may revoke a tramway or elevator inspection license or remove inspection endorsements from an elevator mechanic's license for the following causes:

**1. Failure to submit true reports.** For failure to submit true reports concerning the conditions of a tramway or elevator or for conduct determined by the board to be contrary to the best interests of tramway or elevator safety or the board; or

**2. Physical infirmities.** For physical infirmities that develop to a point at which it appears that an inspector or mechanic is no longer able to perform the required duties in a thorough and safe manner.

**§15211. Notice of accidents**

Each elevator or tramway accident caused by equipment failure, resulting in injury to a person or in substantial damage to equipment, must be reported by the owner or lessee to the supervising inspector in accordance with the board's rules. When an elevator accident occurs, the inspection certificate for the

involved elevator must be summarily revoked in accordance with Title 5, section 10004, pending decision on any application with the Administrative Court for a further suspension.

**§15212. Examination of accidents**

The board may examine or cause to be examined the cause, circumstances and origin of all elevator or tramway accidents within the State. Upon request, the board shall furnish to the proper district attorney the names of witnesses and all information obtained.

**§15213. Elevator mechanics; license; definition**

A person may not service, repair, alter or install any elevator unless that person is licensed as an elevator mechanic under sections 15214 and 15216. Elevator work in industrial plants, manufacturing plants and hospitals may be performed by plant personnel who are not licensed under sections 15214 and 15216 if the work is supervised by the plant engineer and performed in compliance with rules adopted by the board.

The word "elevator," as used in this section and sections 15214 and 15216, includes all electrical equipment, wiring, steelwork and piping in the elevator machine room, hoistway and pit pertaining to the operation and control of an elevator, except power feeders and required power equipment up to the control panel, heating, lighting, ventilation and drainage equipment.

**§15214. Issuance; qualifications**

The board shall issue an elevator mechanic's license to any applicant who has at least 2 years' experience in the service, repair, alteration or installation of elevators while employed by an elevator company, or has equivalent experience as defined by rules of the board, and satisfactorily passes the examination provided for in section 15216.

A licensed elevator mechanic may not have more than 2 helpers under direct supervision. These helpers need not be licensed.

A licensed elevator mechanic shall comply with the elevator rules of this State.

**§15215. Inspector endorsement to elevator mechanic's license**

An elevator mechanic may inspect elevators if the mechanic has an inspection endorsement to the mechanic's license. The board shall establish rules to examine and qualify mechanics to conduct elevator inspections. The board shall set an examination for endorsement fee and endorsement and endorsement renewal fees, which may not exceed 1/3 of the elevator inspector's license and renewal fees.

**§15216. Examination of elevator mechanics; applications; licenses; fees**

The examination fee for an elevator mechanic's license must be set by the board and may not exceed \$100. The examination must be written, in whole or in part, and must be confined to questions the answers to which will determine the fitness and competency of the applicant for the intended service.

If an applicant for a mechanic's license fails to pass the examination, the applicant may request a 2nd examination within 90 days of notification of the applicant's failure to pass and the 2nd examination must be given without further fee. Any additional examinations may be given only upon the payment of the examination fee as provided in this section.

The record and examination papers of the applicant must be accessible to the applicant and the applicant's employer and must be kept on file in the office of the supervising inspector for a period of not less than 2 years.

Applications for examination and license must be made on forms furnished by the board.

An elevator mechanic's license expires on the 3rd anniversary date of the original issue and may be renewed for periods of 3 years without further examination, if a renewal fee in an amount set by the board, not to exceed \$100, is paid and the licensee has worked as an elevator mechanic during the initial 3-year period.

**§15217. Skiers' and tramway passengers' responsibilities**

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

A. "Inherent risks of skiing" means those dangers or conditions that are an integral part of the sport of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions, such as ice, hard-pack, powder, packed powder, slush and granular, corn, crust, cut-up and machine-made snow; surface or subsurface conditions, such as dirt, grass, bare spots, forest growth, rocks, stumps, trees and other natural objects and collisions with or falls resulting from such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosures, hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects and their components, and collisions with or falls resulting from such man-made objects; variations in steepness or terrain, whether natural or as a result of

slope design; snowmaking or snow-grooming operations, including, but not limited to, ski jumps, roads and catwalks or other terrain modifications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities.

B. "Skiing" means the use of a ski area for snowboarding or downhill, telemark or cross-country skiing; for sliding downhill on snow or ice on skis or a toboggan, sled, tube, snowboard or any other device; or for similar uses of the ski slopes and trails.

C. "Skier" means any person at a ski area who participates in any of the activities described in paragraph B.

**2. Acceptance of inherent risks.** Because skiing as a recreational sport, and the use of passenger tramways associated with skiing, may be hazardous to skiers or passengers, regardless of all feasible safety measures that may be taken, each person who participates in the sport of skiing accepts, as a matter of law, the risks inherent in the sport and, to that extent, may not maintain an action against or recover from the ski area operator, or its agents, representatives or employees, for any losses, injuries, damages or death that result from the inherent risks of skiing.

**3. Warning notice.** A ski area operator shall post and maintain at the ski area where the lift tickets and ski school lessons are sold and at the loading point of each passenger tramway signs that contain the following warning notice:

**WARNING:**

Under Maine law, a skier assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of skiing and may not recover from any ski area operator for any injury resulting from any of the inherent dangers and risks of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions, such as ice, hardpack, powder, packed powder, corn, crust and slush and cut-up, granular and machine-made snow; surface or subsurface conditions, such as dirt, grass, bare spots, rocks, stumps, trees, forest growth or other natural objects and collisions with such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosures, hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including, but not limited to, ski jumps, roads and catwalks or other terrain modi-

fications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities.

**4. Duty to ski within limits of ability.** A skier has the sole responsibility for knowing the range of the skier's own ability to negotiate any slope or ski trail, and it is the duty of the skier to ski within the limits of the skier's own ability, to maintain control of the rate of speed and the course at all times while skiing, to heed all posted and oral warnings and instructions by the ski area operator and to refrain from acting in a manner that may cause or contribute to the injury of the skier or others.

**5. Responsibility for collisions.** The responsibility for a collision between any skier while skiing and any person or object is solely that of the skier or skiers involved in the collision and not the responsibility of the ski area operator or its agents, representatives or employees.

**6. Liability.** A ski area operator or its agents, representatives or employees are not liable for any loss, injury, damage or death resulting from the design of the ski area.

**7. Provision of name and current address required.** A skier involved in, causing or contributing to a collision or other accident at a ski area that results in a fall or injury may not leave the vicinity of the collision or accident before giving that skier's name and current address to an employee or representative of the ski area operator or a member of the ski patrol, except for the purpose of securing aid for a person injured in the collision, in which case the person leaving the scene of the collision shall give that skier's name and current address after securing such aid. A ski area operator, or its agents, representatives or employees, is not liable for a skier's failure to provide that skier's name and address or for leaving the vicinity of an accident or collision.

**8. Actions not prohibited.** This section does not prevent the maintenance of an action against a ski area operator for:

A. The negligent operation or maintenance of the ski area; or

B. The negligent design, construction, operation or maintenance of a passenger tramway.

**§15218. Duties of skiers and tramway passengers; acts prohibited**

A person engaged in skiing or riding on a tramway may not:

**1. Embark or disembark from tramway except as designated.** Embark or disembark from any tramway, except at a designated area;

**2. Throw or expel objects from tramway.** While riding on any tramway or similar device, throw or expel any object or do any act or thing that interferes with the running of that tramway;

**3. Engage in harmful conduct.** While riding on any tramway, willfully engage in any type of conduct that will contribute to or cause injury to any person, or to the tramway, or willfully place any object in the uphill ski track that will cause injury to any person or cause damage to or derailment of the tramway;

**4. Closed trails.** Ski or otherwise use a slope or trail that has been designated "closed" by the operator without written permission of the operator or the operator's designee;

**5. Removal or destruction of signs.** Remove, alter, deface or destroy any sign or notice placed in the ski area or on the trail by the operator; or

**6. Out-of-bounds areas.** Ski or otherwise use any portion of the ski area that is not a part of a regular network of trails or areas open to the public, including wooded areas between trails, undeveloped areas and all other portions not open to the public, if the operator has properly posted these areas as being closed to public access.

#### **§15219. Hang gliding**

Hang gliding is also recognized as a hazardous sport. Therefore, a person who is hang gliding is deemed to have assumed the risk and legal responsibility for any injury to the hang glider's person or property in the same manner and to the same extent as skiers under this chapter.

#### **§15220. Penalties**

**1. Verbal warning; forfeiture of lift ticket.** Any owner, manager or employee of any ski area, who finds a person in violation of section 15218, may first issue a verbal warning to that individual or suspend the individual's lift use privileges. Any person who fails to heed the warning issued by the ski area owner, manager or employee shall forfeit the ski lift ticket and ski lift use privileges and must be refused issuance of another lift ticket and is liable for any damages to the tramway and its incidental equipment that have been caused by the individual's misconduct.

**2. Cost of rescue operation.** When it is necessary to commence a rescue operation as a result of a violation of section 15218, subsection 6, any

person who has committed the violation is liable for the cost of that rescue operation.

#### **§15221. Inspection of elevators and tramways**

**1. Fees; inspection certificate.** Each elevator or tramway proposed to be used within this State must be thoroughly inspected by either the supervising inspector, a state inspector or a licensed elevator or tramway inspector and, if found to conform to the rules of the board, the board shall issue to the owner or user an inspection certificate. Fees for inspection and certification of elevators and tramways must be set by the board pursuant to section 15225 and must be paid by the owner or user of the elevator or tramway. The certificate must specify the maximum load to which the elevator or tramway may be subjected, the date of its issuance and the date of its expiration. The elevator certificate must be posted in the elevator and the tramway certificate at a conspicuous place in the machine area.

**2. Scheduled inspections.** A state inspector or licensed elevator inspector shall inspect every elevator on a schedule determined by the board. The schedule must be based on the class, size and usage of the elevator. A state inspector or licensed tramway inspector shall inspect every tramway twice each year. One tramway inspection must be made when weather conditions permit a complete inspection of all stationary and moving parts. The 2nd tramway inspection must be made while the tramway is in operation.

**3. Temporary suspension of inspection certificate; condemnation card.** When, in the inspector's opinion, the elevator or tramway can not continue to be operated without menace to the public safety, the supervising inspector or state inspector may temporarily suspend an inspection certificate in accordance with Title 5, section 10004 and post or direct the posting of a red card of condemnation at every entrance to the elevator or tramway. The condemnation card is a warning to the public and must be of such type and dimensions as the board determines. The suspension continues, pending decision on any application with the Administrative Court for a further suspension. The condemnation card may be removed only by the inspector posting it or by the supervising inspector.

**4. Special certificate; special conditions.** When, upon inspection, an elevator or tramway is found by the inspector to be in reasonably safe condition but not in full compliance with the rules of the board, the inspector shall certify to the supervising inspector the inspector's findings and the supervising inspector may issue a special certificate, to be posted as required in this section. This certificate must set

forth any special conditions under which the elevator or tramway may be operated.

**5. Inspection reports.** Licensed tramway and elevator inspectors shall submit inspection reports to the board on a form provided by the board for all inspections within 15 working days from the date of the inspection.

**6. Follow-up inspections.** All follow-up inspections necessary to enforce compliance must be performed by either the supervising inspector or a state inspector. A fee as set forth in section 15225 must be charged for those follow-up inspections.

**§15222. Condemned elevators and tramways not to be operated**

An elevator or tramway that has been condemned under section 15221 may not be operated in this State. Any person who owns or operates or causes to be operated for other than repair or corrective purposes an elevator or tramway in violation of this section commits a Class E crime and must be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

**§15223. Certificate required**

The owner, lessee or agent of an elevator or tramway who operates that elevator or tramway without an inspection certificate displayed commits a Class E crime and, notwithstanding Title 17-A, sections 1252 and 1301, must be punished by a fine of not more than \$50 for each day of illegal operation.

**§15224. Installation of new elevators and tramways; fees**

Detailed plans or specifications of each new or altered elevator or tramway must be submitted to and approved by the supervising inspector before the construction may be started. Fees for examination of the plans or specifications must be \$5 per \$1,000 of the valuation of the elevator or tramway as covered by the blueprints. The minimum fee may not be less than \$35 and the maximum fee may not be more than \$100.

**§15225. Inspection fees**

**1. Initial inspection of elevators; fee.** The initial inspection of elevators may be made by the supervising inspector or a state inspector and the fee for the initial inspection of each new or altered elevator must be set by the board, not to exceed \$100, plus expenses.

**2. Initial inspection of tramways; fee.** The initial inspection of tramways may be made by the supervising inspector, a state inspector or a licensed tramway inspector and the fee for the initial inspection

of each new or altered tramway must be set by the board, not to exceed \$100, plus expenses.

**3. Subsequent inspection of elevators; fee.** The fee for each required inspection of elevators may be set by the board, not to exceed \$100, plus \$10 for each landing.

**4. Annual inspection of tramways; fee.** The annual fee for the required inspections of tramways must be set by the board.

**5. Certificate fee.** The certificate fee must be set by the board, not to exceed \$100.

When a tramway or elevator inspection has been made by a licensed tramway or elevator inspector, the inspector shall submit the inspection fee to the board along with an inspection report.

**§15226. Reports by inspectors**

A state inspector or licensed inspector shall make a full report to the supervising inspector, giving all data required by the rules adopted by the board and shall report to the supervising inspector and to the owner or lessee all defects found and all noncompliances with the rules. When any serious infraction of the rules is found by a state inspector or licensed inspector and that infraction is, in the opinion of the inspector, dangerous to life, limb or property, the inspector shall report that infraction immediately to the supervising inspector.

**§15227. Powers of the supervising inspector**

The board is authorized to investigate all elevator and tramway accidents that result in injury to a person or in damage to the installation.

The supervising inspector is authorized:

**1. Enforce laws and rules.** To enforce the laws of the State governing the use of elevators and tramways and to enforce adopted rules of the board;

**2. Free access to premises or location.** To provide free access for state inspectors, including the supervising inspector, at all reasonable times to any premises in the State where an elevator or tramway is installed or is under construction for the purpose of ascertaining whether that elevator or tramway is installed, operated, repaired or constructed in accordance with this chapter;

**3. Supervise inspectors.** To allocate and supervise the work of state inspectors;

**4. Certificates.** To issue and temporarily suspend certificates allowing elevators and tramways to be operated pursuant to Title 5, chapter 375; and

**5. Examinations.** To hold examinations and establish the fitness of applicants to become elevator or tramway inspectors or elevator mechanics, and to issue certificates or licenses to those persons who have successfully passed required examinations and been approved by the board as licensed elevator or tramway inspectors or elevator mechanics.

**Sec. H-15. Transition provisions.**

1. All liabilities and assets of the Board of Boiler Rules and the Board of Elevator and Tramway Safety must be transferred with the boards to the Department of Professional and Financial Regulation.

2. All existing rules and procedures in effect on the effective date of this Part, in operation or adopted by the Board of Boiler Rules and the Board of Elevator and Tramway Safety remain in effect until amended or rescinded by state law.

3. Members of the Board of Boiler Rules and the Board of Elevator and Tramway Safety who have been appointed to terms beyond the effective date of this Part shall continue to serve for their appointed terms.

4. All incumbents in positions transferred from the Department of Labor to the Department of Professional and Financial Regulation under this Act shall retain those positions and any accrued benefits they have earned.

5. Any valid license or certification issued under the Maine Revised Statutes, Title 26, chapter 5, subchapters II and V-A on or before the effective date of this Act remains valid and is renewable upon satisfaction of all requirements established by the boards.

**Sec. H-16. Transitional rules.** Notwithstanding the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; Title 26, sections 173 and 476; and Title 32, sections 15105 and 15206, any rules concerning the licensing or examination of elevator inspectors, boiler inspectors, tramway inspectors or elevator mechanics seeking endorsement as elevator inspectors adopted within one year of the effective date of this Part take effect 5 days after filing with the Secretary of State under Title 5, section 8056, subsection 1, paragraph B.

**Sec. H-17. Effective date.** Sections 1 to 15 of this Part take effect October 1, 1996.

**PART I**

**Sec. I-1. 4 MRSA §17, sub-§7,** as amended by PL 1993, c. 675, Pt. C, §§5 and 6, is further amended to read:

**7. Act as supervisor of fiscal unit.** Act as supervisor of the ~~fiscal officer~~ fiscal unit of the ~~courts~~ Administrative Office of the Courts and in so doing ensure that the fiscal unit:

A. ~~Maintain~~ Maintains fiscal controls and accounts of funds appropriated for the Judicial Department;

B. ~~Prepare~~ Prepares all requisitions for the payment of state ~~moneys~~ money appropriated for the maintenance and operation of the Judicial Department;

C. ~~Prepare~~ Prepares budget estimates and submissions of state appropriations necessary for the maintenance and operation of the Judicial Department and ~~make~~ makes appropriate recommendations;

D. ~~Collect~~ Collects statistical and other data and ~~make~~ makes reports to the Chief Justice, to the Chief Justice of the Superior Court and to the Chief Judge of the District Court relating to the expenditures of public money for the maintenance and operation of the Judicial Department; and

E. ~~Develop~~ Develops and implements a uniform set of accounting and budgetary accounts, based on generally accepted fiscal and accounting procedures, for the Supreme Judicial Court, for the Superior Court and for the District Court ~~and serve as auditor of the Judicial Department;~~

**Sec. I-2. 4 MRSA §18,** as amended by PL 1995, c. 123, §§1 and 2, is repealed.

**Sec. I-3. 4 MRSA §18-B** is enacted to read:

**§18-B. Court Alternative Dispute Resolution Service**

**1. Court Alternative Dispute Resolution Service.** There is established within the Administrative Office of the Courts a Court Alternative Dispute Resolution Service to provide alternative dispute resolution, referred to in this section as "ADR," services in the courts throughout the State.

**2. ADR providers.** The Judicial Department, through the State Court Administrator or the administrator's designee, shall contract for the services of qualified persons or organizations to serve as providers of ADR services to parties. The ADR providers are not employees of the State for any purpose. The ADR providers are entitled to be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the Administrative Office of the Courts.

**3. Immunity from civil liability.** A person serving as an ADR provider under contract with the Judicial Department or as the Director of the Court Alternative Dispute Resolution Service is immune from any civil liability, as are employees of governmental entities, under the Maine Tort Claims Act, for acts performed within the scope of the provider's or the director's duties.

**4. Staff.** With the advice and approval of the Court Alternative Dispute Resolution Service Committee, the State Court Administrator shall employ or contract with a person to serve as the Director of the Court Alternative Dispute Resolution Service. The State Court Administrator shall provide other necessary staff and clerical assistance to the Court Alternative Dispute Resolution Service, within the limits of funds available.

**5. Facilities.** The State Court Administrator shall provide a principal office for the Court Alternative Dispute Resolution Service and shall arrange for facilities throughout the State as necessary and adequate for the conduct of ADR sessions, within the limits of funds available.

**6. Court Alternative Dispute Resolution Service Committee.** The Court Alternative Dispute Resolution Service Committee, or "committee," is established to set policy for and monitor the Court Alternative Dispute Resolution Service. The committee consists of:

- A. The Chief Justice of the Supreme Judicial Court or a designee;
- B. The Chief Justice of the Superior Court or a designee;
- C. The Chief Judge of the District Court or a designee;
- D. The State Court Administrator or a designee;
- E. A Justice of the Superior Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court;
- F. A Judge of the District Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court; and
- G. Any additional members appointed by the Chief Justice of the Supreme Judicial Court that the Chief Justice considers necessary to the committee's operation.

**7. Fees.** When a court refers parties to the Court Alternative Dispute Resolution Service, the court shall assess the parties a fee to be apportioned equally among the parties, unless the court otherwise directs.

The fee must be deposited in the dedicated account created in subsection 8.

A party may file an in forma pauperis application for waiver of fee. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

**8. Court Alternative Dispute Resolution Service Fund.** The Court Alternative Dispute Resolution Service Fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for ADR services provided pursuant to this section must be deposited in the fund.

Except as otherwise provided in this section, the Administrative Office of the Courts shall use 80% of the resources in the funds from nondesignated cases to cover the costs of providing ADR services as required under this section and shall remit 20% of the resources in the fund to General Fund unappropriated surplus. All funds from cases handled by the Court Alternative Dispute Resolution Service pursuant to Title 38, section 347-A, subsection 4, paragraph E must be used for the costs of providing ADR services as required under this section.

**9. Rules.** The Supreme Judicial Court shall adopt rules to govern the referral of cases to the Court Alternative Dispute Resolution Service.

**Sec. I-4. 4 MRSA §107** is amended to read:

**§107. Clerk**

~~The clerk of the judicial courts in any county shall act~~ For each county, the Chief Justice shall appoint a person to serve as the clerk of the Superior Court in ~~such~~ that county. A clerk of a District Court may also serve as the clerk of a Superior Court. Any deputy clerk, if ~~his~~ the deputy's appointment has been temporarily approved by a ~~resident~~ Justice of ~~said~~ the Superior Court ~~then sitting in that county~~ or permanently approved by the Chief Justice of the ~~Supreme Judicial Superior~~ Court, may, whenever directed by the clerk, act as clerk of the Superior Court at any ~~or~~ ~~either~~ session ~~thereof~~ in that county.

**Sec. I-5. 4 MRSA §153, first ¶**, as amended by PL 1989, c. 891, Pt. A, §2, is further amended to read:

The State is divided into ~~30~~ 29 judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows:

**Sec. I-6. 4 MRSA §153, sub-§1**, as amended by PL 1979, c. 127, §12, is repealed.

**Sec. I-7. 4 MRSA §153, sub-§2**, as amended by PL 1971, c. 622, §4-A, is further amended to read:

**2. Southern Androscoggin.** Southern Androscoggin consists of all municipalities in Androscoggin County not included within the division of Franklin and Northern Androscoggin. The District Court for Southern Androscoggin ~~shall~~ **must** be held at Lewiston or Auburn, exact site to be determined by the Chief Judge.

**Sec. I-8. 4 MRSA §153, sub-§3**, as amended by PL 1995, c. 330, §1, is further amended to read:

**3. Western Aroostook.** Western Aroostook consists of the municipalities and unorganized territory known as ~~Hamlin Plt., Cyr Plt.~~ Grand Isle, T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook must be held at ~~Madawaska and Fort Kent. The Chief Judge shall determine the level of service at each location.~~

**Sec. I-9. 4 MRSA §153, sub-§4** is amended to read:

**4. Eastern Aroostook.** Eastern Aroostook includes the municipalities and unorganized territory known as Limestone, Caribou, Caswell, Connor Township, Cyr Plantation, Hamlin, Washburn, Wade, T13 R5, Van Buren and all municipalities and unorganized territory in Aroostook County lying to the north of these up to the boundary of the division of Western Aroostook. The District Court for Eastern Aroostook ~~shall~~ **must** be held at Caribou.

**Sec. I-10. 4 MRSA §153, sub-§10**, as amended by PL 1973, c. 35, is further amended to read:

**10. Franklin and Northern Androscoggin.** Franklin and Northern Androscoggin consists of the entire County of Franklin and the municipalities of Leeds, Livermore, Livermore Falls and Turner in the County of Androscoggin. The District Court ~~of~~ **for** Franklin ~~shall~~ **and Northern Androscoggin must** be held at Farmington.

**Sec. I-11. 4 MRSA §154, sub-§1**, as amended by PL 1965, c. 228, §2, is further amended to read:

**1. First District.** The first district consists of the divisions of Eastern Aroostook (Caribou) and Western Aroostook (~~Madawaska, Fort Kent and Van Buren~~).

**Sec. I-12. 4 MRSA §154, sub-§11**, as amended by PL 1965, c. 425, §3, is further amended to read:

**11. Eleventh District.** The 11th district consists of the divisions of ~~Northern Androscoggin (Livermore Falls),~~ Northern Oxford (Rumford) and Southern Oxford (South Paris).

**Sec. I-13. 4 MRSA §154, sub-§12**, as amended by PL 1965, c. 237, §4, is further amended to read:

**12. Twelfth District.** The 12th district consists of the divisions of Somerset (Skowhegan) ~~and~~ Franklin (Farmington) and Northern Androscoggin.

**Sec. I-14. 4 MRSA §159**, as amended by PL 1991, c. 549, §1 and affected by §17, is further amended to read:

#### **§159. Clerks; appointment**

For each division, for the violations bureau and for the office of the Chief Judge, the Chief Judge shall appoint ~~such~~ clerks and deputy clerks as ~~may be~~ necessary. A clerk of the Superior Court may also serve as the clerk of the District Court. If the business of any division or the violations bureau does not require the full-time service of a clerk, the Chief Judge may appoint a part-time clerk for ~~such that~~ division or violations bureau. Whenever the clerk is unable to perform the duties of that office or so directs, the deputy has all the power and performs all the duties of clerk. Whenever a clerk is absent or temporarily unable to perform the duties as clerk and there is no deputy clerk authorized or available to exercise the powers and perform the duties of clerk and an existing or immediate session of the court renders it necessary, the Chief Judge may designate a clerk pro tempore who has the same powers and duties of the clerk.

**Sec. I-15. 4 MRSA §551**, as amended by PL 1985, c. 68, §1, is further amended to read:

#### **§551. Clerks of the judicial courts; appointments**

For each county, or if the Supreme Judicial Court ~~shall have~~ **has** by rule established judicial regions, for each judicial region, the Chief Justice of the Superior Court shall appoint ~~such~~ clerks as ~~may be~~ necessary to serve the Superior Court. A clerk of the District Court may also serve as the clerk of the Superior Court. If the business of any county or judicial region does not require the full-time service of a clerk, the Chief Justice of the Superior Court may appoint a part-time clerk for ~~such that~~ county or region. Whenever a clerk is absent or temporarily unable to perform the duties of clerk and an existing or immediate session of the court ~~renders~~ **requires** it necessary, the Chief Justice of the Superior Court may designate a clerk pro tempore who ~~shall have~~ **has** the same powers and duties as the clerk. The clerks of the Superior Court shall also serve in their respective counties or judicial regions as clerks of the Supreme Judicial Court as needed.

**Sec. I-16. 38 MRSA §347-A, sub-§4, ¶E,** as enacted by PL 1995, c. 123, §4, is amended to read:

E. When the department and the alleged violator can not agree to the terms of a consent agreement and the department elects to bring an enforcement action in District Court pursuant to section 342, subsection 7, the District Court shall refer the parties to mediation if either party requests mediation at or before the time the alleged violator appears to answer the department's complaint. The parties must meet with a mediator appointed by the ~~Court Mediation Service~~ Court Alternative Dispute Resolution Service created in Title 4, section ~~18~~ 18-B at least once and try in good faith to reach an agreement. After the first meeting, mediation must end at the request of either party. If the parties have been referred to mediation, the action may not be removed to Superior Court until after mediation has occurred.

**Sec. I-17. Transition provisions.**

1. The Court Alternative Dispute Resolution Service is the successor in every way to the powers, duties and functions of the former Court Mediation Service.

2. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Court Mediation Service or officers on the effective date of this Part are hereby declared in effect and continue in effect until rescinded, revised or amended by the proper authority.

3. All existing contracts, agreements and compacts in effect on the effective date of this Part in the Court Mediation Service continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the former Court Mediation Service become, on the effective date of this Part, part of the property of the Court Alternative Dispute Resolution Service.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the "Court Mediation Service" may be utilized by the Court Alternative Dispute Resolution Service until existing supplies of those items are exhausted.

6. The State Court Administrator, immediately upon passage of this Part, shall take all administrative actions necessary to implement within the Judicial Department the appropriation and deappropriation of funds and the other productivity savings and changes required by this Act.

**Sec. I-18. Effective date.** Sections 6 to 13 of this Part take effect May 1, 1996.

**PART J**

**Sec. J-1. 5 MRSA §940,** as amended by PL 1995, c. 418, Pt. A, §39, is further amended to read:

**§940. Department of Human Services**

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

- A. Deputy Commissioners;
- B. Director, Bureau of Elder and Adult Services;
- C. Director, Bureau of Child and Family Services;
- D. Director, Bureau of Health;
- E. Director, Bureau of Rehabilitation;
- F. Director, Bureau of Family Independence;
- ~~G. Director, State Health Planning and Development Agency;~~
- H. Director, Bureau of Medical Services; ~~and~~
- I. Assistant Deputy Commissioners; and
- J. Three Regional Executive Managers.

**Sec. J-2. 22 MRSA §1, 3rd ¶,** as amended by PL 1995, c. 418, Pt. A, §1, is further amended to read:

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department are under the immediate supervision, direction and control of the commissioner. These personnel are employed subject to the Civil Service Law, except the Deputy Commissioner; Director, Bureau of Child and Family Services; Director, Bureau of Elder and Adult Services; Director, Bureau of Health; Director, Bureau of Family Independence; ~~Director, State Health Planning and Development Agency;~~ Director, Bureau of Medical Services; ~~and~~ Assistant Deputy Commissioners; and 3 Regional Executive Managers.

**PART K**

**Sec. K-1. 2 MRSA §6, sub-§1,** as amended by PL 1991, c. 780, Pt. Y, §1, is further amended to read:

**1. Range 91.** The salaries of the following state officials and employees are within salary range 91:

Commissioner of Transportation;  
 Commissioner of Conservation;  
 Commissioner of Administrative and Financial Services;  
 Commissioner of Education;  
 Commissioner of Environmental Protection;  
 Commissioner of Human Services;  
 Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services;  
 Commissioner of Public Safety;  
 Commissioner of Professional and Financial Regulation;  
 Commissioner of Labor;  
 Commissioner of Agriculture, Food and Rural Resources;  
 Commissioner of Inland Fisheries and Wildlife;  
 Commissioner of Marine Resources;  
 Commissioner of Corrections; and  
 Commissioner of Economic and Community Development.

**Sec. K-2. 2 MRSA §6, sub-§2**, as repealed and replaced by PL 1995, c. 502, Pt. F, §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, Mental Retardation and Substance Abuse Services;
- Associate Commissioner of Administration, Department of Mental Health, Mental Retardation and Substance Abuse Services;
- Associate Commissioner for Systems Operations, Department of Mental Health, Mental Retardation and Substance Abuse Services;
- Deputy Commissioner, Department of Administrative and Financial Services;

Associate Commissioner for Adult Services, Department of Corrections; and

Associate Commission for Juvenile Services, Department of Corrections.

**Sec. K-3. 5 MRSA §12004-G, sub-§28**, as amended by PL 1993, c. 360, Pt. A, §1, is further amended to read:

<b>28.</b>	<del>Mental Health and</del> Mental Retardation <u>and Substance Abuse Services</u>	<del>Region II</del> <b>III</b> Crisis Intervention Program Advisory Board	Expenses Only §3624	34-B MRSA
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**Sec. K-4. 18-A MRSA §5-601, sub-§(b)**, as amended by PL 1993, c. 410, Pt. CCC, §4, is further amended to read:

(b) ~~The Division of Mental Retardation~~ Department of Mental Health, Mental Retardation and Substance Abuse Services shall act as the public guardian or conservator for ~~mentally-retarded~~ persons with mental retardation and the Department of Human Services shall act as the public guardian or conservator for other incapacitated persons in need of protective services.

**Sec. K-5. 18-A MRSA §5-606, sub-§(a)**, as amended by PL 1993, c. 410, Pt. CCC, §5, is further amended to read:

(a) When the ~~Division of Mental Retardation~~ Department of Mental Health, Mental Retardation and Substance Abuse Services is appointed public guardian or conservator of a ~~mentally-retarded~~ person with mental retardation, the authority of the public guardian or conservator must be exercised by the Commissioner of ~~the Department of Mental Health and~~ Mental Retardation and Substance Abuse Services and by any persons duly delegated by the commissioner to exercise such authority.

**Sec. K-6. 18-A MRSA §5-613, sub-§(1)**, as amended by PL 1993, c. 410, Pt. CCC, §6, is further amended to read:

(1) ~~Whenever~~ When the following occur, the costs of the guardian ad litem, or any other special costs, may be paid by the ~~Division of Mental Retardation~~ Department of Mental Health, Mental Retardation and Substance Abuse Services, within the limits of the ~~division's department's~~ budget, if the person involved is mentally retarded, and the costs may, in all other cases, be paid by the Department of Human Services, within the limits of the department's budget:

(a) An allegedly incapacitated person is in need of protective services and:

- (1) A guardian ad litem is appointed under the provisions of this Code; or
- (2) A court incurs special costs in a proceeding concerning such a person; and

(b) Appointment of a public guardian or conservator is sought or the allegedly incapacitated person, within 3 months prior to the filing of the petition:

- (1) Is or has been a client of the ~~Division of Mental Retardation~~ Department of Mental Health, Mental Retardation and Substance Abuse Services;
- (2) Is or has been a client of the Department of Human Services; or
- (3) Has received services from a worker from the ~~Division of Mental Retardation~~ Department of Mental Health, Mental Retardation and Substance Abuse Services or the Department of Human Services.

**Sec. K-7. 34-B MRSA** is amended by repealing the title headnote and enacting the following in its place:

**TITLE 34-B**

**MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES**

**Sec. K-8. 34-B MRSA §1001, sub-§2**, as amended by PL 1993, c. 410, Pt. CCC, §9, is further amended to read:

**2. Client.** "Client" means a person receiving services from the department, ~~from the Division of Mental Health, from the Division of Mental Retardation~~, from any state institution or from any agency licensed or funded to provide services falling under the jurisdiction of the department.

**Sec. K-9. 34-B MRSA §1001, sub-§3**, as enacted by PL 1983, c. 459, §7, is amended to read:

**3. Commissioner.** "Commissioner" means the Commissioner of Mental Health ~~and~~, Mental Retardation ~~and Substance Abuse Services~~ or ~~his~~ the commissioner's designee, except that when the term "commissioner and only the commissioner" is used, the term applies only to the person appointed Commissioner of Mental Health ~~and~~, Mental Retardation ~~and Substance Abuse Services~~ and not to any designee.

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

**Sec. K-11. 34-B MRSA §1001, sub-§8, ¶G** is enacted to read:

G. Bath Children's Home. This paragraph is repealed July 1, 1996.

**Sec. K-12. 34-B MRSA §1201-A, sub-§§1 to 3**, as enacted by PL 1991, c. 781, Pt. D, §2 and affected by §4, are amended to read:

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

**2. Region II.** Region II is all of ~~Piscataquis County, Penobscot County, Hancock County and Washington County~~ 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 ~~Somerset County, Kennebec County, Waldo County, Knox County, Lincoln County and Sagadahoc County and that portion of Cumberland County that includes the municipalities of Brunswick, Freeport and Harpswell~~ Piscataquis County, Penobscot County, Hancock County, Washington County and Aroostook County.

**Sec. K-13. 34-B MRSA §1201-A, sub-§§4 and 5**, as enacted by PL 1991, c. 781, Pt. D, §2 and affected by §4, are repealed.

**Sec. K-14. 34-B MRSA §1204, sub-§2, ¶B**, as amended by PL 1995, c. 395, Pt. C, §4, is further amended to read:

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

- (1) Each appointment must be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.
- (3) To be eligible for appointment as associate commissioner for administration, a person must have training and experience in general management.
- (4) To be eligible for appointment as associate commissioner for programs, a person must have training and experience in the planning and administration of human services.

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

**Sec. K-15. 34-B MRSA §1204, sub-§2,** ¶C, as amended by PL 1993, c. 410, Pt. CCC, §11 and PL 1995, c. 395, Pt. G, §11 and affected by §20, is repealed and the following enacted in its place:

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

- (1) Associate Commissioners;
- (2) Superintendent, Augusta Mental Health Institute;
- (3) Superintendent, Bangor Mental Health Institute;
- (4) Superintendent, Pineland Center;
- (5) Director, Mental Retardation Facility;
- (6) Director, Elizabeth Levinson Center;
- (7) Assistant to the Commissioner for Public Information;
- (8) Assistant to the Commissioner;
- (9) Director, Bath Children's Home. This subparagraph is repealed on July 1, 1996;
- (10) Regional Directors; and
- (11) Director, Office of Substance Abuse.

The Director of the Office of Substance Abuse must be reviewed by the joint standing committee of the Legislature having jurisdiction over human resource matters prior to taking office.

**Sec. K-16. 34-B MRSA §1204, sub-§3,** ¶A and B, as enacted by PL 1983, c. 459, §7, are amended to read:

A. The commissioner may delegate powers and duties given under this Title to the associate commissioners, ~~bureau directors~~ and chief administrative officers of state institutions.

B. The commissioner may empower the associate commissioners, ~~bureau directors~~ and chief administrative officers of state institutions to further delegate powers and duties delegated to them by the commissioner.

**Sec. K-17. 34-B MRSA §1204, sub-§8,** as enacted by PL 1989, c. 933, §2, is amended to read:

**8. Physicians.** ~~Employees~~ Department employees in the classifications of physician I, II and III ~~within the Department of Mental Health and Mental Retardation~~ are unclassified state employees, as defined by Title 26, section 979-A, subsection 6, and are members of bargaining units, subject to Title 26, chapter 9-B. An employee in any of these classifications ~~shall~~ must, as a condition of continued employment, maintain necessary clinical privileges to practice medicine in that employee's position as determined by the respective medical staff and the superintendent of the facility. Any termination of employment due to a loss of clinical privileges to practice medicine as referenced under this paragraph is not subject to the grievance procedure under any collective bargaining agreement.

**Sec. K-18. 34-B MRSA §1205, sub-§1,** as amended by PL 1989, c. 731, §1, is further amended to read:

**1. Establishment.** The Office of Advocacy is established within the Office of Advocacy and Consumer Affairs of the department solely to investigate the claims and grievances of clients of the department, to investigate with the Department of Human Services, as appropriate, all allegations of adult and child abuse in state institutions and to advocate on behalf of clients for compliance by any institution, other facility or agency administered, licensed or funded by the department with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.

**Sec. K-19. 34-B MRSA §1207, sub-§5,** ¶D, as enacted by PL 1993, c. 593, §1, is amended to read:

D. By September 1, 1994, the department shall adopt rules to implement this subsection. The rules must include, but are not limited to, an appeal process for persons who are denied access to information under paragraph B. The appeal process must determine whether the person requesting information is a person who lives with or provides direct care to a client, whether disclosure of the information is in the best interest of the client and whether denial of access to the information will result in significant deterioration in the client's daily functioning. The commissioner shall appoint an advisory committee pursuant to Title 5, section 12002, subsection 1, paragraph A to assist the department in the development of the rules. The members of the advisory committee are not entitled to reimbursement for expenses or legislative per diem. The advisory committee must include, but is not limited to, proportionate representation from each of the following:

- (1) Consumers nominated by the Director of the Office of Advocacy and Consumer Affairs;
- (2) Members of the statewide alliance for the mentally ill;
- (3) Mental health service providers; and
- (4) The protection and advocacy agency designated pursuant to Title 5, section 19502.

**Sec. K-20. 34-B MRSA §1208, sub-§4**, as amended by PL 1989, c. 41, is further amended to read:

**4. Payment for state agency clients.** The commissioner shall authorize payment of approved mental health treatment costs for state agency clients who are placed for educational purposes ~~with the recommendation of an employee of the Bureau of Children with Special Needs~~ in an in-state residential treatment center, as identified in Title 20-A, section 1, subsection 24-A, paragraph D, subparagraph (3), to the extent of the amount of funds appropriated by the Legislature for this purpose; and may authorize payment of mental health treatment costs for similar placements in out-of-state residential placements on a case-by-case basis, within the limits of available funds. The commissioner shall further authorize payment of approved board and care and mental health treatment costs for state agency clients who are placed for other than educational purposes ~~with the recommendation of an employee of the Bureau of Children with Special Needs~~ in any residential placement, as defined in Title 20-A, section 1, subsection 24-A, to the extent of the funds appropriated by the Legislature for this purpose. ~~In no event may payments which~~ Payments that the commissioner is required to authorize under this section may not exceed the funds appropriated by the Legislature for the purposes referred to in this subsection. Payment from these funds ~~shall~~ must be made only when other appropriate state or federal funds to which the department has access have been exhausted.

**Sec. K-21. 34-B MRSA §1208-A, sub-§2**, as enacted by PL 1993, c. 737, §3, is amended to read:

**2. Performance-based contract.** The commissioner shall ensure that any agreement with the board of the regional authority for the former Region V established pursuant to Public Law 1991, chapter 781, Part C entered into on or after July 1, 1994 is a performance-based contract. The commissioner shall ensure that all agreements to purchase human services entered into on or after July 1, 1997 are performance-based contracts.

**Sec. K-22. 34-B MRSA §1216, sub-§1**, as amended by PL 1995, c. 127, §1, is further amended to read:

**1. Responsibilities.** The Consumer Advisory Board, as established by the community consent decree, *Consumer Advisory Board et al. v. Glover*, No. 91-321-P-C (D. Me., September 28, 1994), functions as an independent oversight body that carries out responsibilities pursuant to this section, the consent decree and subsequent agreements approved by the United States District Court for the District of Maine. The Consumer Advisory Board may review alleged abuse, exploitation or neglect or an alleged dehumanizing practice or violation of rights of any ~~client of the Division of Mental Retardation~~ person with mental retardation or autism who is a client of the department. The Consumer Advisory Board shall promote the normalization and habilitation of persons with mental retardation or autism.

**Sec. K-23. 34-B MRSA §1216, sub-§3**, as enacted by PL 1995, c. 127, §1, is amended to read:

**3. Access to information.** With regard to any institution, facility, agency or other provider serving ~~clients of the Division of Mental Retardation~~ persons with mental retardation or autism who are clients of the department or when any ~~client of the division~~ person resides or participates in work or in a program in an institution, facility, agency or other provider, the Consumer Advisory Board members and staff must be given direct access to all living, work and program areas and to all living, work and program area records, including, but not limited to, records related to any personal planning process, and must be given access to the personnel, but not personnel records. The chief advocate of the ~~Department of Mental Health and Mental Retardation~~ department may release to the Consumer Advisory Board information pertaining to alleged abuse, exploitation or neglect or an alleged dehumanizing practice or violation of rights of a person with mental retardation or autism. The Consumer Advisory Board shall keep any confidential information disclosed to it or discovered by it confidential, as required by section 1207.

**Sec. K-24. 34-B MRSA §1218, sub-§§1 and 2**, as enacted by PL 1993, c. 519, §1, are amended to read:

**1. Mental health services.** The ~~Division of Mental Health~~ department shall provide accommodations and services for persons who are deaf or hard-of-hearing in order to provide access to mental health programs funded or licensed by the ~~division~~ department. These accommodations must include, but are not limited to, the following:

- A. Appropriate mental health assessments for clients who are deaf or hard-of-hearing;

B. Provision of interpreter services for treatment;

C. Educational and training for mental health staff providing treatment to persons who are deaf or hard-of-hearing;

D. Placement of telecommunication devices for persons who are deaf or hard-of-hearing in comprehensive community mental health facilities;

E. Support and training for families with members who are deaf or hard-of-hearing who experience mental health problems; and

F. Establishment of a therapeutic residence program for persons who are deaf or hard-of-hearing and in need of residential mental health treatment. The therapeutic residence program must be operated in conjunction with existing rehabilitation, education, mental health treatment and housing resources. The therapeutic residence program must be staffed by individuals trained in mental health treatment and proficient in communication for the deaf.

**2. Mental retardation services.** The ~~Division of Mental Retardation~~ department shall provide accommodations and services ensuring access for persons who are deaf or hard-of-hearing to mental retardation programs funded or licensed by the ~~division~~ department. These accommodations and services must include, but are not limited to, the following.

A. The ~~Division of Mental Retardation~~ department shall ensure the provision of appropriate assessments for clients who are deaf or hard-of-hearing. Assessments must be performed by a person who is proficient in American Sign Language and must include an assessment of mental retardation and an assessment of communication skills, including the capacity to communicate using American Sign Language. The ~~division~~ department shall survey the client population to determine which clients are deaf or hard-of-hearing.

B. For purposes of treatment, the ~~Division of Mental Retardation~~ department shall ensure the provision of interpreter services by a person proficient in American Sign Language.

C. The ~~Division of Mental Retardation~~ department shall ensure that mental retardation staff providing direct services to persons who are deaf or hard-of-hearing have education and training in American Sign Language and deaf culture.

D. The ~~Division of Mental Retardation~~ department shall provide for the placement in compre-

hensive community mental retardation facilities of telecommunication devices for persons who are deaf or hard-of-hearing.

E. The ~~Division of Mental Retardation~~ department shall ensure the provision of support and training for families with members with mental retardation who are deaf or hard-of-hearing.

F. The ~~Division of Mental Retardation~~ department shall establish therapeutic residence options for persons with mental retardation who are deaf or hard-of-hearing and in need of a residence. The therapeutic residences must be operated in conjunction with existing rehabilitation, education, mental retardation treatment and housing resources. The therapeutic residences must be staffed by individuals trained in mental retardation treatment and proficient in American Sign Language. Therapeutic residence options must be flexible and allow for individual choice.

G. The ~~Division of Mental Retardation~~ department shall designate in each regional office one staff person who is responsible for the coordination of deaf services in that office. The ~~division~~ department shall provide ongoing training to regional office staff with the goal of having at least one person in each regional office who is proficient in American Sign Language.

**Sec. K-25. 34-B MRSA §1401, sub-§1,** ~~¶B~~, as amended by PL 1993, c. 667, §2, is further amended to read:

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

**Sec. K-26. 34-B MRSA §1401, sub-§1,** ~~¶B~~, as amended by PL 1995, c. 395, Pt. G, §12 and affected by §20, is further amended to read:

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

**Sec. K-27. 34-B MRSA §1402,** as enacted by PL 1983, c. 459, §7, is amended to read:

**§1402. Community services**

**1. Commissioner's duty.** In every state institution to which a ~~mentally ill or mentally retarded~~ person with mental illness or mental retardation may be committed, the commissioner shall organize and administer ~~under his direction a bureau for community service in the district served by the institution~~ the duties set forth in subsection 2.

**2. Duties.** ~~Each bureau for community service~~ The department shall:

A. Supervise clients who have left the institution with a view to their safe care at home, suitable employment and self-support under good working and living conditions, and with a view to prevention of their relapse and return to public dependency;

B. Provide for informing and advising any indigent person, ~~his~~ that person's relatives or friends and the representatives of any charitable agency as to:

(1) The mental condition of the indigent person;

(2) The prevention and treatment of the condition;

(3) The available institutions or other means of caring for the afflicted person; and

(4) Any other matter relative to the welfare of the person; and

C. Acquire and disseminate knowledge of mental disease, mental retardation and allied conditions with a view to promoting a better understanding and the most enlightened public sentiment and policy in these matters, and in this work the ~~bureau~~ department may cooperate with local authorities, schools and social agencies.

**Sec. K-28. 34-B MRSA §1602, first ¶,** as enacted by PL 1989, c. 591, §4, is amended to read:

The Commissioner of Mental Health ~~and, Mental Retardation, or the commissioner's designee,~~ and Substance Abuse Services shall negotiate with officials of ~~the~~ a municipality in which state institutions for ~~the~~ a juveniles and adults constructed after the effective date of this section are located to provide state reimbursement to that municipality for the net increased costs that a new state institution imposes on that municipality. Negotiations ~~shall~~ may commence only upon request of municipal officials and only within 6 months after the net increased costs arise. As used in this section, unless the context

otherwise indicates, the following terms have the following ~~meaning~~ meanings:

**Sec. K-29. 34-B MRSA §1803,** as enacted by PL 1991, c. 316, §2, is amended to read:

**§1803. Family support policy coordination**

With the assistance and advice of the councils established in sections 1804 and 1805, the commissioner shall coordinate the development and implementation of consistent family support policies and services ~~among the department's bureaus.~~ The commissioner shall assign at least one person from each ~~bureau~~ region to carry out the duties of this subchapter. The duties include but are not limited to the following.

**1. Resource allocation.** Those persons assigned by the commissioner under this section shall make recommendations to the commissioner regarding the allocation or reallocation of family support resources ~~among the bureaus.~~

**2. Policy development and implementation.** Those persons assigned by the commissioner under this section shall develop and implement a coordinated family support policy ~~that is consistent among the bureaus.~~

~~**3. Service coordination and monitoring.** Those persons assigned by the commissioner under this section shall oversee service coordination for families who are served by more than one bureau and shall resolve interbureau disagreements.~~

**4. Liaison to other departments.** Those persons assigned by the commissioner under this section shall serve as the department's liaison to other departments when a family is served by more than one department.

**Sec. K-30. 34-B MRSA c. 3, sub-c. I** is amended by repealing the subchapter headnote and enacting the following to read:

**SUBCHAPTER I**

**MENTAL HEALTH SERVICES**

**Sec. K-31. 34-B MRSA §3001,** as amended by PL 1993, c. 410, Pt. CCC, §15, is further amended to read:

**§3001. General**

~~There is established within the~~ The Department of Mental Health ~~and, Mental Retardation~~ the Division of Mental Health, ~~which~~ and Substance Abuse Services is responsible for the direction of the mental health programs in the state institutions and for the

promotion and guidance of mental health programs within the communities of the State.

**Sec. K-32. 34-B MRSA §3003, sub-§3**, as enacted by PL 1983, c. 459, §7, is amended to read:

**3. Public hearing.** The ~~director~~ commissioner shall hold a public hearing before adopting these rules and shall give notice of the public hearing pursuant to the Maine Administrative Procedure Act, Title 5, section 8053.

**Sec. K-33. 34-B MRSA §3004**, as amended by PL 1993, c. 410, Pt. CCC, §18, is further amended to read:

### **§3004. Community Support Systems**

**1. Definition.** As used in this section, unless the context otherwise indicates, the term "community support system" means the entire complex of mental health, rehabilitative, residential and other support services in the community to ensure community integration and the maintenance of a decent quality of life for persons with chronic mental illness.

**2. General policy.** ~~There is created within the Division of Mental Health the Office of Community Support Systems to~~ The department shall develop programs to:

A. Promote and support the development and implementation of comprehensive community support systems to ensure community integration and the maintenance of a decent quality of life for persons with chronic mental illness in each of the mental health service areas in the State; and

B. Strengthen the capacity of families, natural networks, self-help groups and other community resources in order to improve the support for persons with chronic mental illness.

**3. Duties.** ~~The Office of Community Support Systems~~ department shall:

A. Provide technical assistance for program development, promote effective coordination with health and other human services and develop new resources in order to improve the availability and accessibility of comprehensive community support services to persons with chronic mental illness;

B. Assess service needs, monitor service delivery related to these needs and evaluate the outcome of programs designed to meet these needs in order to enhance the quality and effectiveness of community support services;

C. Prepare a report ~~which~~ that describes the system of community support services in each of the mental health service regions and statewide.

(1) The report ~~shall~~ must include both existing service resources and deficiencies in the system of services.

(2) The report ~~shall~~ must include an assessment of the roles and responsibilities of mental health agencies, human services agencies, health agencies and involved state departments and ~~shall~~ must suggest ways in which these agencies and departments can better cooperate to improve the service system for people with chronic mental illness.

(3) The report ~~shall~~ must be prepared biennially and ~~shall~~ must be submitted to the joint standing committee of the Legislature having jurisdiction over human resources by December 15th of every even-numbered year.

(4) The committee shall review the report and make recommendations with respect to administrative and funding improvements in the system of community support services to persons with chronic mental illness; and

D. Participate in the coordination of services for persons with chronic mental illnesses with local transitional services coordination projects for handicapped youth, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project.

**Sec. K-34. 34-B MRSA §3007**, as amended by PL 1993, c. 410, Pt. CCC, §20, is further amended to read:

### **§3007. Teenage Suicide Prevention Program**

The ~~division~~ department shall, in cooperation with the Department of Education, the Department of Human Services and the "local action councils" funded in Public Law 1987, chapter 349, Part A under the heading "Human Services, Department of," develop a teenage suicide prevention strategy and a model suicide prevention program to be presented in the secondary schools of the State. Development of such a program must include preparation of relevant educational materials that must be distributed in the schools.

**Sec. K-35. 34-B MRSA §3202, sub-§4, ¶¶A and B**, as repealed and replaced by PL 1993, c. 410, Pt. CCC, §22, is amended to read:

A. The Superintendent of the Bangor Mental Health Institute has general superintendence of the Bangor Mental Health Institute and its grounds under the direction of the ~~Superintendent of the Augusta Mental Health Institute, commissioner~~ and shall receive all persons legally sent to the Bangor Mental Health Institute who are in need of special care and treatment, if accommodations permit.

B. The Superintendent of the Augusta Mental Health Institute has general superintendence of the Augusta Mental Health Institute and its grounds ~~and of the Division of Mental Health~~ under the direction of the commissioner and shall receive all persons legally sent to the Augusta Mental Health Institute who are in need of special care and treatment, if accommodations permit.

**Sec. K-36. 34-B MRSA §3624**, as enacted by PL 1993, c. 360, Pt. A, §2, is amended to read:

**§3624. Region III Crisis Intervention Program Advisory Board**

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

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

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

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

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

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

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

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

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

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

**Sec. K-37. 34-B MRSA §3863, sub-§4, ¶B**, as repealed and replaced by PL 1989, c. 568, §§1 and 3, is amended to read:

B. The Department of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services is responsible for any transportation expenses under this section, including return from the hospital if admission is declined. The department shall utilize any 3rd-party payment sources ~~which~~ that are available.

**Sec. K-38. 34-B MRSA §5001, sub-§1-A**, as enacted by PL 1993, c. 410, Pt. CCC, §24, is repealed.

**Sec. K-39. 34-B MRSA §5001, sub-§5**, as amended by PL 1993, c. 410, Pt. CCC, §25, is further amended to read:

**5. Region.** "Region" means any of the regions established by the ~~division~~ department.

**Sec. K-40. 34-B MRSA §5001, sub-§7**, as amended by PL 1993, c. 410, Pt. CCC, §25, is further amended to read:

**7. Ward.** "Ward" means a person for whom the ~~division~~ department has been duly appointed guardian under Title 18-A, article V, Part 6.

**Sec. K-41. 34-B MRSA §5003, sub-§2**, as amended by PL 1993, c. 410, Pt. CCC, §26, is further amended by amending the first paragraph to read:

**2. Responsibilities of the department.** To facilitate the development of a system that meets the needs of ~~mentally-retarded~~ persons with mental retardation, the commissioner, ~~through the division~~, shall:

**Sec. K-42. 34-B MRSA §5003, sub-§2, ¶A**, as amended by PL 1993, c. 410, Pt. CCC, §26, is further amended to read:

A. Provide a mechanism for the identification, evaluation, treatment and reassessment of and the provision of services to ~~mentally-retarded~~ persons with mental retardation, including an habilitation program for every client served by the ~~division~~ department;

**Sec. K-43. 34-B MRSA §5003, sub-§2,** ¶G, as amended by PL 1993, c. 410, Pt. CCC, §26, is further amended to read:

G. Encourage other departments to provide to ~~mentally-retarded~~ persons with mental retardation those services that are required by law, and in particular:

(1) The commissioner shall work actively to ensure that ~~mentally-retarded clients~~ persons with mental retardation, as provided for in Title 20-A, chapter 303, receive educational and training services beginning at 5 years of age regardless of the degree of retardation or accompanying disabilities or handicaps;

(2) The commissioner shall advise the Department of ~~Mental Health and Mental Retardation~~ Human Services about standards and policies pertaining to administration, staff, quality of care, quality of treatment, health and safety of clients, rights of clients, community relations and licensing procedures and other areas that affect ~~mentally-retarded~~ persons with mental retardation residing in facilities licensed by the Department of Human Services; and

(3) The commissioner shall inform the joint standing committee of the Legislature having jurisdiction over human resources matters about areas where increased cooperation by other departments is necessary in order to improve the delivery of services to ~~mentally-retarded~~ persons with mental retardation; and

**Sec. K-44. 34-B MRSA §5003, sub-§2,** ¶H, as amended by PL 1993, c. 410, Pt. CCC, §26, is further amended to read:

H. Report annually to the joint standing committee of the Legislature having jurisdiction over human resources matters on the activities of the Consumer Advisory Board established by the ~~Pineland Consent Decree~~ community consent decree to oversee compliance with the terms of that decree. The commissioner or the commissioner's designee shall appear in person before the committee and shall provide the committee with the most recent annual audit of decree standards and the corrective action plans required by the audit. The members of the Consumer Advisory Board may attend the commissioner's presentation and provide an independent report of its activities to the committee.

**Sec. K-45. 34-B MRSA §5003, sub-§3,** as amended by PL 1993, c. 410, Pt. CCC, §27, is further amended by amending the first paragraph to read:

**3. Plan.** The commissioner, ~~through the division,~~ shall prepare a plan, subject to the following provisions.

**Sec. K-46. 34-B MRSA c. 5, sub-c. II** is amended by repealing the subchapter headnote and enacting the following in its place:

## SUBCHAPTER II

### MENTAL RETARDATION SERVICES

**Sec. K-47. 34-B MRSA §5201,** as amended by PL 1993, c. 738, Pt. E, §1 and affected by §6, is further amended to read:

#### **§5201. Duties**

~~There is established within the Department of Mental Health and Mental Retardation the Division of Mental Retardation, which~~ The Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for:

**1. Institutional programs.** The supervision of adult mental retardation programs in the state institutions;

**2. Statewide system.** The planning, promotion, coordination and development of a complete and integrated statewide system of mental retardation services for adults;

**3. Liaison.** Serving as liaison, coordinator and consultant to the several state departments in order to develop the statewide system of mental retardation services;

**4. Community-based services.** Ensuring that adults with mental retardation residing in community residential facilities, including nursing homes, boarding homes, foster homes, group homes or halfway houses licensed by the Department of Human Services are provided, insofar as possible, with residential accommodations and access to habilitation services appropriate to their needs; and

**5. Protective and supportive services.** Providing protective and supportive services, in accordance with section 5203, to incapacitated persons who, with some assistance, are capable of living and functioning in society.

**Sec. K-48. 34-B MRSA §5203, sub-§1,** as amended by PL 1993, c. 410, Pt. CCC, §30, is further amended to read:

**1. Department authority.** The ~~division~~ department may provide protective or supportive services in response to complaints concerning, and requests for assistance from or on behalf of, all incapacitated persons, under the following conditions.

A. Except for seeking the appointment of a guardian, protective or supportive services may be initiated only:

(1) With the acquiescence of the incapacitated person; and

(2) After consultation, insofar as possible, with the family or the guardian of the incapacitated person.

B. The role of the ~~division~~ department must be primarily that of supervision and coordination.

**Sec. K-49. 34-B MRSA §5203, sub-§2,** as amended by PL 1993, c. 410, Pt. CCC, §30, is further amended to read:

**2. Payment for services.** Payment for services under this section is governed as follows.

A. The ~~division~~ department may pay for protective and supportive services to incapacitated persons from its own resources, by mobilizing available community resources or by purchase of services from voluntary or state agencies.

B. To the extent that assets are available to incapacitated persons or wards, the cost of services must be borne by the estate of persons receiving the services.

C. The department, ~~through the division and its other agents,~~ may receive as payee any benefits from social security, veterans' administration, railroad retirement or any other like benefits paid on behalf of any incapacitated person, and shall apply those benefits toward the care and treatment of the incapacitated person.

D. The department, ~~through the division and its other agents,~~ may operate an adaptive equipment program. Reimbursement for materials utilized in the manufacture of this equipment may be received and must be retained for use within the adaptive equipment program.

**Sec. K-50. 34-B MRSA §5203, sub-§3,** as amended by PL 1993, c. 410, Pt. CCC, §30, is further amended to read:

**3. Rules.** Adoption, amendment and appeal of rules under this section are governed as follows.

A. The ~~division~~ department shall adopt, and may amend or repeal, rules governing the administra-

tion of this section, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

B. The ~~division~~ department shall hold a public hearing before adopting, amending or repealing the rules, and shall give notice of the public hearing in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

**Sec. K-51. 34-B MRSA §5205,** as amended by PL 1993, c. 410, Pt. CCC, §32, is further amended to read:

**§5205. Payment of burial expenses for state wards**

The department shall pay burial expenses for deceased persons who ~~die~~ died while wards of the ~~division~~ department as defined in section 5001, subsection 7, and who have no known survivors. The department may first apply to the cost of burial any funds that are available as part of a mortuary trust or any other funds of the ward remaining at the time of the ward's death that are available for this purpose.

**Sec. K-52. 34-B MRSA §5403, sub-§2,** ~~¶A,~~ as enacted by PL 1983, c. 459, §7, is amended to read:

A. The commissioner shall, with the advice of the Maine ~~Committee on Problems of the Mentally Retarded~~ Advisory Committee on Mental Retardation, appoint and set the salary for the director.

**Sec. K-53. 34-B MRSA §5435, sub-§2,** as amended by PL 1993, c. 410, Pt. CCC, §36, is further amended to read:

**2. Department grants.** The ~~Division of Mental Retardation~~ department may make grants to nonprofit corporations for amounts that are reasonable, relative to the quantity and quality of services to be provided by the grantee.

A. The ~~division~~ department may request a display of effort on the part of the grantee that appropriate local governmental and other funding sources have been sought to assist in the financing of the services for which the ~~division~~ department is making the grant.

B. The ~~division~~ department shall give consideration to the ability of the municipality or governmental unit to support the mental retardation services, as reflected by the State's evaluation of the component communities.

C. In making grants to unincorporated associations or nonstock corporations, the ~~division~~ department shall take into account all income and resources.

**Sec. K-54. 34-B MRSA §5437, first ¶**, as amended by PL 1993, c. 410, Pt. CCC, §37, is further amended to read:

The ~~division~~ department shall establish a contingency fund for use by community-based intermediate care facilities for ~~the mentally retarded persons with mental retardation and bureau~~ department clients residing in licensed boarding and foster homes or intermediate care facilities or participating in appropriate day treatment programs. This fund must be used in accordance with the following provisions.

**Sec. K-55. 34-B MRSA §5466, sub-§2**, as amended by PL 1993, c. 410, Pt. CCC, §39, is further amended to read:

**2. List.** The commissioner shall develop a list of advocates for each region ~~of the Division of Mental Retardation.~~

**Sec. K-56. 34-B MRSA §5467, sub-§1**, as amended by PL 1993, c. 410, Pt. CCC, §40, is further amended to read:

**1. Application.** An application for mental retardation services, on a form provided by the commissioner, must be initiated at or referred to a regional office of the ~~Division of Mental Retardation or the Infant Development Center~~ department.

**Sec. K-57. 34-B MRSA §5469, sub-§3, ¶A**, as enacted by PL 1983, c. 580, §20, is amended to read:

A. The department, through the regional office ~~or the Infant Development Center~~, shall develop a prescriptive program plan or service plan, or both; and

**Sec. K-58. 34-B MRSA §5471, sub-§2, ¶E**, as enacted by PL 1983, c. 459, §7, is amended to read:

E. The ~~chief administrative officer~~ regional director or designee of the appropriate regional office, if a client is being admitted to or discharged from a facility or if a client is under the supervision of the regional office;

**Sec. K-59. 34-B MRSA §5473, sub-§1, ¶B**, as amended by PL 1993, c. 410, Pt. CCC, §41, is further amended to read:

B. Respite care may be provided, upon application to the regional office of the ~~division~~ department by the client, guardian or parent, for not more than 21 days at a time and not more than 60 days during any 12-month period.

**Sec. K-60. 34-B MRSA §5609, sub-§1**, as amended by PL 1993, c. 708, Pt. A, §12, is further amended by amending the first paragraph to read:

**1. Habilitation services.** The ~~Department of Mental Health and Mental Retardation, through the Division of Mental Retardation, department~~ and the Department of ~~Education Labor~~, through the Office of Rehabilitation Services, shall provide, to the extent of the resources available, for those habilitation and vocational rehabilitation services, defined in Title ~~20-A 26~~, section ~~18002 1411-A~~, subsection 6, and any other service, including, but not limited to, supported employment including work in rehabilitation facilities and work centers, as defined in Title 5, chapter 155, subchapter II; job coaching; transportation, recreational and leisure services; and respite or day programs designed in consultation with an interdisciplinary team in order to make available to persons receiving services those services that are otherwise not obtainable, in the following order of priority:

**Sec. K-61. 34-B MRSA §5609, sub-§2**, as amended by PL 1993, c. 410, Pt. CCC, §43, is further amended to read:

**2. Payment for service.** The ~~Division of Mental Retardation~~ department shall establish a voucher system to allow the interdisciplinary team to incorporate only those services determined critical and otherwise unavailable into a program, including work, habilitation and other services designated in subsection 1, when appropriate. The ~~division~~ department shall establish a limit on the amount of transitional services available to persons receiving services eligible for services under this section.

**Sec. K-62. 34-B MRSA §5609, sub-§3**, as amended by PL 1993, c. 410, Pt. CCC, §43, is further amended to read:

**3. Rules.** The ~~Division of Mental Retardation~~ department shall adopt rules in accordance with the Maine Administrative Procedure Act to establish a transitional program under subsections 1 and 2.

**Sec. K-63. 34-B MRSA §6003**, as amended by PL 1993, c. 410, Pt. CCC, §44, is further amended to read:

#### **§6003. Rules**

The ~~Division of Mental Retardation~~ department shall adopt rules governing the definition of autism and other pervasive developmental disorders in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

**Sec. K-64. 34-B MRSA §6004, first ¶**, as amended by PL 1993, c. 410, Pt. CCC, §45, is further amended to read:

The commissioner, ~~through the Division of Mental Retardation~~, shall submit a report on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive developmental disorders to the Governor and the joint standing committee of the Legislature having jurisdiction over health and institutional services matters. This report must be submitted no later than January 15th of every odd-numbered year and must be submitted in conjunction with the plan required by section 5003, subsection 3.

**Sec. K-65. 34-B MRSA c. 6, sub-c. II** is amended by repealing the subchapter headnote and enacting the following in its place:

## SUBCHAPTER II

### CHILDREN'S SERVICES

**Sec. K-66. 34-B MRSA §6201, sub-§1**, as enacted by PL 1985, c. 503, §12, is repealed.

**Sec. K-67. 34-B MRSA §6201, sub-§2, ¶C**, as amended by PL 1993, c. 738, Pt. E, §3 and affected by §6, is further amended to read:

C. A person 18 years of age or older and under 21 years of age who has treatment needs related to mental illness, mental retardation, autism, developmental disabilities or emotional or behavioral needs if the department has determined that it is in the interest of that person to receive treatment through the ~~bureau~~ department.

**Sec. K-68. 34-B MRSA §6201, sub-§2-A**, as enacted by PL 1987, c. 778, §3, is amended to read:

**2-A. Respite care.** "Respite care" means temporary care-giving to a child or adult for the purpose of relieving that person's family or another primary care-giver. Persons who have completed the training program for respite care providers through the Department of Human Services or the Department of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services are eligible for any insurance provided to family foster home providers pursuant to Title 5, section 1728-A. In any action for damages against a respite care provider insured pursuant to Title 5, section 1728-A, for damages covered under that policy, the claims for and award of those damages, including costs and interest, ~~shall may~~ not exceed \$300,000 for any and all claims arising out of a single occurrence. When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is

located to allocate to each claimant that claimant's equitable share of the total, limited as required by this section. Any award by the court in excess of the maximum liability limit ~~shall must~~ be automatically abated by operation of this section to the maximum limit of liability. Nothing in this subsection may be ~~deemed construed~~ to make respite care a state activity nor may it expand in any way the liability of the State or respite care provider.

**Sec. K-69. 34-B MRSA §6203, sub-§1**, as amended by PL 1993, c. 624, §§3 and 4, is further amended by amending the first paragraph to read:

**1. System.** In order to facilitate the development and operation of a coordinated, statewide system of services to children in need of treatment and their families, the commissioner, ~~through the bureau~~, shall:

**Sec. K-70. 34-B MRSA §6203, sub-§2**, as amended by PL 1989, c. 700, Pt. A, §167, is further amended to read:

**2. Plan.** The commissioner, ~~through the bureau~~, shall serve as an advocate for children in need of treatment; shall monitor, review and evaluate not less than annually the allocation and adequacy of services provided by the department; and shall prepare and maintain a plan that meets the following criteria.

A. The plan ~~shall must~~ indicate the most effective and efficient manner in which to implement services and programs for children in need of treatment and their families, while safeguarding and respecting the legal and human rights of these children and families.

B. The plan ~~shall must~~ specifically indicate how gaps in services for children in need of treatment and their families can best be met.

C. The plan ~~shall must~~ establish a procedure for setting priorities among the various services required by children in need of treatment and their families, in cooperation with other agencies of State Government that provide services to children and families, including, but not limited to, the Department of Corrections, Department of Education and Department of Human Services.

D. The plan ~~shall must~~ specifically indicate the department's efforts in ~~assuring ensuring~~ that services to children in need of treatment and their families are effectively coordinated with existing resources and procedures of all ~~Department of Mental Health and Mental Retardation~~ the department's institutions and programs.

E. The plan ~~shall~~ must be prepared in the even-numbered years for submission to the joint standing committee of the Legislature having ~~jurisdiction~~ jurisdiction over human resources and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than January 30th of the odd-numbered years ~~beginning in 1987~~.

F. The plan ~~shall assure~~ must ensure that children with divergent treatment needs are not inappropriately mixed while in residence at ~~state operated~~ state-operated facilities for children with special needs.

G. The plan ~~shall~~ must indicate the State's progress in ~~assuring~~ ensuring the development of an array of family support services to enable families to more adequately maintain their children in need of treatment in their natural homes and communities.

**Sec. K-71. 34-B MRSA §6204**, as amended by PL 1989, c. 700, Pt. A, §168, is further amended to read:

#### §6204. Department duties

**1. Duties.** ~~There is established, within the Department of Mental Health and Mental Retardation, the Bureau of Children with Special Needs. The bureau~~ The department shall:

A. Strengthen the capacity of families, natural helping networks, self-help groups and other community resources to support and serve children in need of treatment;

B. Facilitate the planning, promoting, coordination, delivery and evaluation of a complete and integrated statewide system of services to children in need of treatment and their families; and

C. Support those services appropriate to children in need of treatment and their families, including, but not necessarily limited to, the following:

- (1) Advocacy;
- (2) Assessment and diagnosis;
- (3) Child development;
- (4) Consultation and education;
- (5) Crisis intervention;
- (6) Family guidance and counseling;
- (7) Preventive intervention;
- (8) Professional consultation and training;

(9) Respite care and other family support services; and

(10) Treatment.

**2. Powers.** The ~~bureau~~ department may perform the duties described in subsection 1 and may provide services to children in need of treatment through state-operated facilities and programs or through contracts and grants to public and private agencies. In all cases, the ~~bureau~~ department shall ensure that services are provided in the least restrictive setting consistent with the child's needs, commensurate with the resources available to the ~~bureau~~ department and in coordination with services and resources of other state agencies serving children and families. Emphasis ~~shall~~ must be placed on maintaining each child in ~~his~~ the child's natural home or in an alternative placement within the community whenever possible.

**2-A. Improvement and expansion of day treatment services for emotionally handicapped children.** The ~~bureau~~ department shall work cooperatively with the Department of Education and the Department of Corrections, Department of Education and the Department of Human Services to improve and expand day treatment programs for emotionally handicapped school-age children so that they and their families may receive necessary, appropriate and coordinated therapeutic and educational services in home and community settings, reducing the likelihood that out-of-home or residential treatment placements will be required. The ~~Department of Mental Health and Mental Retardation~~ department shall license these programs pursuant to sections 3603 and 3606. The Department of Education shall approve these programs pursuant to Title 20-A, chapter 206. The 2 departments shall jointly develop standards to ensure a consistent high quality throughout the State.

**3. ~~Appointment of director.~~** ~~The commissioner shall, with the advice of the Maine Advisory Committee on Children with Special Needs, appoint and set the salary for the director of the bureau, subject to the approval of the Governor. Notwithstanding any other law, the commissioner may delegate any employee of the department to serve, for a period not to exceed 180 days, as acting director of the bureau, if the office of the director is vacant. Service as acting director shall be considered a temporary additional duty for the person so delegated.~~

**4. ~~Qualifications of director.~~** ~~To be eligible for appointment as director, a person must have:~~

~~A. A graduate degree in child development, social welfare or a related field; and~~

~~B. At least 5 years of experience in the administration of children's services programs or satis~~

~~factory experience in work of a comparable nature.~~

~~5. Term.~~ The director shall serve at the pleasure of the commissioner.

~~6. Duties and powers of director.~~ In addition to other duties and powers set out in this chapter, the director:

~~A. Shall report directly to the commissioner;~~

~~B. Shall carry out the duties and responsibilities of the bureau; and~~

~~C. May promulgate, amend or repeal rules governing the administration of this chapter in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.~~

**Sec. K-72. 34-B MRSA §6205**, as enacted by PL 1993, c. 738, Pt. E, §4 and affected by §6, is amended to read:

**§6205. Services for juveniles committed to the Maine Youth Center**

**1. Department authority.** The ~~bureau department~~ may provide consultation services to any juvenile with mental retardation committed to the Maine Youth Center if those services are requested by the Commissioner of Corrections. Consultation services may include participation by appropriate ~~bureau department~~ professionals on the Clinical Services Committee of the Maine Youth Center in order to assist in the design of individual treatment plans to provide habilitation, education and skill training to juveniles with mental retardation in residence at the Maine Youth Center.

**2. Support services.** Whenever a program has been designed for a juvenile with mental retardation by the Clinical Services Committee of the Maine Youth Center and the clinical services committee has included participation by the ~~bureau department~~ professionals, the ~~bureau department~~ shall provide, insofar as possible, support services to implement that program.

**3. Case management.** The ~~bureau department~~ may provide case management services to juveniles with mental retardation who are released from the Maine Youth Center.

**Sec. K-73. 34-B MRSA §6241, sub-§2**, as amended by PL 1993, c. 360, Pt. F, §1, is further amended to read:

**2. Duties and compensation.** The committee shall act in an advisory capacity to the commissioner and to the Director of the Bureau of Children with Special Needs in assessing present programs, planning

future activities and developing the means to meet the needs of children in need of treatment and their families. Members of the committee shall serve without pay, but shall be are reimbursed for expenses incurred in the performance of their duties on the same basis as state employees, but including child care services.

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

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

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

**Sec. K-74. 34-B MRSA §6241, sub-§3**, as enacted by PL 1993, c. 360, Pt. F, §2, is amended to read:

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

**Sec. K-75. 34-B MRSA §6251**, as enacted by PL 1985, c. 503, §12, is amended to read:

**§6251. Maintenance of facilities**

The department shall maintain and ~~the bureau shall be~~ is responsible for the supervision of services in the following 2 facilities for children in need of treatment:

**1. Elizabeth Levinson Center.** Elizabeth Levinson Center; and

**2. Bath Children's Home.** ~~Military and Naval Children's Home~~ Until June 30, 1996, Bath Children's Home.

**Sec. K-76. 34-B MRSA §6252, sub-§4, ¶B,** as enacted by PL 1985, c. 503, §12, is amended to read:

B. Respite care may be provided to any person by the center without full compliance with the procedures for admission by judicial certification under section 5475, if:

(1) The purpose of the respite care is for evaluation, diagnosis or other clearly stated and broadly defined therapeutic purposes of the person or ~~his~~ the person's family;

(2) Respite care may be provided, upon application to the ~~bureau~~ department by the person, ~~his~~ the person's guardian or ~~his~~ the person's parent, for not more than 21 days at a time and not more than 60 days during any 12-month period; or

(3) Continuing placement in the center beyond the time periods stated in subparagraph 2, if indicated, may be accomplished only upon full compliance with section 5475.

**Sec. K-77. 34-B MRSA §6253-A, sub-§7** is enacted to read:

**7. Repeal.** This section is repealed July 1, 1996.

**Sec. K-78. 34-B MRSA §6254, sub-§1,** as enacted by PL 1985, c. 503, §12, is repealed.

**Sec. K-79. 34-B MRSA §6254, sub-§1,** as amended by PL 1995, c. 395, Pt. G, §18 and affected by §20, is repealed.

**Sec. K-80. 34-B MRSA §6254, sub-§2,** as enacted by PL 1985, c. 503, §12, is amended to read:

**2. Report to commissioner.** By July 1st of even-numbered years, the superintendent of the facilities referred to in subsection 1 shall report to the commissioner as to the number of children and adolescents served in each program of their respective institutions and as to the purposes of those services provided. ~~The Director of the Bureau of Children with Special Needs shall be consulted as part of the preparation of this report.~~ The report ~~shall~~ must also include plans for proposed services to children in need of treatment ~~which shall~~ that must be reflective of needs expressed regionally by other state and governmental agencies, private providers and parents of children in need of treatment.

**Sec. K-81. Bath Children's Home request for proposal exemption.** The provisions of the Maine Revised Statutes, Title 34-B, section 1208-A, subsection 4, paragraphs A and B do not apply to the Department of Mental Health, Mental Retardation and

Substance Abuse Services in issuing a request for proposal to contract out the services currently offered at the Bath Children's Home.

**Sec. K-82. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Department of Mental Health and Mental Retardation" appear or reference is made to those words, they are amended to read and mean "Department of Mental Health, Mental Retardation and Substance Abuse Services" and the Revisor of Statutes shall implement these revisions when updating, publishing or republishing the statutes.

## PART L

**Sec. L-1. 5 MRSA §20002, sub-§2,** as amended by PL 1991, c. 601, §2, is further amended to read:

**2. Single administrative unit.** To establish a single administrative unit within ~~State Government, accountable directly to the Governor~~ the Department of Mental Health, Mental Retardation and Substance Abuse Services, with responsibility for planning, developing, implementing, coordinating and evaluating all of the State's alcohol and other drug abuse prevention and treatment activities and services.

**Sec. L-2. 5 MRSA §20002, sub-§3-B** is enacted to read:

**3-B. Commissioner.** "Commissioner" means the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services.

**Sec. L-3. 5 MRSA §20004,** as enacted by PL 1989, c. 934, Pt. A, §3, is repealed and the following enacted in its place:

### §20004. Office established

**1. Administrative location.** The Office of Substance Abuse is established as an administrative unit of the Department of Mental Health, Mental Retardation and Substance Abuse Services. The office is a distinct unit within the Department of Mental Health, Mental Retardation and Substance Abuse Services and is the sole agency of the State responsible for administering this Act.

**2. Continuity.** The Department of Mental Health, Mental Retardation and Substance Abuse Services shall strive to ensure the continuity of programs and policies, to be carried out under this Act that have been transferred to it from the department.

**Sec. L-4. 5 MRSA §20005, sub-§5,** as amended by PL 1991, c. 850, §3, is further amended to read:

**5. Budget.** Develop and submit to the Legislature by January 15th of the first year of each legislative biennium recommendations for continuing and supplemental allocations, deappropriations or reduced allocations and appropriations from all funding sources for all state alcohol and drug abuse programs. The office shall make final recommendations to the Governor before any substance abuse funds are appropriated or deappropriated in the Governor's proposed budget. The office shall formulate all budgetary recommendations for the Driver Education and Evaluation Programs with the advice, consultation and full participation of the chief executive officer of the Driver Education and Evaluation Programs;

Notwithstanding any other provision of law, funding appropriated and allocated by the Legislature for the Office of Substance Abuse is restricted solely to the use of that office and may not be used for expenses of any other part of the department. By January 15th of each year, the director shall deliver a report of the budget and expenditures of the office to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and human resource matters;

**Sec. L-5. 5 MRSA §20005, sub-§6,** as amended by PL 1993, c. 349, §21, is further amended to read:

**6. Contracts and licensing.** Through the director:

A. Administer all contracts with community service providers for the delivery of alcohol and drug abuse services; and

B. Establish operating and treatment standards and inspect and issue certificates of approval for approved treatment facilities, drug abuse treatment facilities or programs, including residential treatment centers, and community-based service providers pursuant to section 20024 and subchapter V; and

~~C. Ensure community participation by funding regional alcohol councils to:~~

~~(1) Assist in the development of comprehensive state plans, the review of the effectiveness of existing policies and services, and the identification of unmet needs;~~

~~(2) Review and comment on proposed grants and contracts;~~

~~(3) Increase public awareness and participation;~~

~~(4) Supply general reference information; and~~

~~(5) Advocate for individuals in need of assistance.~~

~~The director shall ensure that councils are funded in a manner that recognizes local differences in cost and travel distances and allows equal provision of services in each geographic area to the extent that funds are available within the office for this purpose.~~

The director commissioner may delegate contract and licensing duties under this subsection to the Department of Human Services, the Department of Corrections or other divisions of the Department of Mental Health and Mental Retardation department as long as that delegation ensures that contracting for alcohol and other drug abuse services provided in community settings are consolidated within the Department of Human Services, that contracting for alcohol and other drug abuse services delivered within correctional facilities are consolidated within the Department of Corrections and that contracting for alcohol and other drug abuse services delivered within mental health and mental retardation facilities are consolidated within the Department of Mental Health and Mental Retardation department.

The director commissioner may not delegate contract and licensing duties if that delegation results in increased administrative costs.

The director commissioner may not issue requests for proposals for existing contract services until the director commissioner has adopted rules in accordance with the Maine Administrative Procedure Act to ensure that the reasons for which existing services are placed out for bid and the performance standards and manner in which compliance is evaluated are specified and that any change in provider is accomplished in a manner that fully protects the consumer of services.

Any new contract must be awarded through a request-for-proposal procedure and 1/3 of the contracts of \$100,000 per year or more that are renewed must be awarded through a request-for-proposal procedure at least every 2 years.

The director commissioner shall establish a procedure to obtain assistance and advice from consumers of alcohol and other drug abuse services regarding the selection of contractors when requests for proposals are issued;

**Sec. L-6. 5 MRSA §20005-A,** as amended by PL 1995, c. 402, Pt. B, §1, is further amended to read:

**§20005-A. Performance-based contracts**

In addition to other applicable requirements and unless precluded by other restrictions on the use of funds, the ~~director~~ commissioner shall manage all funds available for the provision of alcohol or other drug abuse services in accordance with the provisions of this section.

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

A. "Agreement" means a legally binding written document between 2 or more parties, including ~~such~~ those documents as that are commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement, purchase of service or state aid.

B. "Performance-based contract" means an agreement for the purchase of direct client services employing a client-centered, outcome-oriented process that is based on measurable performance indicators and desired outcomes and includes the regular assessment of the quality of services provided.

**2. Performance-based contract.** The ~~director~~ commissioner shall ensure that all agreements to purchase alcohol or other drug abuse services entered into on or after July 1, 1995 are performance-based contracts.

**3. Rules.** The ~~director~~ commissioner shall adopt rules to implement this section, including, but not limited to, the establishment of program goals, outcome measures, an information management system to collect and manage contract data, a system of ongoing assessment of program effectiveness and hold-harmless guidelines for provider agencies during the first contract period or 12 months, whichever is greater.

**4. Procedures.** The following procedures apply whenever the ~~director~~ commissioner commences a request-for-proposal procedure.

A. The ~~director~~ commissioner shall hold at least one informational meeting at least 3 months before the due date for submission of the notice of intent to bid. Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the ~~director~~ commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

B. The ~~director~~ commissioner shall require any interested party to submit a notice of intent to bid at least 3 months before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract.

C. If only one community service provider submits a notice of intent to bid, the ~~director~~ commissioner may enter into negotiations concerning a contract with that provider in accordance with the procedures established for performance-based contracts.

D. For purposes of this section, the ~~director~~ commissioner retains the right to reject any bids submitted and any proposals made during negotiations pursuant to paragraph C.

**Sec. L-7. 5 MRSA §20006**, as amended by PL 1991, c. 601, §§8 and 9, is repealed.

**Sec. L-8. 5 MRSA §20006-A** is enacted to read:

**§20006-A. Director**

The director shall:

**1. Alternatives.** Propose alternatives to current alcohol and drug abuse prevention and treatment programs and services;

**2. Investigate.** Conduct investigations and studies of any alcohol or drug abuse program or community service provider operating under the control of the office or providing treatment under this chapter through a contract with the office under section 20008, that are licensed pursuant to section 20024 or any facility funded in whole or in part by municipal, state or local funds, as necessary; and

**3. Other duties and powers.** Carry out other duties and exercise other powers granted to the director under this Act and delegated to the director by the commissioner under Title 34-B, section 1204, subsection 3.

**Sec. L-9. 5 MRSA §20065, sub-§8**, as enacted by PL 1993, c. 410, Pt. LL, §12, is amended to read:

**8. Administrative and financial assistance.** The office shall provide the commission administrative or financial assistance that ~~from time to time may be reasonably required to carry out its activities.~~ Reasonable and proper expenses of the commission must be borne by the office from ~~available state or federal funds~~ is available from office resources.

**Sec. L-10. 5 MRSA §20067, sub-§1,** as enacted by PL 1993, c. 410, Pt. LL, §12, is repealed.

**Sec. L-11. 5 MRSA §20067, sub-§1-A** is enacted to read:

**1-A. Advise the office.** The commission shall advise the office in the development and implementation of significant policy matters relating to substance abuse.

**Sec. L-12. 5 MRSA §20072, first ¶,** as amended by PL 1991, c. 850, §6, is further amended to read:

The Driver Education and Evaluation Programs are established in the ~~Office of Substance Abuse and office.~~ The Driver Education and Evaluation Programs shall administer the alcohol and other drug education, evaluation and treatment programs as provided in this chapter. The office shall certify to the Secretary of State:

**Sec. L-13. 34-B MRSA §1203, sub-§9** is enacted to read:

**9. Office of Substance Abuse.** The commissioner shall administer and carry out the purposes of the Maine Substance Abuse Prevention and Treatment Act.

**Sec. L-14. Report; legislation.** By December 15, 1996, the Director of the Office of Substance Abuse shall submit legislation to the First Regular Session of the 118th Legislature to revise the Maine Revised Statutes to reflect the transfer of the Office of Substance Abuse to the Department of Mental Health, Mental Retardation and Substance Abuse Services, in accordance with this Part.

**Sec. L-15. Personnel transferred.** Employees of the Office of Substance Abuse whose positions are transferred to the Department of Mental Health, Mental Retardation and Substance Abuse Services under this Part retain their positions within the Department of Mental Health, Mental Retardation and Substance Abuse Services and their employment rights, privileges and benefits, including sick leave and vacation. The Bureau of Human Resources within the Department of Administrative and Financial Services shall assist with the orderly implementation of this section.

**PART M**

**Sec. M-1. Calculation and transfer.** The State Budget Officer shall calculate the amounts in section 2 of this Part that apply against each General Fund account for all departments and agencies based on the proportionate share of copier costs, as calculated by the Division of Purchases, in the All Other

appropriations of the affected accounts. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Budget Officer shall distribute the calculated amounts resulting from section 2 of this Part among the affected accounts as appropriated adjustments.

**Sec. M-2. 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</b>		
All Other	(\$106,541)	(\$149,567)
Provides for the deappropriation of funds related to the General Fund share of savings associated with the reductions in copier costs resulting from the contract rebidding process pursuant to plans submitted to the Productivity Realization Task Force.		

**PART N**

**Sec. N-1. 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>Executive Branch Departments and Independent Agencies - Statewide</b>		
Personal Services	\$153,189	\$158,756
All Other	2,641,366	8,628,150
Capital Expenditures	228,114	
Provides for the appropriation of funds to offset the remaining balance of the deappropriation made in Public Law 1995, chapter 368, Part H.		

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	\$3,022,669	\$8,786,906

**PART O**

**Sec. O-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.

	<b>1995-96</b>	<b>1996-97</b>
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Office of the Commissioner - Administrative and Financial Services</b>		
All Other	(\$1,028)	(\$1,028)
Capital Expenditures	(6,000)	
<b>TOTAL</b>	(7,028)	(1,028)
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Administration - Human Resources</b>		
All Other	(35,000)	(35,000)
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Accounts and Control - Bureau of</b>		
All Other	(35,000)	(35,000)
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Accounts and Control - Bureau of - Systems Project</b>		
All Other	(90,000)	
Capital Expenditures	(30,000)	
<b>TOTAL</b>	(120,000)	
Provides for the deappropriation of funds through the reduction of controllable expenses.		

<b>Budget - Bureau of the</b>		
All Other	(3,900)	(3,900)
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Buildings and Grounds Operations</b>		
All Other	(125,112)	
Provides for the deappropriation of funds through the reduction of controllable expenses and repair costs.		
<b>Elderly Householders' Tax Refund</b>		
All Other	(31,320)	(31,320)
Provides for the deappropriation of funds through the reduction of controllable administrative expenses.		
<b>Employee Relations - Office of</b>		
All Other	(16,700)	(10,000)
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Financial and Personnel Services - Division of</b>		
All Other	(3,500)	(3,500)
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Productivity Realization Task Force</b>		
All Other	(60,000)	
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Public Improvements - Planning/Construction - Administration</b>		
All Other	(3,833)	(3,833)
Provides for the deappropriation of funds through the reduction of		

controllable operating costs.		
<b>Public Improvements - Division of Safety and Environment Services</b>		
All Other	(2,732)	(2,732)
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>Taxation - Bureau of</b>		
All Other	(32,418)	(132,418)
Capital Expenditures	(100,000)	
TOTAL	<u>(132,418)</u>	<u>(132,418)</u>
Provides for the deappropriation of funds through the reduction of controllable expenses.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	<u>(576,543)</u>	<u>(258,731)</u>
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Office of Agricultural, Natural and Rural Resources</b>		
All Other	(1,822)	
Provides for the deappropriation of funds from the rural resources and soil and water programs through the reduction of general operating expenses.		
<b>Agricultural Production</b>		
All Other	(2,634)	
Capital Expenditures	(16,903)	
TOTAL	<u>(19,537)</u>	
Provides for the deappropriation of funds from the reduction of general operating expenses and capital equipment purchases.		
<b>Agricultural and Rural Resource Development</b>		
All Other	(508)	

Provides for the deappropriation of funds from the reduction of general operating expenses.	
<b>Public Services - Agriculture</b>	
Capital Expenditures	(58,000)
Provides for the deappropriation of funds from the reduction of general operating expenses.	
<b>Food Assistance Program</b>	
All Other	(20,982)
Provides for the deappropriation of funds from the reduction of general operating expenses.	
<b>Marketing Services - Agriculture</b>	
All Other	(16,376)
Provides for the deappropriation of funds from the reduction of general operating expenses.	
<b>Division of Plant Industry</b>	
All Other	(1,379)
Provides for the deappropriation of funds from the reduction of general operating expenses.	
<b>Office of Planning, Policy, Legislation, and Information Services</b>	
All Other	(17,521)
Capital Expenditures	(7,122)
TOTAL	<u>(24,643)</u>
Provides for the deappropriation of funds from the reduction of general operating expenses.	
<b>Division of Market and Production Development</b>	
All Other	(1,379)
Provides for the deappropriation of funds	

<p>from the reduction of general operating expenses.</p> <p><b>Soil and Water Conservation Commission</b></p> <p>All Other (6,000)</p> <p>Provides for the deappropriation of funds from the reduction of general operating expenses.</p> <p><b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES TOTAL</b> (150,626)</p> <p><b>ARTS COMMISSION, MAINE</b></p> <p><b>Arts - Administration</b></p> <p>All Other (11,570) (11,570)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>MAINE ARTS COMMISSION TOTAL</b> (11,570) (11,570)</p> <p><b>CONSERVATION, DEPARTMENT OF</b></p> <p><b>Administration - Forestry</b></p> <p>All Other (4,920) (4,920)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenditures.</p> <p><b>Administrative Services - Conservation</b></p> <p>All Other (5,930) (5,930)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>Forest Management, Utilization and Marketing</b></p> <p>All Other (4,283) (4,283)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>Insect and Disease Management</b></p> <p>All Other (4,982) (4,982)</p>	<p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>Land Use Regulation Commission</b></p> <p>All Other (32,558)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>Natural Areas Program</b></p> <p>All Other (1,820) (1,820)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>Parks - General Operations</b></p> <p>All Other (878)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>Policy Planning and Information</b></p> <p>All Other (18,296)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>Engineering and Realty</b></p> <p>All Other (878)</p> <p>Provides for the deappropriation of funds from a reduction in operating expenses.</p> <p><b>DEPARTMENT OF CONSERVATION TOTAL</b> (73,667) (22,813)</p> <p><b>CORRECTIONS, DEPARTMENT OF</b></p> <p><b>Correctional Center</b></p> <p>All Other (20,000) (20,000)</p> <p>Provides for the deappropriation of funds from a reduction in general operating expenses and the purchase of supplies.</p>
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**Downeast Correctional Facility**

All Other (15,224) (15,224)  
 Provides for the deappropriation of funds from a reduction in general operating expenses and the purchase of supplies.

**DEPARTMENT OF CORRECTIONS TOTAL**

(35,224) (35,224)

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Administration - Economic and Community Development**

All Other (26,207)  
 Capital Expenditures (6,000)  
 TOTAL (32,207)

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

**Business Development**

All Other (42,703)  
 Provides for the deappropriation of funds from the reduction of general operating expenses.

**Community Development Block Grant Program**

All Other (13,896)  
 Provides for the deappropriation of funds from the reduction of general operating expenses.

**Economic Conversion Division**

All Other (16,351)  
 Provides for the deappropriation of funds from the reduction of general operating expenses.

**Maine Economic Growth Council**

All Other (45,000)

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

**Energy Resources - Office of**

All Other (2,686)

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

**Maine State Film Commission**

All Other (5,734)

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

**International Commerce**

All Other (33,132)

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

**Maine Small Business Commission**

All Other (426)

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

**Office of Tourism**

All Other (44,141)

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

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL**

(236,276)

**EDUCATION, STATE BOARD OF**

**State Board of Education**

<p>All Other (81,969) (81,969)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>STATE BOARD OF EDUCATION</b></p> <p><b>TOTAL</b> (81,969) (81,969)</p> <p><b>EDUCATION, DEPARTMENT OF</b></p> <p><b>Administrative Office of the Commissioner</b></p> <p>All Other (6,291) (6,291)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Administrative Services Unit</b></p> <p>All Other (978) (978)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Division of Adult Education</b></p> <p>All Other (7,572) (7,572)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Division of Applied Technology</b></p> <p>All Other (8,073) (8,073)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Blind and Visually Impaired - Division for the</b></p> <p>All Other (9,293) (9,293)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Certification, Placement and Teacher Education</b></p> <p>All Other (10,903) (10,903)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p>	<p><b>Educational Restructuring and Improvements</b></p> <p>All Other (329,756)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Division of Finance</b></p> <p>All Other (3,273) (3,273)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Division of Higher Education</b></p> <p>All Other (7,033) (7,033)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Division of Instruction</b></p> <p>All Other (81,647) (81,647)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Division of Management Information</b></p> <p>All Other (25,940) (25,940)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Preschool Handicapped</b></p> <p>All Other (975) (975)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Rehabilitation Services</b></p> <p>All Other (61,144) (61,144)</p> <p>Provides for the deappropriation of funds due to savings achieved in this program.</p> <p><b>Division of School Business Services</b></p> <p>All Other (12,654) (12,654)</p>
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Provides for the deappropriation of funds due to savings achieved in this program.			<b>Oil and Hazardous Materials Control</b>		
			All Other	(2,306)	(2,568)
<b>Division of Special Services</b>			Provides for the deappropriation of funds through a reduction in operating expenses.		
All Other	(55,751)	(55,751)	<b>Water Quality Control</b>		
Provides for the deappropriation of funds due to savings achieved in this program.			All Other	(61,924)	
<b>Support Services Unit</b>			Provides for the deappropriation of funds through a reduction in operating expenses.		
All Other	(1,149)	(1,149)	<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL</b>	<u>(131,615)</u>	<u>(50,000)</u>
Provides for the deappropriation of funds due to savings achieved in this program.			<b>EXECUTIVE DEPARTMENT</b>		
<b>DEPARTMENT OF EDUCATION TOTAL</b>	<u>(622,432)</u>	<u>(292,676)</u>	<b>Planning Office</b>		
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>			All Other	(76,409)	(46,476)
<b>Administration - Environmental Protection</b>			Provides for the deappropriation of funds from a reduction in operating expenses.		
All Other	(12,359)	(14,700)	<b>Driver Education and Evaluation Program - Substance Abuse</b>		
Provides for the deappropriation of funds through a reduction in operating expenses.			All Other	(35,208)	
<b>Air Quality Control</b>			Capital Expenditures	(630)	
All Other	(7,022)	(10,382)	<b>TOTAL</b>	<u>(35,838)</u>	
Provides for the deappropriation of funds through a reduction in operating expenses.			Provides for the deappropriation of funds by reducing instructor payments and instructor travel.		
<b>Land Quality Control</b>			<b>Office of Substance Abuse</b>		
All Other	(48,004)		All Other	(31,900)	
Provides for the deappropriation of funds through a reduction in operating expenses.			Capital Expenditures	(599)	
<b>Land and Water Quality Control</b>			<b>TOTAL</b>	<u>(32,499)</u>	
All Other		(22,350)	Provides for the deappropriation of funds by reducing general operations, supplies and informational materials.		
Provides for the deappropriation of funds through a reduction in operating expenses.			<b>EXECUTIVE DEPARTMENT TOTAL</b>	<u>(144,746)</u>	<u>(46,476)</u>
			<b>HISTORIC PRESERVATION COMMISSION, MAINE</b>		

<b>Historic Preservation Commission</b>			Provides for the deappropriation of funds from a reduction in operating expenses.		
All Other	(2,923)	(2,923)			
Provides for the deappropriation of funds due to savings achieved in this program.					
<b>MAINE HISTORIC PRESERVATION COMMISSION TOTAL</b>	<u>(2,923)</u>	<u>(2,923)</u>			
<b>LABOR, DEPARTMENT OF Administration - Labor</b>			<b>Star</b>		
All Other	(2,729)	(2,935)	All Other	(9,169)	(6,894)
Provides for the deappropriation of funds from a reduction in operating expenses.			Provides for the deappropriation of funds from a reduction in operating expenses.		
<b>Administration - Bureau of Labor Standards</b>			<b>DEPARTMENT OF LABOR TOTAL</b>	<u>(53,436)</u>	<u>(54,227)</u>
All Other	(8,023)	(8,646)	<b>LIBRARY, MAINE STATE</b>		
Provides for the deappropriation of funds from a reduction in operating expenses.			<b>Library Development Services</b>		
<b>Job Training Partnership Program</b>			All Other	(4,530)	(3,490)
All Other	(8,732)	(5,190)	Capital Expenditures	(2,860)	
Provides for the deappropriation of funds from a reduction in operating expenses.			<b>TOTAL</b>	<u>(7,390)</u>	<u>(3,490)</u>
<b>Labor Relations Board</b>			Provides for the deappropriation of funds due to savings achieved in this program.		
All Other	(4,483)	(4,112)	<b>Reader and Information Services - Library</b>		
Provides for the deappropriation of funds from a reduction in operating expenses.			All Other	(4,436)	
<b>Occupational Information Coordination</b>			Provides for the deappropriation of funds due to savings achieved in this program.		
All Other	(595)	(6,012)	<b>MAINE STATE LIBRARY TOTAL</b>	<u>(11,826)</u>	<u>(3,490)</u>
Provides for the deappropriation of funds from a reduction in operating expenses.			<b>TRANSPORTATION, DEPARTMENT OF Administration - Aeronautics</b>		
<b>Regulation and Enforcement</b>			All Other	(4,895)	(5,305)
All Other	(19,705)	(20,438)	Provides for the deappropriation of funds through the reduction in All Other costs.		
			<b>Railroad Assistance Program</b>		
			All Other	(25,410)	
			Provides for the deappropriation of funds through the reduction in All Other costs.		
			<b>DEPARTMENT OF TRANSPORTATION TOTAL</b>	<u>(30,305)</u>	<u>(5,305)</u>

SECTION  
TOTAL APPROPRIATIONS (\$2,163,158) (\$865,404)

**PART P**

**Sec. P-1. Department of Human Services; General Fund revenue.** The Department of Human Services shall seek reimbursement of expenditures under Medicaid Title XIX, 42 United States Code, Sections 1396 to 1396v (1988), for Targeted Case Management for the Social Services - Regional program in the amount of \$1,600,000 in fiscal year 1995-96 and \$1,500,000 in fiscal year 1996-97 to be credited as General Fund undedicated revenue.

**PART Q**

**Sec. Q-1. Working capital advance.** The Department of Economic and Community Development shall return \$1,558,739 of the working capital advance authorized by Public Law 1993, chapter 471, section 5 to the General Fund no later than June 30, 1996.

**PART R**

**Sec. R-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>		
Personal Services	(\$5,134)	(\$5,362)
Provides for the deappropriation of funds to reflect the reduction related to the 3% salary increase for major policy-influencing positions.		
<b>Administration - Human Resources</b>		
Personal Services	(2,633)	(2,696)
Provides for the deappropriation of funds to reflect the reduction related to the 3% salary increase for major policy-influencing positions.		

**Accounts and Control - Bureau of**

Personal Services	(2,633)	(2,696)
Provides for the deappropriation of funds to reflect the reduction related to the 3% salary increase for major policy-influencing positions.		

**Budget - Bureau of the**

Personal Services	(2,633)	(2,696)
Provides for the deappropriation of funds to reflect the reduction related to the 3% salary increase for major policy-influencing positions.		

**Employee Relations - Office of**

Personal Services	(2,467)	(2,526)
Provides for the deappropriation of funds to reflect the reduction related to the 3% salary increase for major policy-influencing positions.		

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

Personal Services	(2,633)	(2,696)
Provides for the deappropriation of funds related to the 3% salary increase for major policy-influencing positions.		

**Taxation - Bureau of**

Personal Services	(2,814)	(2,882)
Provides for the deappropriation of funds to reflect the reduction related to the 3% salary increase for major policy-influencing positions.		

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL**

(20,947) (21,554)

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

**Administration - Agriculture**

Personal Services	(5,055)	(5,326)
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Provides for the deappropriation of funds from productivity savings from 3% salary increases for major policy-influencing positions.			<b>Administration - Forestry</b>		
			Personal Services	(2,598)	(2,696)
			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Agricultural Production</b>			<b>Administrative Services - Conservation</b>		
Personal Services	(2,022)	(2,071)	Personal Services	(8,639)	(8,990)
Provides for the deappropriation of funds from productivity savings from 3% salary increases for major policy-influencing positions.			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Public Services - Agriculture</b>			<b>Forest Fire Control - Division of</b>		
Personal Services	(2,022)	(2,071)	Personal Services	(1,943)	(1,990)
Provides for the deappropriation of funds from productivity savings from 3% salary increases for major policy-influencing positions.			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Harness Racing Commission</b>			<b>Geological Survey</b>		
Personal Services	(1,728)	(1,769)	Personal Services	(1,722)	(1,851)
Provides for the deappropriation of funds from productivity savings from 3% salary increases for major policy-influencing positions.			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES</b>			<b>Land Use Regulation Commission</b>		
<b>TOTAL</b>	<u>(10,827)</u>	<u>(11,237)</u>	Personal Services	(2,226)	(2,280)
<b>ATTORNEY GENERAL, DEPARTMENT OF THE</b>			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Chief Medical Examiner - Office of</b>			<b>DEPARTMENT OF CONSERVATION</b>		
Personal Services	(4,058)	(4,364)	<b>TOTAL</b>	<u>(17,128)</u>	<u>(17,807)</u>
Provides for the deappropriation of funds from savings accrued by not awarding a 3% salary increase for the Chief Medical Examiner position.			<b>CORRECTIONS, DEPARTMENT OF</b>		
<b>DEPARTMENT OF THE ATTORNEY GENERAL</b>			<b>Administration - Corrections</b>		
<b>TOTAL</b>	<u>(4,058)</u>	<u>(4,364)</u>	Personal Services	(7,121)	(7,364)
<b>CONSERVATION, DEPARTMENT OF</b>					

<p>Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.</p>			<p>from budgeted 3% salary increases for major policy-influencing positions.</p>		
<b>DEPARTMENT OF CORRECTIONS</b>			<b>DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT</b>		
<b>TOTAL</b>	(7,121)	(7,364)	<b>TOTAL</b>	(2,527)	(2,527)
<b>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</b>			<b>EDUCATION, DEPARTMENT OF</b>		
<b>Administration - Defense and Veterans' Services</b>			<b>Administrative Office of the Commissioner</b>		
Personal Services	(2,288)	(2,457)	Personal Services	(5,524)	
Provides for deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Administration - Maine Emergency Management Agency</b>			<b>Administrative Services Unit</b>		
Personal Services	(2,121)	(2,172)	Personal Services	(1,793)	
Provides for deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Military Training and Operations</b>			<b>Leadership</b>		
Personal Services	(1,839)	(1,978)	Personal Services		(7,493)
Provides for deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</b>			<b>Management Information Systems</b>		
<b>TOTAL</b>	(6,248)	(6,607)	Personal Services		(1,990)
<b>ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF</b>			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Administration - Economic and Community Development</b>			<b>Division of Management Information</b>		
Personal Services	(2,527)	(2,527)	Personal Services	(1,943)	
Provides for the deappropriation of funds			Provides for the deappropriation of funds budgeted for the 3%		

salary increase for major policy-influencing positions.			<b>HUMAN RIGHTS COMMISSION, MAINE</b>		
<b>DEPARTMENT OF EDUCATION</b>			<b>Human Rights Commission - Regulation</b>		
<b>TOTAL</b>	(9,260)	(9,483)	Personal Services	(2,022)	(2,071)
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>			Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.		
<b>Administration - Environmental Protection</b>			<b>MAINE HUMAN RIGHTS COMMISSION</b>		
Personal Services	(4,552)	(4,701)	<b>TOTAL</b>	(2,022)	(2,071)
Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.			<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Air Quality Control</b>			<b>Administration - Human Services</b>		
Personal Services	(2,243)	(2,409)	Personal Services	(2,992)	(3,064)
Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.			Provides for the deappropriation of funds due to productivity savings from 3% salary increases for major policy-influencing positions.		
<b>Land Quality Control</b>			<b>Administration - Income Maintenance</b>		
Personal Services	(2,224)	(2,388)	Personal Services	(2,422)	(2,480)
Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.			Provides for the deappropriation of funds due to productivity savings from 3% salary increases for major policy-influencing positions.		
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>			<b>Administration - Social Services</b>		
<b>TOTAL</b>	(9,019)	(9,498)	Personal Services	(2,306)	(2,362)
<b>EXECUTIVE DEPARTMENT</b>			Provides for the deappropriation of funds due to productivity savings from 3% salary increases for major policy-influencing positions.		
<b>Planning Office</b>			<b>Elder and Adult Services - Bureau of</b>		
Personal Services	(2,764)	(2,831)	Personal Services	(2,110)	(2,161)
Provides for the deappropriation of funds through the elimination of the 3% salary increase budgeted for major policy-influencing positions.			Provides for the deappropriation of funds due to productivity		
<b>EXECUTIVE DEPARTMENT</b>					
<b>TOTAL</b>	(2,764)	(2,831)			

<p>savings from 3% salary increases for major policy-influencing positions.</p> <p><b>Health - Bureau of</b></p> <p>Personal Services (4,245) (4,347)</p> <p>Provides for the deappropriation of funds due to productivity savings from 3% salary increases for major policy-influencing positions.</p> <p><b>Health Planning and Development</b></p> <p>Personal Services (1,959) (2,006)</p> <p>Provides for the deappropriation of funds due to productivity savings from 3% salary increases for major policy-influencing positions.</p> <p><b>DEPARTMENT OF HUMAN SERVICES TOTAL</b> (16,034) (16,420)</p> <p><b>LABOR, DEPARTMENT OF Administration - Bureau of Labor Standards</b></p> <p>Personal Services (1,722) (1,851)</p> <p>Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.</p> <p><b>DEPARTMENT OF LABOR TOTAL</b> (1,722) (1,851)</p> <p><b>MARINE RESOURCES, DEPARTMENT OF Administration - Marine Resources</b></p> <p>Personal Services (4,738) (4,990)</p> <p>Provides for the deappropriation of funds from budgeted 3% salary increases for major policy-influencing positions.</p> <p><b>Marine Patrol - Bureau of</b></p> <p>Personal Services (1,866) (1,911)</p>	<p>Provides for the deappropriation of funds from budgeted 3% salary increases for major policy-influencing positions.</p> <p><b>DEPARTMENT OF MARINE RESOURCES TOTAL</b> (6,604) (6,901)</p> <p><b>MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF Administration - Mental Health and Mental Retardation</b></p> <p>Personal Services (17,727) (18,343)</p> <p>Provides for the deappropriation of funds from the elimination of the October 1, 1990 salary increase for major policy-influencing positions.</p> <p><b>Aroostook Residential Center</b></p> <p>Personal Services (2,022) (2,071)</p> <p>Provides for the deappropriation of funds from the elimination of the October 1, 1990 salary increase for major policy-influencing positions.</p> <p><b>Disproportionate Share - Augusta Mental Health Institute</b></p> <p>Personal Services (3,177) (3,254)</p> <p>Provides for the deappropriation of funds from the elimination of the October 1, 1990 salary increase for major policy-influencing positions.</p> <p><b>Disproportionate Share - Bangor Mental Health Institute</b></p> <p>Personal Services (3,017) (3,090)</p> <p>Provides for the deappropriation of funds from the elimination of the October 1, 1990 salary increase for major policy-influencing positions.</p> <p><b>Elizabeth Levinson Center</b></p> <p>Personal Services (2,022) (2,071)</p> <p>Provides for the deappropriation of funds</p>
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from the elimination of the October 1, 1990 salary increase for major policy-influencing positions.

Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.

**DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION  
TOTAL**

(27,965) (28,829)

**DEPARTMENT OF THE SECRETARY OF STATE  
TOTAL**

(1,987) (2,135)

**PUBLIC SAFETY,  
DEPARTMENT OF**

**SECTION TOTAL  
APPROPRIATIONS**

(\$153,189) (\$158,756)

**Criminal Justice Academy**

Personal Services (1,468) (1,580)

Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.

**Drug Enforcement Agency**

Personal Services (2,292) (2,348)

Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.

**Liquor Enforcement**

Personal Services (1,728) (1,769)

Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.

**State Police**

Personal Services (1,468) (1,580)

Provides for the deappropriation of funds budgeted for the 3% salary increase for major policy-influencing positions.

**DEPARTMENT OF PUBLIC SAFETY  
TOTAL**

(6,956) (7,277)

**SECRETARY OF STATE,  
DEPARTMENT OF THE**

**Administration - Archives**

Personal Services (1,987) (2,135)

**PART S**

**Sec. S-1. 28-A MRSA §64, sub-§3,** as amended by PL 1993, c. 6, Pt. B, §3, is further amended to read:

**3. Authorized working capital.** The maximum permanent working capital of the commission is established at ~~\$1,500,000~~ \$1,000,000 and permanent advances up to this amount may be authorized by the Governor upon recommendation of the commission with the approval of the Commissioner of Administrative and Financial Services. The permanent working capital of the commission may be supplemented by temporary loans from other state funds upon recommendation of the commission and by approval of the Commissioner of Administrative and Financial Services and the Governor.

**PART T**

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

1995-96 1996-97

**HUMAN SERVICES,  
DEPARTMENT OF**

**Aid to Families with Dependent Children**

All Other (\$33,000)

Provides for the deappropriation of funds for contracting legal services to appeal Supplemental Security Income decisions.

**Aid to Families with Dependent Children**

All Other (\$1,918,284) (481,631)

Provides for the deappropriation of funds from the increase in child support collections and incentives.

**Administration - Social Services**

All Other (524,700)

Provides for the deappropriation of funds for the Maine Automated Child Welfare Information System.

**Departmentwide - TQM**

All Other (20,000)

Provides for the deappropriation of funds due to the elimination of a Total Quality Management training contract with the Department of Human Services training unit.

**Elder and Adult Services - Bureau of**

All Other (15,000) (15,000)

Provides for the deappropriation of funds through standardization of visitor and guardian ad litem fees for public guardianship.

**Health - Bureau of**

All Other (30,000) (30,000)

Provides for the deappropriation of funds to eliminate rollover of contract funds.

**Health - Bureau of**

All Other (40,000) (80,000)

Provides for the deappropriation of funds for tuberculosis treatment cost reduction.

**Social Services - Regional**

All Other (64,409) (149,287)

Provides for the deappropriation of funds due to anticipated revenues in the Other Special Revenue account.

**DEPARTMENT OF HUMAN SERVICES**

**TOTAL** (\$2,087,693) (\$1,313,618)

**Sec. T-2. Allocation.** The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Part.

1996-97

**HUMAN SERVICES, DEPARTMENT OF**

**Aid to Families with Dependent Children**

All Other (\$56,967)

Provides for the deallocation of funds for contracting legal services to appeal Supplemental Security Income decisions.

**Sec. T-3. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1995-96 1996-97

**HUMAN SERVICES, DEPARTMENT OF**

**Administration - Social Services**

All Other \$524,700

Provides for the allocation of funds for the Maine Automated Child Welfare Information System.

**Aid to Families with Dependent Children**

All Other \$1,918,284 481,631

Provides for the allocation of funds from the increase in child support collections and incentives.

**Social Services - Regional**

All Other 64,409 149,287

Provides for the allocation of funds from anticipated special revenues.

**DEPARTMENT OF HUMAN SERVICES**

**TOTAL** \$1,982,693 \$1,155,618

**Sec. T-4. Authorization to expend funds.** The Department of Human Services is authorized to expend up to \$31,000 from the General Assistance Reimbursement to Cities and Towns account and \$11,000 from the Aid to Families with Dependent Children account in fiscal year 1996-97 for the purpose of reimbursing for legal work done to assist

state residents who, prior to the legal work, had been receiving general assistance or Aid to Families with Dependent Children benefits to become qualified to receive federally funded disability benefits.

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

Effective March 25, 1996, unless otherwise indicated.

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## CHAPTER 561

### S.P. 38 - L.D. 68

#### **An Act to Make Available Coverage for Mental Health Services Provided by Counseling Professionals Who Are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems**

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

**Sec. 1.** 24 MRSA §2303, sub-§5 is enacted to read:

**5. Mental health services provided by counseling professionals.** A nonprofit hospital or medical service organization that issues individual or group health care contracts providing coverage for mental health services shall offer coverage for those services when performed by a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat interpersonal and intrapersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years. Any contract providing coverage for the services of counseling professionals pursuant to this subsection may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract. This subsection applies to all contracts executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1997. For purposes of this subsection, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

**Sec. 2.** 24-A MRSA §2744, sub-§3 is enacted to read:

**3. Mental health services provided by counseling professionals.** An insurer that issues individual health care contracts providing coverage for mental health services shall offer coverage for those

services when performed by a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat interpersonal and intrapersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years. Any contract providing coverage for the services of counseling professionals pursuant to this section may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract. This subsection applies to all contracts executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1997. For purposes of this subsection, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

**Sec. 3.** 24-A MRSA §2835, sub-§3 is enacted to read:

**3. Mental health services provided by counseling professionals.** An insurer that issues group health care contracts providing coverage for mental health services shall make available coverage for those services when performed by a counseling professional who is licensed by the State pursuant to Title 32, chapter 119 to assess and treat interpersonal and intrapersonal problems, has at least a masters degree in counseling or a related field from an accredited educational institution and has been employed as a counselor for at least 2 years. Any contract providing coverage for the services of counseling professionals pursuant to this section may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract. This subsection applies to all contracts executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1997. For purposes of this subsection, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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## CHAPTER 562

### H.P. 952 - L.D. 1341

#### **An Act to Limit the Use of Certificates of Participation**

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

**Sec. 1.** 5 MRSA §1588, sub-§1, as enacted by PL 1993, c. 92, §8, is amended to read: