

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

CHAPTER 435

AN ACT to Redefine the Designation of Beneficiaries of Priority Social Services.

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

22 MRSA § 6112, as repealed and replaced by P & SL 1973, c. 148, § 3, is repealed and the following enacted in its place:

§ 6112. Designation of beneficiaries

A resident of this State and members of his immediate family and household, who are eligible for social services as provided by Title XX of the Social Security Act by reason of income, shall also be qualified to be a beneficiary of priority social services in terms of income.

Effective October 24, 1977

CHAPTER 436

AN ACT Relating to the Right of Public and Private Residential Care Facilities to Provide Special Education.

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

20 MRSA § 3125, sub-§ 5 is enacted to read:

5. Approval of programs. The commissioner may approve such programs for the usual public school year, or for a year-round basis, or for such other period as he determines appropriate.

Effective October 24, 1977

CHAPTER 437

AN ACT to Revise and Clarify Portions of the Workmen's Compensation Act.

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

Sec. 1. 39 MRSA § 23, subsection 4, ¶ G is enacted to read:

G. If an employer is a partnership, or a sole proprietorship, and is a member of a self-insurance group associated pursuant to this section, such employer may elect to include as an "employee" any member of such partnership, or owner of such sole proprietorship, for purposes of obtaining workmen's compensation coverage under this Act. In the event of such election, the electing employer shall serve upon the group self-insurance association written notice naming the partner or sole proprietor to be covered, and no election shall be deemed to have been made within this Act until such notice has been given. By making such an election, the partnership member or sole proprietor shall be deemed to have stipulated that for premium payment purposes the weekly salary or wage of such electing partnership member or sole proprietor is \$200 per week.

Sec. 2. 39 MRSA § 52, 3rd ¶, as last amended by PL 1973, c. 788, § 222, is further amended by adding at the end a new sentence to read:

The employee or his counsel shall serve upon the employer or opposing counsel, within 7 days of the date of receipt by such employee or counsel, complete copies of any medical reports or statements relating to any treatment or examination described in this section.

Sec. 3. 39 MRSA § 71, 1st ¶, last sentence, is repealed.

Sec. 4. 39 MRSA § 94, as last amended by PL 1973, c. 788, § 232, is further amended by adding at the end a new paragraph to read:

If following an injury which causes no incapacity for work the employer and employee reach an agreement that the employee has received a personal injury arising out of and in the course of employment, a memorandum of such agreement signed by the parties may be filed in the office of the commission. Such memorandum shall set forth the names and residences of the parties, the facts relating to the employment at the time of the injury, the time, place and cause of the injury, and the nature and extent of the injury. Any member of the commission shall be empowered, without the necessity of the filing of a petition for award, to render a protective decree based upon such memorandum.

Sec. 5. 39 MRSA § 97, 1st sentence is amended to read:

Within ~~15~~ 20 days after notice of the filing of such petition all the other parties interested in opposition shall file an answer thereto and furnish a copy thereof for the petitioner, which answer shall state specifically the contentions of the opponents with reference to the claim as disclosed by the petition.

Sec. 6. 39 MRSA § 106, as last amended by PL 1975, c. 293, § 4, is further amended by adding at the end a new paragraph to read:

Any person receiving compensation under this Act who returns to employment or engages in new employment after his injury shall make a written report of such employment to the commission and to his previous employer and within 7 days of such person's return to work. Such report shall include

the identity of the employee, his employer and the amount of weekly wages or earnings received or to be received by such person.

Effective October 24, 1977

CHAPTER 438

AN ACT to Provide a Mandatory Rehabilitation Program for Persons Convicted of Operating a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs.

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

29 MRSA § 1312, sub-§ 10, ¶ A, 3rd ¶, 1st sentence, as repealed and replaced by PL 1977, c. 117, § 1, is amended to read:

Upon receipt of an attested copy of the court record of such conviction the license or permit and privilege to operate of such person shall be immediately suspended and in case of a conviction of a first violation of this section, the license or permit and privilege to operate shall not be reinstated by the Secretary of State prior to 30 days from the date of suspension and until such time as the Secretary of State has received written notice that the ~~rehabilitation~~ educational program under the auspices of the Department of Human Services has been satisfactorily completed, in which case the Secretary of State shall have the authority to issue a restricted license or permit to such person ~~except after 2 months he may petition the Secretary of State for hearing and, if after hearing the Secretary of State has determined that the public safety will not be endangered by issuing a new license or restoration of right to operate, the Secretary of State may, after 4 months, restore the license and privilege to operate a motor vehicle, with or without conditions or restrictions and under such terms as he may deem advisable, having in mind the safety of the public and the welfare of the petitioner.~~

Effective October 24, 1977

CHAPTER 439

AN ACT to Repeal Certain Laws Relating to Domestic Relations.

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

Sec. 1. 19 MRSA § 3, 2nd and 3rd ¶¶ are repealed.