

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

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PUBLIC LAWS
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producers or licensees. Whenever the commissioner determines that a licensee has failed to make payment, he shall, in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act, provide notice that payment under the bond will be sought and indicating the time within which other producer or licensee claims may be made known to him. Upon determination of the commissioner that there has been a default in payment by a licensee, the conditions of the bond shall be deemed to be broken and the commissioner may bring action on the defaulted bond for the benefit of producers or licensees. Whenever the amount of the bond is not sufficient to cover all valid claims, the commissioner shall distribute the amount available on a pro rata basis.

§ 460. Violations

Any person who commits any of the actions specified in section 457, except in section 457, subsection 1, paragraph B, or otherwise fails, neglects or refuses to comply with the provisions of this subchapter or any rule promulgated hereunder is subject to the following civil penalties payable to the State, to be recovered in a civil action:

1. First violation. For the first violation, a civil penalty not to exceed \$1,000; and
2. Subsequent violation. For each subsequent violation, a civil penalty not to exceed \$3,000.

The commissioner may recover the penalties imposed for violations in a civil action brought in his own name and, if he prevails in that action, he may recover full costs. The District Court and the Superior Court shall have concurrent jurisdiction of the actions. The Attorney General and the several district attorneys shall provide assistance to the commissioner.

All penalties received under this subchapter shall be paid to the Treasurer of State for deposit in the General Fund.

Effective September 18, 1981

CHAPTER 140

H. P. 273 — L. D. 319

AN ACT Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities.

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

20 MRSA § 1135-A is enacted to read:

§ 1135-A. Screening for scoliosis and related spinal abnormalities

1. **Intent.** The screening program for scoliosis and related spinal abnormalities is intended to alert parents or guardians to potential spinal problems which could affect the physical development of their child. The public schools shall supervise the screening and notify parents or guardians of postural defects which should be investigated further by qualified personnel. The Department of Human Services shall provide consultation, technical assistance and training to the schools or their agents.

2. **Screening program; rules and regulations.** A screening program shall be instituted according to the following provisions.

A. The school committee or directors of school administrative units shall require that children in the public schools be screened to determine if any child has a postural defect. The screening shall be performed by personnel who are approved by the Commissioner of Human Services for this purpose. Screening for postural defects shall be performed at least once annually in grades 5 to 8.

B. The Commissioner of Human Services shall, after consultation with the Commissioner of Educational and Cultural Services and the Bureau of Health, promulgate rules and regulations in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, for the screening test and shall furnish the rules and regulations to the administrative officers of the school administrative units. These rules and regulations shall include the frequency of the tests, the manner in which the schools or their agents conduct the tests, the qualifications of personnel conducting the screening, the method by which prior notice of the screening or the notice of any defect or possible defect detected shall be sent to the parent or guardian of the child, and that the notation of the screening and any follow-up activity shall be kept with the child's school health records.

3. **Exceptions.** This section shall not apply to any child whose parent or guardian demonstrates by a written statement his religious, moral, philosophical or other personal objection.

4. **Effective date.** The Commissioner of Human Services shall promulgate the directions for implementation of this section no later than 30 days after the effective date of this section. School committees or school directors of administrative units shall have postural screening programs in effect by the start of the school year 1984-85.

In the event federal funds are not available for this program the State or municipalities shall be under no obligation to utilize any state or municipal funds to carry out the purposes of this section.