

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

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Augusta, Maine
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ditions and services must include, but are not limited to, the following.

A. The Division of Mental Retardation 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 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 shall ensure the provision of interpreter services by a person proficient in American Sign Language.

C. The Division of Mental Retardation 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 shall provide for the placement in comprehensive community mental retardation facilities of telecommunication devices for persons who are deaf or hard-of-hearing.

E. The Division of Mental Retardation 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 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 shall designate in each regional office one staff person who is responsible for the coordination of deaf services in that office. The division 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.

3. School-aged children. This section does not diminish or alter in any way the Department of Edu-

cation's responsibility to provide free and appropriate education to students with disabilities.

4. Report. The department shall prepare a biennial report that describes accommodations and services available under this section and identifies unmet service needs and a plan to address those needs. The commissioner shall include representatives from deaf communities, families and public and private service agencies in the preparation of the report. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over human resource matters and the Office of the Executive Director of the Legislative Council by January 15th of every even-numbered year.

Sec. 2. 34-B MRSA §3005, as amended by PL 1993, c. 410, Pt. CCC, §19, is repealed.

Sec. 3. Report. The Department of Mental Health and Mental Retardation shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resource matters and the Office of the Executive Director of the Legislative Council by January 15, 1995. The report must describe the efforts of the Division of Mental Retardation to provide accommodations and services for persons who are deaf or hard-of-hearing, unmet service needs of department clients and persons who are not clients and a plan to address those needs. The report must also describe strategies employed by other states to provide services for persons who are deaf or hard-of-hearing. States described must include, but are not limited to, Maryland, Massachusetts, New Hampshire and Rhode Island. The Commissioner of Mental Health and Mental Retardation shall include representatives from deaf communities, families and public and private service agencies in the preparation of the report.

Sec. 4. Coordination. The Deaf Services Coordinator within the Department of Mental Health and Mental Retardation, Division of Mental Health on the effective date of this Act shall serve as a departmentwide coordinator of services for persons who are deaf or hard-of-hearing, including clients of the Division of Mental Health and the Division of Mental Retardation.

See title page for effective date.

CHAPTER 520

H.P. 1248 - L.D. 1675

An Act to Promote Child Safety

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

Sec. 1. 29 MRSA §1368-B, sub-§1, as amended by PL 1989, c. 640, is further amended to read:

1. Transportation of child in vehicle. When ~~any a~~ child who is less than 4 years of age is being transported in a motor vehicle in this State and that ~~motor vehicle is owned or operated by the child's parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured, in accordance with the manufacturer's instructions, in a child safety seat that meets the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981. The parent or legal guardian of the child is responsible for providing and installing the child safety seat.~~

Sec. 2. 29 MRSA §1368-B, sub-§2, as amended by PL 1989, c. 640, is repealed.

Sec. 3. 29 MRSA §1368-B, sub-§3, as enacted by PL 1983, c. 299, is amended to read:

3. Exception and limitation. The requirements of ~~subsections subsection 1 and 2 shall do~~ not apply to any person transporting a child less than 4 years of age and over one year of age when the number of passengers exceeds the seating capacity of the vehicle.

Sec. 4. 29 MRSA §1368-B, sub-§5, as enacted by PL 1983, c. 299, is amended to read:

5. Violation limitation. ~~Any parent, guardian, owner or An~~ operator stopped for a violation of this section and against whom enforcement action has been taken ~~shall not be guilty of~~ may not be adjudicated to have committed a subsequent violation of this section until after 24 hours have elapsed from the date and time of the violation, as indicated on the ~~traffic ticket~~ Violation Summons and Complaint.

See title page for effective date.

CHAPTER 521

H.P. 1260 - L.D. 1687

An Act to Correct an Error in the Sand Dune Laws

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

Whereas, legislation enacted during the First Regular Session of the 116th Legislature inadver-

tently allows development to occur without state review on sand dune areas that are geologically unstable and subject to rapid shoreline change; and

Whereas, development in these areas, and subsequent storm-related damage to property on-site, thus poses a risk to public health and safety as well as a potential financial liability to state and local governments; and

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

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

Sec. 1. 38 MRSA §480-Q, sub-§16, as enacted by PL 1993, c. 410, Pt. G, §7, is amended to read:

16. Alterations in back dunes of coastal sand dune systems. Alterations in back dunes of sand dune systems as long as the site is not subject to flooding during a 100-year flood event based on information from the Federal Emergency Management Agency and is not expected to be damaged due to shoreline change within 100 years based on historic and projected trends. The applicant must provide the department with written notification of the proposed activity, including a location map, at least 14 days prior to commencing work. This subsection is repealed on February 15, 1995.

Sec. 2. Rulemaking. Pursuant to its authority under the Maine Revised Statutes, Title 38, section 344, subsection 7, the Board of Environmental Protection shall adopt rules establishing permit-by-rule performance standards for activities exempt under Title 38, section 480-Q, subsection 16. Those rules take effect on February 15, 1995.

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

Effective March 14, 1994.

CHAPTER 522

S.P. 608 - L.D. 1706

An Act to Revise the Execution of Certain Mandatory Consecutive Sentences