

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

PORTLAND LITHOGRAPH COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

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

Effective April 1, 1976

CHAPTER 708

AN ACT to Require a Majority of Consumer Representation on Governing Boards of Nonprofit Hospital and Medical Service Organizations.

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

Sec. 1. 24 MRSA § 2302, last paragraph is repealed and the following enacted in place thereof:

There shall be not less than 14 directors, at least a majority of whom shall be consumer representatives. For purposes of this section, "consumer representative" means a person who does not derive more than 20% of annual income, whether directly or through that person's spouse, from the delivery of health care services. The remaining directors shall at all times be licensed health professionals who contract with the corporation for the direct provision of health services, or persons employed by participating health care institutions or organizations that contract with the corporation to provide health services to the corporation's subscribers, or persons employed by associations of providers and professionals of health care services. No director shall serve more than 3 consecutive 3-year terms.

Sec. 2. Effective date. This Act shall become effective on June 1, 1976 or 90 days after adjournment of the Legislature, whichever is later.

Effective July 29, 1976

CHAPTER 709

AN ACT to Require Nursery Schools to Meet Minimum Fire Safety and Health Standards.

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

Sec. 1. 22 MRSA § 3797, as last amended by P.L. 1975, c. 304, §§ 1 and 2, is repealed.

Sec. 2. 22 MRSA c. 1675 is enacted to read:

CHAPTER 1675
NURSERY SCHOOLS

§ 8401. Definitions

1. Children. As used in this chapter, the word "children" shall mean persons 7 years of age and under who are not related by blood or marriage to or who have not been legally adopted by the licensee or administrator of the nursery school which the children attend.

2. Nursery school. As used in this chapter, the term "nursery school" shall mean a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for 3 or more children, provided that:

- A. No session conducted for the children is longer than 3½ hours in length;
- B. No more than 2 sessions are conducted per day;
- C. Each child in attendance at the nursery school attends only one session per day; and
- D. No hot meal is served to the children.

This term does not include any facility operated as a day care center, a summer camp established solely for recreational and educational purposes or a public or private school in the nature of a kindergarten approved by the Commissioner of Educational and Cultural Services, in accordance with Title 20, section 911.

§ 8402. Licensure

1. License required. No person, firm, corporation or association shall operate a nursery school without having, subject only to meeting the requirements specified in subsection 3, a written license therefor from the Department of Human Services.

2. Term of license. The term of any license issued under this chapter shall be one year.

3. Requirements. In order to receive a license from the department a nursery school shall meet the following requirements:

A. Each licensee, administrator or other staff member of the nursery school, who provides care for the children, shall be declared, annually, by a licensed physician to be free from communicable disease.

B. Drinking water which is taken from sources other than a public water system shall pass a test for bacteria, nitrates and nitrites every year and shall pass a partial chemical test every 4 years.

C. The nursery school shall carry minimum liability insurance of \$100,000

per person and \$300,000 per occurrence.

D. During any nursery school session there shall be at least one adult present for every 12 children. When only one adult is present, another responsible adult shall be on call and available in case of any emergency.

E. The nursery school shall meet, annually, the fire safety requirements specified in section 8403, subsection 2.

4. License issued promptly. The department shall issue with reasonable promptness a license to each nursery school from which the department has received and verified documentation indicating that the nursery school has met the requirements included in subsection 3.

5. Fee. The department shall charge an annual fee of \$10 for licenses for nursery schools. The department shall use all fees to pay the costs of the fire safety inspections.

6. Relationship to licensing of day care facilities. No facility licensed as a nursery school shall be required to be licensed as a day care facility; but any facility licensed as a nursery school may also be licensed as a day care facility, if the nursery school complies with the law and rules applicable to day care facilities.

§ 8403. Fire safety

1. Inspection required. No license shall be issued by the department for a nursery school until the department has received from the State Fire Marshal a written statement signed by one of the officials designated in Title 25, sections 2360, 2391 or 2392 to make fire safety inspections.

2. Requirements. This written statement, which shall be furnished, annually, by the State Fire Marshal to the department, shall indicate that the nursery school has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association as adopted by the State Fire Marshal, which are specified in:

A. The family day care homes section, if the nursery school has at least 3 but no more than 6 children per session; or

B. The group day care homes section, if the nursery school has at least 7 but no more than 20 children per session; or

C. The child day care centers section, if the nursery school has more than 20 children per session.

3. Fees. The department shall establish and pay reasonable fees to the State Fire Marshal or municipal officials for each such inspection.

§ 8404. Existing nursery schools

Notwithstanding any other provision in this chapter, any nursery school which was in operation prior to the effective date of this Act and which is not able to comply with all of the requirements specified in section 8402, subsec-

tion 3, shall be allowed to continue in operation, out of compliance with the applicable law, until July 1, 1977.

Effective July 29, 1976

CHAPTER 710

AN ACT to Amend the Employment Security Law.

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

Sec. 1. 26 MRSA § 1043, sub-§ 24, as enacted by PL 1965, c. 381, § 6, is repealed and the following enacted in place thereof:

24. Insured worker. An "insured worker" is an individual who has been paid wages of at least \$250 for insured work in each of 2 different quarters in his base period and has been paid total wages of at least \$900 in his base period for insured work.

Sec. 1-A. 26 MRSA § 1191, sub-§ 3, as last repealed and replaced by PL 1965, c. 457, § 2, is amended to read:

3. Weekly benefit for partial unemployment. On and after April 1, 1966, each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit in an amount equal to his weekly benefit amount less that part of his earnings paid or payable to him with respect to such week which is in excess of \$10 plus any fraction of a dollar, except that remuneration payable or received as holiday pay shall not be deemed wages for the purpose of this subsection and except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances, or any amounts received by volunteer firemen or by elected Members of the Legislature, shall not be deemed wages for the purpose of this subsection.

Sec. 2. 26 MRSA § 1194, sub-§ 2, last 2 paragraphs, as enacted by PL 1975, c. 227, are repealed and the following enacted in place thereof:

If an employer's separation report for an employee is not received by the office specified thereon within 10 days after such report was requested, the claim shall be adjudicated on the basis of information at hand. If the employer's separation report containing possible disqualifying information is received after that 10-day period and the claimant is denied benefits, benefits paid prior to the date such separation report was received shall not constitute an overpayment of benefits. Any benefits paid after the date such separation report was received shall constitute an overpayment.

If an employer files an amended separation report or otherwise raises a new issue as to the employee's eligibility or changes the wages or weeks used in determining benefits which results in a denial of benefits or a reduction of the weekly benefit amount, the benefits paid prior to the termination date shall not constitute an overpayment. Any benefits received after such date to which the claimant is not entitled pursuant to a new determination based on such new employer information shall constitute an overpayment.