

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
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CHAPTER 277

AN ACT Concerning Wharf and Piers under the Submerged Lands Law.

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

12 MRSA § 514-A, sub-§ 2, ¶ B, sub-¶ (3), as enacted by PL 1975, c. 287, § 1, is amended to read:

(3) Occupies a total of not more than ~~500~~ 2,000 square feet of state-owned land for the exclusive purpose of landing or processing shellfish, finfish or other natural products of the sea or for other activities directly related to the purpose of landing or processing shellfish, finfish or natural sea products, including fueling, loading or selling these products; or

Effective October 24, 1977

CHAPTER 278

AN ACT to Authorize Educational Rehabilitation under the Workmen's Compensation Statutes.

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

Sec. 1. 39 MRSA § 52, 5th ¶, first sentence and the 3rd sentence, as amended by PL 1975, c. 293, § 4, are further amended to read:

Whenever, because of the nature of such injury or the subsequent condition of the employee following such injury, it appears that vocational or educational rehabilitation is necessary and desirable to restore the injured employee to gainful employment, the employee shall be entitled to reasonable and proper rehabilitation service for a period not exceeding 52 weeks, which period may be extended for a further period not to exceed another 52 weeks if such extended period is found to be necessary and proper by any member of the commission.

Such vocational or educational rehabilitation service may be arranged in consultation with the Division of Vocational Rehabilitation, Department of Human Services, or in cases of blindness with the Division of Eye Care and Special Services of the Department of Human Services, or in cases of educational rehabilitation, with the Department of Educational and Cultural Services, as provided in section 106, subject to the following conditions and limitations:

Sec. 2. 39 MRSA § 52, last ¶ is amended by adding at the end the following new sentence:

The term "educational rehabilitation" includes post-secondary, college and university instruction.

Sec. 3. 39 MRSA § 54, last ¶, as amended by PL 1971, c. 325, is further amended to read:

Whenever a program of vocational or educational rehabilitation has been inaugurated, either by approved agreement or commission decree, the employer shall pay the injured employee, in addition to compensation, if he is totally or partially incapacitated, a sum not to exceed \$35 per week for sustenance and travel as may be determined by the commission during the period of such rehabilitation within the limitations as prescribed in this section and section 52.

Effective October 24, 1977

CHAPTER 279

AN ACT Concerning Insurance Coverage for Deaf, Mentally Retarded, Blind and Developmentally Disabled Persons.

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

24-A MRSA § 2159-A, as amended by PL 1975, c. 675, is repealed and the following enacted in its place:

§ 2159-A. Insurance discrimination solely on account of blindness prohibited

No insurance company authorized to transact business in this State shall cancel, reduce liability limits of, increase the premiums of or refuse to issue or to renew an insurance policy of any kind that such company sells for the sole reason that the insured or the applicant for insurance is blind, as defined in Title 22, section 3505, subsection 1, or is deaf or developmentally disabled, as defined in paragraph 2. Nothing in this section shall be deemed to prohibit any such insurer from charging an additional premium or refusing to issue such insurance if the general health of such person, including, where applicable, the cause of blindness, deafness, developmental disability, or other material factor in the issuance of insurance warrants such additional premium or refusal to issue. Any such insurer may exclude from policies covering persons who are blind, deaf, or developmentally disabled the payment of benefits arising from losses that would not have occurred except for the fact that such person is blind, deaf or developmentally disabled respectively.

As used in this section, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Deaf. A person shall be considered deaf who either has a minimum pure tone average hearing threshold level of 40 decibels in the better ear on