

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

---

---

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24-A MRSA § 2159-A, as amended by PL 1975, c. 675, is repealed and the following enacted in its place: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

an International Standards Organization-American National Standards Institute scale, or is not able to hear and understand more than 40% of the words on a standardized word discrimination test using a list of phonetically balanced words at appropriate intensity levels through a speech audiometer.

2. Developmentally disabled. A person shall be considered developmentally disabled who has a disability which:

A. Is attributable to:

(1) Mental retardation, cerebral palsy, epilepsy or autism;

(2) Any other condition found to be closely related to mental retardation, because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment or services similar to those required for such persons; or

(3) Dyslexia resulting from a disability described in paragraph (1) or (2);

B. Originates before such person attains age 18;

C. Has continued or can be expected to continue indefinitely; and

D. Constitutes a substantial handicap to such person's ability to function normally in society.

Effective October 24, 1977

---

## CHAPTER 280

AN ACT to Amend the Law Providing for Variances from Zoning Laws.

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

30 MRSA § 4963, sub-§ 3, as enacted by PL 1971, c. 455, § 2, is repealed and the following enacted in its place:

3. Variance. A variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:

A. That the land in question cannot yield a reasonable return unless a variance is granted;

B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and