

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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22 MRSA § 4794 is enacted to read:

§ 4794. Fish and wildlife violations on tribal land

All fines and forfeitures imposed for violations of Title 12, Part 3, committed on land belonging to the Penobscot Tribe shall be returned to the tribal governor and council of the Penobscot Tribe to be used by the tribe for fish and wildlife purposes. All court costs shall be deducted from the fines and forfeitures before transfer to the tribe.

Effective September 14, 1979

CHAPTER 86

H. P. 459 — L. D. 572

AN ACT Relating to Fatal Motor Vehicle Accidents.

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

29 MRSA § 891, 3rd ¶, as last amended by PL 1975, c. 731, § 43, is further amended by inserting at the end the following new sentence:

If the accident results in serious bodily injury or death of any person, the investigation shall be conducted by an officer who has met the training standards of a full-time police officer.

Effective September 14, 1979

CHAPTER 87

H. P. 48 — L. D. 57

AN ACT to Establish Registration of Electrologists.

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

Sec. 1. 32 MRSA c. 18 is enacted to read:

CHAPTER 18

ELECTROLOGISTS

SUBCHAPTER I

GENERAL PROVISIONS

§ 1221. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Department. "Department" shall mean the Department of Human Services.

2. Electrology. "Electrology" shall mean the practice of removing hair permanently by applying electricity to the hair follicle to cause growth inactivity to the hair root.

3. Person. "Person" shall mean any individual, firm, partnership, corporation or other association or organization.

§ 1222. Registration; penalty

1. Registration required. No person may practice electrology in this State unless that person is registered with the department under this chapter.

2. Penalty. Any person who practices electrology in violation of subsection 1 is guilty of a Class E crime.

§ 1223. Exception

This chapter shall not apply to any person who is licensed to practice any healing art or science, as defined in section 3751, and who is practicing electrology in the course of that practice.

§ 1224. Maine Administrative Procedure Act

The provisions of this chapter and anyone acting under them are subject to the Maine Administrative Procedure Act.

SUBCHAPTER II

REGISTRATION

§ 1231. Procedure

Except as provided in section 1233, the department shall register any person under this chapter who passes an inspection under section 1243 within 60 days before that person is registered.

§ 1232. Valid for one year

Registration under this chapter shall be valid for one year from the date of registration.

§ 1233. Grounds for refusal, suspension or revocation

The following shall be grounds for the department's refusal to register any person or for the Administrative Court's suspension or revocation of the registration of any person:

1. Noncompliance with rules. Noncompliance with the rules adopted by the department under this chapter;
2. Conviction of crime. Conviction of any crime directly related to that person's practice of electrology; and
3. Registering by fraud. Attempting to register or registering under this chapter by means of fraud or under false pretenses.

SUBCHAPTER III

DEPARTMENT OF HUMAN SERVICES

§ 1241. Powers and duties

The department shall register or refuse to register persons under this chapter, investigate, inspect, examine and review as necessary to properly administer this chapter, and make any appropriate complaint to the Administrative Court.

§ 1242. Rules

The department shall adopt:

1. Administration. Rules for the proper administration of this chapter; and
2. Practices of electrology. Rules governing the practice of electrology relating to health, safety, sanitation, equipment, electrolysis procedures and record keeping. The department shall not adopt rules relating to personal qualification, including, but not limited to, a person's age, education, training, experience or residency.

§ 1243. Inspections

Upon any person's request and payment of his reasonable necessary expenses, the department shall inspect that person's place of practice and equipment for compliance with the rules adopted by the department under this chapter.

Sec. 2. 32 MRSA § 1554, as enacted by PL 1977, c. 398, § 10, is repealed.

Effective September 14, 1979

CHAPTER 88

S. P. 80 — L. D. 157

AN ACT to Provide Interpreter Service for the Hearing Impaired.

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

Sec. 1. 5 MRSA § 48, sub-§ 1, ¶ A, as enacted by PL 1977, c. 704, § 1, is repealed and the following enacted in its place:

A. "Compensation" means the fee for an interpreter's time of service as provided by an appointed qualified interpreter.

Sec. 2. 5 MRSA § 48, sub-§ 1, ¶¶ G to I, as enacted by PL 1977, c. 704, § 1, are repealed and the following enacted in their place:

G. "Qualified interpreter" means a person with the knowledge and understanding of the code of ethics of the National Registry of Interpreters for the Deaf who is able to recognize the comprehension level of a deaf or hearing impaired person and is able to communicate effectively in a mode of communication used by the deaf or hearing impaired person and to interpret accurately the statements of the deaf or hearing impaired person.

H. "Agency" means any authority, board, bureau, commission, department or officer of State Government, or of any county, municipality, school district or any other political or administrative subdivision.

I. "Travel expenses" means actual expense for transportation reimbursable at the usual state mileage rate, tolls, parking fees or other fees specified in an agreement between an interpreter or an interpreter agency and an agency or court retaining the services of the interpreter at a specific date, time and place.

Sec. 3. 5 MRSA § 48, sub-§ 2, ¶¶ A, B and D, as enacted by PL 1977, c. 704, § 1, are repealed and the following enacted in their place:

A. Whenever any personal or property interest of a deaf or hearing impaired person is the subject of a proceeding before any agency or court, the presiding officer of the proceeding shall, in consultation with the deaf or hearing impaired person, appoint a qualified interpreter.