

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

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

Kennebec Journal
Augusta, Maine
1979

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sight-seeing, operation of snow-traveling vehicles, skiing, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities.

2. **Limited duty.** An owner, lessee or occupant of premises shall owe no duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes.

3. **Permissive use.** An owner, lessee or occupant who gives permission to another to pursue recreational or harvesting activities on the premises shall not thereby:

A. Extend any assurance that the premises are safe for those purposes;

B. Make the person to whom permission is granted an invitee or licensee to whom a duty of care is owed; or

C. Assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

4. **Limitations on section.** This section shall not limit the liability which would otherwise exist:

A. For a willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity;

B. For an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State; or

C. For an injury caused, by acts of persons to whom permission to pursue any recreational or harvesting activities was granted, to other persons to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

5. **No duty created.** Nothing in this section shall create a duty of care or ground of liability for injury to a person or property.

Effective September 14, 1979

CHAPTER 254

S. P. 530 — L. D. 1589

AN ACT to Expand the Availability of Certain Social Services by Increasing Income Eligibility.

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

Sec. 1. 22 MRSA § 9, sub-§ 1, as enacted by PL 1977, c. 574, is amended to read:

1. Reasonable fees authorized. The Department of Human Services is authorized to charge reasonable fees for any services provided under this Title ~~if, in the opinion of the commissioner, the recipient of such services has sufficient resources to pay for these services~~ **whether directly or indirectly provided by the department.** Any fees thus received shall constitute a permanent fund for use by the department as special revenue income ~~and shall be used to defray the expenses of the services charged for~~ and shall not become part of the General Fund. **Fees so generated will be utilized in accordance with federal regulations.**

Sec. 2. 22 MRSA § 9, sub-§ 2, ¶ A, first sentence, as enacted by PL 1977, c. 574, is amended to read:

Any fees which are paid pursuant to this subsection shall be paid to the agency which directly provides the service; ~~and, notwithstanding any provision in subsection 1, these fees shall be used by the agency to defray the expenses of services charged for and shall proportionately reduce reimbursements to the agency by the department for those services.~~

Sec. 3. 22 MRSA § 9, sub-§ 2, ¶ C, as enacted by PL 1977, c. 574, is repealed.

Sec. 4. 22 MRSA § 9, sub-§ 2, ¶ D, as enacted by PL 1977, c. 574, is amended to read:

D. In establishing any sliding fee scale for the payment for services specified in this subsection, the department shall take into account ~~at least gross family income and family size and indebtedness.~~

Sec. 5. 22 MRSA § 9, sub-§ 3, ¶ B, as enacted by PL 1977, c. 574, is repealed.

Sec. 6. 22 MRSA § 9, **FEE SCALE**, as enacted by PL 1977, c. 574, is repealed.

Sec. 7. 22 MRSA § 9, sub-§§ 4 and 5 are enacted to read:

4. Review annually. The Department of Human Services shall review the day care fee scale at least annually and adjust the fee as the median income used as a basis in determining eligibility for service is adjusted. Fees shall be charged those persons between 60% and 115% of the state median income.

The sliding fee scale for child day care shall be a progressive fee schedule and positively relate to the person's ability to pay.

5. Formula for 1979-80 income guidelines. The formula to be applied to the 1979-80 income guidelines and all subsequent annual revisions of the state median income shall be:

A. The amount of the fee as a percentage of the person's income shall increase with income. The amount of increase in percentage shall be limited to 1% of the gross weekly income of a family of 4 between 60% and 115% of state median income, not to exceed 11%. The state median income shall be divided into 12 income increments.

Effective September 14, 1979

CHAPTER 255

H. P. 803 — L. D. 1006

AN ACT Relating to the Term of Membership on the Inland Fisheries and Wildlife Advisory Council.

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

Sec. 1. 12 MRSA § 1955, as repealed and replaced by PL 1977, c. 78, § 50, is repealed and the following enacted in its place:

§ 1955. Advisory council

1. Appointment. There is established an advisory council, which shall consist of one member representing each of the management units the commissioner establishes to administer this chapter. Members of the advisory council shall be appointed by the Governor, subject to review by the Joint Standing Committee on Fisheries and Wildlife, and to confirmation by the Legislature. The commissioner shall be a nonvoting member of the council ex officio, but may vote to break a tie.

2. Length of terms. Appointments shall be for a term of 3 years and until successors are appointed and qualified. No person shall serve more than 2 consecutive 3-year terms. Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a member to serve for the unexpired term.

3. Expenses. The members of the advisory council shall receive \$25 per day for their services and the council shall be allowed actual expenses not to exceed \$2,500 for each fiscal year.

4. Duties.

A. The council shall render to the commissioner information and advice concerning the administration of the department and carry out other duties specifically delegated by inland fisheries and wildlife laws.

B. The council shall hold regular meetings with the commissioner or his