

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

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

30 MRSA § 2151, sub-§ 2, ¶ J is enacted to read:

J. Notwithstanding any other provisions of this chapter, any permit to provide a cable television system issued prior to July 1, 1965 without a fixed termination date shall be deemed to expire 15 years from the effective date of this paragraph, unless an earlier expiration date is mutually agreed upon by the municipality and the permit holder. Any such cable television system shall be constructed and operated in accordance with Federal Communications Commission regulations. These cable television systems, as a condition of franchise, shall be operated in such a manner as to provide a safe, adequate and reliable service to subscribers.

Effective September 18, 1981

CHAPTER 309

H. P. 796 — L. D. 950

AN ACT to Remove Private Babysitting Arrangements from the Jurisdiction of the Department of Human Services.

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

Sec. 1. 22 MRSA § 7702, as enacted by PL 1975, c. 719, § 6, is amended to read:

§ 7702. Violation; penalty

Whoever violates any provision of this subtitle shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both, **except that anyone violating section 8305 shall be punished only by a fine of not more than \$500.**

Sec. 2. 22 MRSA § 8301, 2nd ¶, as enacted by PL 1975, c. 719, § 6, is amended to read:

The term does not include any facility operated as a nursery school, **home day care for which the person or combination of persons does not receive any federal or state funds**, a summer camp established solely for recreational and educational purposes, or a formal public or private school in the nature of a kindergarten or elementary or secondary school approved by the Commissioner of Educational and Cultural Services in accordance with Title 20, section 911. **Providers of home**

day care who do not receive federal or state funds may choose to be licensed, under rules promulgated by the department according to section 8302; if they do not, they shall be registered in accordance with section 8305.

Sec. 3. 22 MRSA § 8305 is enacted to read:

§ 8305. Home day care

1. Registration. Persons providing home day care for 3 to 12 unrelated children under the age of 16 on a regular basis shall be required to register with the Department of Human Services. The department shall issue a certificate of registration to the home day care provider, upon receipt of evidence from the registrant that:

A. The home day care provider is at least 18 years of age;

B. The home day care provider has had a standard skin test for tuberculosis within the prior 3 months and that the test is negative or, if the test is positive, a standard full-size chest x ray taken within 90 days is negative for active tuberculosis.

No home day care provider may be compelled to undergo a test for tuberculosis who states in writing that it is contrary to his religious teachings and practice;

C. The water used for drinking and cooking:

(1) Comes from an approved source; or

(2) Has been tested on an annual basis for bacteriological agents, nitrates and nitrites and every 3 years for chemical and mineral contamination by the Division of Health Engineering or a laboratory approved by the department;

D. The home has been inspected annually by the State Fire Marshal or one of the officials designated under Title 25, section 2360, 2391 or 2392 for compliance with fire and safety provisions of the National Fire Protection Association Life Safety Code of 1976, Sections 9-5.4 and 9-5.5. If the provider makes a change in the heating system, including installation of a wood or coal stove, or makes major structural alterations to the home, there shall be another fire inspection;

E. If the provider is caring for 6 or more preschool children, there will be an additional provider present whenever the children are on the premises. The additional provider must be at least 14 years of age and have had a tuberculosis test, as provided in paragraph A; and

F. The provider or other residents of the home has never been convicted of child abuse or neglect as defined in section 4002, or had parental rights terminated as provided in chapter 1071, the Child and Family Services and Child Protection Act.

Along with the proofs of compliance, the provider shall submit a registration fee of \$20 every 2 years.

2. **Complaints.** The department shall have the authority to investigate complaints against any provider of home day care and shall have the right of entry at any reasonable time, with the permission of the owner or person in charge, or with a search warrant from the District Court authorizing entry, for the purposes of the investigation.

3. **Suspension or revocation of registration.** A certificate of registration issued under this chapter may be suspended or revoked for violation of applicable law or for committing or permitting conduct or practices detrimental to the welfare of the children receiving home day care. When the department believes that a certificate should be suspended or revoked, it shall file a complaint with the Administrative Court as provided in the Maine Administrative Procedure Act, Title 5, section 10051.

Effective September 18, 1981

CHAPTER 310

H. P. 877 — L. D. 1046

AN ACT to Permit Persons 15 Years of Age and Older to Work until 10 P.M.

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

26 MRSA § 774, 3rd ¶ is amended to read:

No minor under 16 15 years of age shall be employed between the hours of 9 p.m. and 7 a.m. and no minor 15 years of age who has not yet attained his 16th birthday may be employed between the hours of 10 p.m. and 7 a.m.

Effective September 18, 1981

CHAPTER 311

S. P. 378 — L. D. 1136

AN ACT to Exempt Certain Signs from the Billboard Law.

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