

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
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PUBLIC LAWS
OF THE
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sentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk from a political party different from that of the warden mark the letters "AV" beside the name of each absentee voter on the incoming voting lists, the warden shall deposit the ballot in the ballot box.

Sec. 17. 21-A MRSA §759, sub-§3, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. The signatures do not appear to have been made by the same person and the discrepancy is not the result of the voter's having obtained assistance under section 753, subsection 4 or section ~~754~~, ~~subsection 6~~ 754-A, subsection 3, in cases where an application is required;

Sec. 18. 21-A MRSA §791, sub-§1, ¶¶A and B, as enacted by PL 1985, c. 161, §6, are amended to read:

A. A person who has ~~voted~~ votes by absentee ballot but who is present in the municipality and able to vote at the proper voting place on election day and fails to vote in person is ~~guilty of a Class B crime~~, unless that person was engaged in ~~registering voters for that election on election day at the office of the registrar or the board of registration working during the entire time the polls in his municipality were open and,~~ as a result, was unable to get to his voting place while the polls were open;

B. A municipal clerk who, when a person has voted by absentee ballot in the clerk's ~~office~~ presence under section 753, subsection 7, signs his name to an affidavit on the absentee ballot return envelope when the affidavit is not properly completed; or

Sec. 19. Effective date. This Act applies to all elections held after January 1, 1986.

Effective September 19, 1985, unless otherwise indicated.

CHAPTER 358

H.P. 1120 - L.D. 1616

AN ACT Renaming Registered Day Care
Providers as Home Baby-sitting Service
Providers.

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

Sec. 1. 22 MRSa §8305, as amended by PL 1981, c. 470, Pt. B, §9, is repealed and the following enacted in its place:

§8305. Home baby-sitting service

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

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

B. The provider has had a standard skin test for tuberculosis, as approved by the Division of Disease Control, Bureau of Health, and that the test is negative or, if the skin test is positive, an appropriate follow-up test, as approved by the Division of Disease Control, is negative. Subsequent testing may be required by the Division of Disease Control;

No 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 a municipal water supply; or

(2) Has been tested on an annual basis and meets the standards established 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 pre-school 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. Upon receipt of a complaint, the department may, if it has reasonable cause to suspect that a violation of the certification requirements has occurred, investigate complaints against the provider and shall have the right of entry at any reasonable time 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 baby-sitting services. 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.

4. Compliance inspection. The department may conduct one annual inspection of the provider's facility to ensure compliance with the law.

Sec. 2. 22 MRSA §8306 is enacted to read:

§8306. Information brochure

The department shall distribute a brochure to each home day care provider and home baby-sitting service provider, which clearly outlines the differences between home day care and home baby-sitting services. Each provider shall distribute a copy of this brochure to any applicant for home day care or

home baby-sitting services before those services may be provided.

Effective September 19, 1985.

CHAPTER 359

H.P. 1075 - L.D. 1564

AN ACT to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a need to strengthen existing statutes which attempt to expand employment opportunities for disabled persons; and

Whereas, legislation is urgently needed to accomplish that goal by providing expanded markets for products and services from rehabilitation facilities and work centers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA c. 155, first 2 lines are repealed and the following enacted in its place:

CHAPTER 155

PURCHASES

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 2. 5 MRSA §1816, sub-§11, as enacted by PL 1981, c. 495, is repealed.