

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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1987

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F. An instructional staff certified by the Department of Educational and Cultural Services where appropriate and endorsement by professional boards in areas where the State does not have certification standards or professional standards agreed upon by the department and the respective institution;

G. School health services that include a registered nurse in residence when students are in attendance or the appointment of a school or consulting physician;

H. Established written emergency and safety procedures, including periodic fire drills whenever appropriate;

I. The unique up-to-date equipment necessary to the services provided;

J. A demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students; and

K. Scholarship assistance to the State's youth.

The commissioner shall promulgate rules, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, which shall incorporate the requirements set forth in this subsection.

2. Approval. The commissioner shall base approval of a school under this section on the school's ability to meet the requirements set forth in subsection 1 and on an annual on-site review by the department.

3. Removal of basic approval. Notwithstanding any other provision of law, the commissioner may remove approval from any nontraditional limited purpose school for failure to meet applicable approval requirements.

4. Ineligible for state subsidy. A school eligible for approval under this section shall not be eligible for state subsidy.

5. Credit. High school credit for programs completed at a school approved under this section may be granted to students by the school in which they are enrolled full time.

6. Taxation. Notwithstanding any other provision of law, the commissioner's approval of an institution as a nontraditional, limited purpose school shall not alter that institution's current status for the purpose of state or local taxation.

Effective September 29, 1987.

## CHAPTER 251

H.P. 511 — L.D. 684

AN ACT to Enhance the Activities of the Maine Highway Safety Committee.

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

Whereas, costs of the activities of the Maine Highway Safety Committee are absorbed by the Federal Government; and

Whereas, this legislation makes changes which will require immediate and necessary changes in office supplies in order for the committee to carry out its purposes; 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 §12004, sub-§10, ¶A, sub-¶(80-A) is amended to read:

(80-A) Transportation: Maine Highway Safety Committee Only  
Highway Safety Commission  
Expenses Only  
25 MRSA §2902

**Sec. 2.** 25 MRSA §2901, as amended by PL 1981, c. 98, §3, is further amended to read:

§2901. Department; commissioner }

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State of Maine, to consist of the Commissioner of Public Safety, hereafter in this chapter called "commissioner," who shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government joint standing committee of the Legislature having jurisdiction over state and local government and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as heretofore created and established: The Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Maine Highway Safety Committee and the Vehicle Equipment Safety Commission.

**Sec. 3.** 25 MRSA §2902, sub-§4, as amended by PL 1983, c. 812, §153, is further amended to read:

**4. Maine Highway Safety Commission.** The Maine Highway Safety Committee Commission, as authorized by Title 5, section 12004, subsection 10, which shall be under the direction of the Commissioner of Public Safety and advisory to the Governor. The committee commission shall consist of not more than 25 members selected by the Governor from state, civic and industrial organizations and individuals with interests relating to highway safety. The Commissioner of Public Safety, the Commissioner of Transportation, the Commissioner of

Human Services and the Commissioner of Educational and Cultural Services, the Secretary of State and the Attorney General shall serve as ex officio members. The ex officio members shall appoint persons in major policy-influencing positions as their designees to represent them at meetings of the commission with voting privileges. The committee commission members shall serve at the pleasure of the Governor and shall be compensated in accordance with Title 5, chapter 379. The committee commission shall stimulate active support for highway safety measures and programs and shall advise the Department of Public Safety regarding these issues; and. The commission shall annually report its findings and recommendations, including any necessary implementing legislation, to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government; and

Sec. 4. 29 MRSA §2246, 2nd ¶, as amended by PL 1983, c. 812, §177, is further amended to read:

The Secretary of State shall appoint the Advisory and Review Board and the board shall consist of the Chief of the State Police or his designee, representatives of the District Courts, district attorneys, Motor Vehicle Department, Maine Highway Safety Committee Commission, Maine Trial Lawyers Association, insurance industry, Maine State Bar Association, Maine Municipal Association, Maine Chiefs of Police Association, the Maine Sheriffs Association and the Highway Users Conference. Except for the Chief of the State Police, or his designee, who shall be a permanent member of the board, appointments shall be for terms concurrent with the term of the Secretary of State by whom they shall be appointed. Board members shall be compensated according to the provisions of Title 5, chapter 379.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 10, 1987.

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## CHAPTER 252

H.P. 1223 — L.D. 1668

### AN ACT Concerning Mental Stress Claims Under the Workers' Compensation Act.

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

39 MRSA §51, sub-§3 is enacted to read:

3. Mental injury caused by mental stress. Mental injury resulting from work-related stress does not arise out of and in the course of employment unless it is demonstrated by clear and convincing evidence that:

A. The work stress was extraordinary and unusual in comparison to pressures and tensions experienced

by the average employee; and

B. The work stress, and not some other source of stress, was the predominant cause of the mental injury.

The amount of work stress shall be measured by objective standards and actual events rather than any misperceptions by the employee.

A mental injury is not considered to arise out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action, taken in good faith by the employer.

Effective September 29, 1987.

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## CHAPTER 253

H.P. 1225 — L.D. 1672

### AN ACT to Modify the Electric Fuel Clause.

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

Sec. 1. 35-A MRSA §3101, sub-§5, as enacted by PL 1987, c. 141, §6, is repealed.

Sec. 2. **Report.** The Public Utilities Commission shall report before January 1, 1988, to the Joint Standing Committee on Utilities on progress made in negotiating revised accounting methods with the major electric utilities to achieve the goals of minimizing fuel costs and moving electric use to off-peak hours.

Effective September 29, 1987.

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## CHAPTER 254

H.P. 1224 — L.D. 1669

### AN ACT to Hold Employees of Licensees Civilly Liable for Knowingly Selling Liquor to Minors.

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

28-A MRSA §2084 is enacted to read:

§2084. Sales by agent of licensee to minors

Any agent of a licensee who sells liquor to a person when he knows or should know that that person is a minor commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

Effective September 29, 1987.