

# 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  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, physical or mental handicap, religion, ancestry or national origin and in employment, discrimination on account of age; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental handicap.

Sec. 2. 5 MRSA §4553, sub-§8, as amended by PL 1983, c. 437, §1, is further amended to read:

8. Place of public accommodation. "Place of public accommodation" means any establishment which in fact caters to, or offers its goods, facilities or services to, or solicits or accepts patronage from, the general public; and it includes, but is not limited to: Inns, taverns, roadhouses, hotels, whether conducted for the entertainment or accommodation of transient guests or of those seeking health, recreation or rest, restaurant, eating houses or any place where food is sold for consumption on the premises; buffets, saloons, barrooms or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains and all stores where beverages of any kind are retailed for consumption on the premises; retail stores and establishments; dispensaries, clinics, hospitals, rest rooms, bathhouses, barber shops, beauty parlors, theatres, motion picture houses, music halls, airdromes, roof gardens, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, seashore accommodations and boardwalks, public libraries, garages and gasoline stations; all public conveyances operated on land, water or in the air as well as the stations and terminals thereof; public halls and public elevators of buildings occupied by 2 or more tenants or by the owner and one or more tenants; and educational institutions.

Sec. 3. 5 MRSA §4601, as enacted by PL 1983, c. 578, §3, is amended to read:

§4601. Right to freedom from discrimination in education

The opportunity for an individual at an educational institution to participate in all educational, counseling, vocational guidance programs and all apprenticeship and on-the-job training programs without discrimination because of sex or a physical or mental handicap is recognized and declared to be a civil right.

Sec. 4. 5 MRSA §4602, as amended by PL 1985, c. 797, §1, is further amended to read:

§4602. Unlawful educational discrimination

1. Unlawful educational discrimination on the basis of sex. It is unlawful educational discrimination in vio-

lation of this Act, on the basis of sex, to:

A. Exclude a person from participation in, deny a person the benefits of, or subject a person to, discrimination in any academic, extracurricular, research, occupational training or other program or activity;

B. Deny a person equal opportunity in athletic programs;

C. Apply any rule concerning the actual or potential family or marital status of a person or to exclude any person from any program or activity because of pregnancy or related conditions;

D. Deny admission to the institution or program or to fail to provide equal access to and information about an institution or program through recruitment; or

E. Deny financial assistance availability and opportunity.

2. Unlawful educational discrimination on the basis of physical or mental handicap. It is unlawful educational discrimination in violation of this Act solely on the basis of physical or mental handicap to:

A. Exclude from participation in, deny the benefits of or subject to discrimination under any educational program or activity any otherwise qualified handicapped individual;

B. Deny any person equal opportunity in athletic programs, provided that no educational institution may be required under this subsection to provide separate athletic programs to serve the handicapped;

C. Deny admission to any institution or program or fail to provide equal access to and information about an institution or program through recruitment; or

D. Deny financial assistance availability and opportunity.

Nothing in this subsection may be construed to cover the rights of exceptional students to special education programs under state or federal law.

Sec. 5. **Report.** The Maine Human Rights Commission and the Department of Educational and Cultural Services shall report to the Joint Standing Committee on Education at the Second Regular Session of the 113th Legislature concerning the implementation of the physical and mental handicap provisions of this Act.

Effective September 29, 1987.

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**CHAPTER 479**

S.P. 514 — L.D. 1557

**AN ACT to Improve the Ability of the  
Department of Agriculture, Food and Rural  
Resources to Respond Constructively to Complaints  
of Insect Infestation.**

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

17 MRSA §2701-A, as amended by PL 1981, c. 571, §§1 and 2, is repealed and the following enacted in its place:

§2701-A. Action against insect infestation

The Commissioner of Agriculture, Food and Rural Resources, or his designee, shall investigate complaints of insect infestations.

If the commissioner or his designee finds that an insect infestation arises from other than generally accepted agricultural practices and has reason to believe that the infestation is a public nuisance and if he is able to identify the source or sources of the infestation, he shall provide to the person responsible for the infestation a description of the changes necessary to conform the person's practices to generally accepted agricultural practices, shall determine whether the changes have been made and shall give the complainant and the person responsible the written findings of the initial investigation and the follow-up determination. If the person responsible does not adopt generally accepted agricultural practices, the commissioner or his designee shall refer the matter to the Attorney General. The Attorney General may institute an action to abate the nuisance and the court may order the abatement with costs as provided under this chapter. When the commissioner or his designee, upon investigation, finds that the person responsible for an infestation is following generally accepted agricultural practices, he shall advise the complainant and the person responsible in writing.

The commissioner shall adopt rules, according to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, for the interpretation and implementation of this section.

In cases of insect infestations not arising from agricultural activities, when the State Entomologist believes that the infestation is a public nuisance and is able to identify the source or sources of the infestation, he shall refer the matter to the Department of the Attorney General.

Effective September 29, 1987.

## CHAPTER 480

S.P. 561 — L.D. 1674

**AN ACT to Continue Insurance Coverage for  
Mental Health, Alcohol and Substance Abuse  
Treatment Services for Maine Citizens.**

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

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(44-B) is enacted to read:

<u>(44-B)</u>	<u>Insurance</u>	<u>Mandated Benefits Advisory Commission</u>	<u>Expenses Only</u>	<u>24 MRSA §2325-B</u>
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Sec. 2. 24 MRSA §2325-A, sub-§9, as enacted by PL 1983, c. 515, §4, is repealed and the following enacted in its place:

9. Application; expiration. The requirements of this section shall apply to all policies and any certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1984. For purposes of this section, all contracts shall be deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 3. 24 MRSA §2325-B is enacted to read:

§2325-B. Mandated Benefits Advisory Commission

1. Appointment; membership. The Mandated Benefits Advisory Commission, as established by Title 5, section 12004, subsection 10, shall be comprised of 11 members to be appointed by the Governor within 90 days of the effective date of this legislation. The Governor shall notify the President of the Senate, the Speaker of the House and the Executive Director of the Legislative Council of the appointment as soon as they are made.

The membership shall include the following:

- A. Two health insurance consumers who are not otherwise affiliated with the provision or financing of health care;
- B. One representative of a labor organization;
- C. One representative of a commercial health insurance company;
- D. One representative of a nonprofit hospital or medical service organization;
- E. One representative of a licensed alcohol and substance abuse treatment program;
- F. One representative of a licensed mental health treatment program;
- G. One representative of small business;
- H. One representative of a major industry and business trade association;
- I. One physician; and