

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

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AS PASSED AT THE
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the Department of Transportation by general order. The department may exempt that crossing after providing written notice within 30 days to the railroad and municipality in which the crossing is located or, after hearing, if requested within 30 days either by the railroad, municipality or 10 or more residents of the State. For each exempt crossing, the department may order and impose safety provisions as it deems expedient or necessary. For any exempt crossing that does not have automatic warning devices, the engineer shall stop the train prior to entering the crossing, and a member of the train crew shall stop all motor vehicle traffic prior to flagging the train through the crossing. For an exempt crossing with automatic warning devices, the engineer shall stop the train prior to entering the crossing and determine that all motor vehicle traffic has come to a stop prior to proceeding. Any exempt crossing shall be posted with appropriate signs which shall be erected and maintained by the department; or

Effective August 4, 1988.

CHAPTER 676

H.P. 1812 — L.D. 2480

AN ACT to Regulate the Hiring of School Bus Drivers.

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

Sec. 1. 17 MRSA §2872, as enacted by PL 1985, c. 538, §1, is amended to read:

§2872. Employees transporting minors

No person may be employed in any preschool facility in any capacity which involves the transporting of minors by means of motor vehicle unless if the person, prior to commencement of that employment, submits to the facility a certified copy of his driving record indicating the nature and date of any adjudication or conviction for has been convicted of a violation of Title 29, former section 1312, subsection 10; section 1312-B or 1312-C; or Title 15, section 3103, subsection 1, paragraph F, for within the preceding 3-year 6-year period. The copy shall be submitted prior to employment. If the record indicates that such an adjudication or conviction has occurred, that person may not be employed by the facility for the transportation of minors for 3 years from the date of his last conviction. The person shall bear the cost of the certified copy.

Sec. 2. 29 MRSA §2013, sub-§1, ¶B, as repealed and replaced by PL 1973, c. 780, §4, is amended to read:

B. Must be at least 18 21 years of age and has held an operator's license for at least one year. The minimum age of 21 years does not apply to school bus operators licensed under this section as of March 15, 1988;

Sec. 3. 29 MRSA §2013, sub-§1, ¶E, as amended by PL 1985, c. 191, §3, is further amended to read:

E. Must pass an examination as the Secretary of State shall prescribe to determine his ability to operate the specific vehicle which will be driven as a school bus or any comparable type vehicle. A fee of \$8 shall accompany the initial application for the examination. The fee for subsequent examinations shall be \$5; and

Sec. 4. 29 MRSA §2013, sub-§1, ¶F, as enacted by PL 1979, c. 685, §1, is amended to read:

F. Shall not be a habitual offender, as defined in section 2292; and

Sec. 5. 29 MRSA §2013, sub-§1, ¶G is enacted to read:

G. Shall not have been convicted of a violation of former section 1312, subsection 10; section 1312-B; former section 1312-C; or Title 15, section 3103, subsection 1, paragraph F, within the preceding 6-year period.

Effective August 4, 1988.

CHAPTER 677

H.P. 1759 — L.D. 2408

AN ACT to Amend the Cosmetology Laws.

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

Sec. 1. 32 MRSA §1551, sub-§4, ¶A, as amended by PL 1987, c. 395, Pt. A, §144, is further amended to read:

A. Applying the hands or mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays to massage, cleanse, stimulate, manipulate, exercise or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands, legs or feet or to manicure the fingernails or toenails of any person;

Sec. 2. 32 MRSA §1551, sub-§7 is enacted to read:

7. Aesthetician or aesthetics operator. "Aesthetician" or "aesthetics operator" means any person who, for compensation, engages in any one or a combination of the following practices, aesthetics or cosmetic skin care:

A. Applying the hands or mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays to massage, cleanse, stimulate, wax, tone, exercise or otherwise improve or beautify the body of any person;

B. Trimming eyebrows; or

C. Dyeing eyelashes or eyebrows.

The practice of aesthetics under this subsection does not include the diagnosis, treatment or therapy of any dermatological condition.

Sec. 3. 32 MRSA §1652-A is enacted to read:

§1652-A. Qualifications for aestheticians

Any person shall be eligible to obtain a license under this chapter for the practice of aesthetics who:

1. Age. Is at least 17 years of age;

2. Education. Has completed the 10th grade in a secondary school or its equivalent;

3. Training. Has satisfactorily completed a course of instruction of at least 750 hours in not less than 5 months, in a school of cosmetology licensed by the Commissioner of Educational and Cultural Services, within the last 3 years from the date of applying to be examined; and

4. Examination. Has satisfactorily passed an examination conducted by the board to determine fitness to receive a license to practice.

Each applicant for examination shall file an application with the secretary of the board as provided in section 1652.

Sec. 4. 32 MRSA §1654, 2nd paragraph, as amended by PL 1987, c. 395, Pt. A, §161, is further amended to read:

The board may allow an applicant to take the examination who presents proof of training or experience, of an amount at least equal to that required under section 1652, subsection 3, or section 1652-A, subsection 3, in another state, other jurisdiction of the United States or another country which maintains professional standards deemed by the board to be equivalent to those set forth in this chapter, provided that no cause exists for denial of a license under section 1657-A. Such an applicant shall pay the fee as provided in section 1657-B.

Sec. 5. 32 MRSA §1657, first paragraph, as amended by PL 1987, c. 395, Pt. A, §165, is further amended to read:

The board shall furnish to each licensed cosmetologist, aesthetician or manicurist a license bearing the seal of the board and the names of all of its members, certifying that the holder thereof of that license is entitled to practice cosmetology in this State. It shall be the duty of the holder of such license to post it in a conspicuous place where it may be readily seen by all persons served.

Sec. 6. 32 MRSA §1657-B, sub-§1, ¶¶I and J, as enacted by PL 1987, c. 395, Pt. A, §167, are amended to read:

I. For original and biennial renewal of a demonstrator's license, \$30; ~~and~~

J. For original and renewal of a manicurist's license, \$35; ;

Sec. 7. 32 MRSA §1657-B, sub-§1, ¶¶K and L are enacted to read:

K. For aesthetician examination, \$15; and

L. For original and biennial renewal of an aesthetician license, \$35.

Effective August 4, 1988.

CHAPTER 678

H.P. 1864 — L.D. 2552

AN ACT Concerning High-Speed Chases.

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

Sec. 1. 17-A MRSA §203, sub-§3-A is enacted to read:

3-A. Aggravated punishment category for vehicular manslaughter. Notwithstanding subsection 3, if the State pleads and proves that at the time the vehicular manslaughter occurred the actor was in fact attempting to elude a law enforcement officer in violation of Title 29, section 2501-A, subsection 3, the sentencing class for the vehicular manslaughter is Class A.

Sec. 2. 29 MRSA §2501-A, sub-§3, as amended by PL 1983, c. 181, §1, is further amended to read:

3. Eluding an officer. Whoever, after being requested or signaled to stop, attempts to elude a law enforcement officer by driving a vehicle at a reckless rate of speed which results in a high-speed chase between the operator's vehicle and any law enforcement vehicle using a blue light ~~or~~ and siren is guilty of a Class ~~D~~ C crime. If any person suffers any serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result of the operator's attempt to elude a law enforcement officer as described in this section, that operator commits a Class ~~C~~ B crime.

Effective August 4, 1988.

CHAPTER 679

S.P. 922 — L.D. 2413