

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

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

eligible students at drug treatment centers shall file an annual report, a proposed budget for the ensuing fiscal year and an application for renewal of program approval as prescribed by the commissioner.

§9706. Rule-making authority

The commissioner shall adopt rules to implement this chapter and the funding scheme under the School Finance Act.

Sec. 2. 20-A MRSA §15612, sub-§10 is enacted to read:

10. Adjustment for cost of educating eligible students in long-term drug treatment centers. A school administrative unit which operates an educational program, approved pursuant to sections 9701 to 9706 to serve eligible students in licensed drug treatment centers, shall be reimbursed in the year in which costs are incurred as follows:

A. Reimbursements shall be limited to a maximum of 12 state average tuition rates a year for each approved plan;

B. The rate of reimbursement per student shall not exceed the state average tuition rates in effect during the year of placement as computed under sections 5804 and 5805; and

C. The funds for the adjustment shall be limited to the amount appropriated by the Legislature for that purpose.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1987-88	1988-89
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		
Alcohol and Drug Education Services		
All Other	\$ (5,520)	\$ 5,520
Deappropriates funds in fiscal year 1987-88 and reappropriates the same funds in fiscal year 1988-89 for educational programs provided through 2 local school administrative units at Day One and Wellspring.		

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Act.

	1987-88	1988-89
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		
Alcohol and Drug Education Research Fund		
All Other	\$(59,520)	\$59,520

Deallocates funds in fiscal year 1987-88 and reallocates the same funds in fiscal year 1988-89 for educational programs provided through 2 local school administrative units at Day One and Wellspring.

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

Effective May 2, 1988.

CHAPTER 828

S.P. 974 — L.D. 2587

AN ACT to Enhance Enforcement of the Handicapped Parking Laws.

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

Sec. 1. 30 MRSA c. 1, sub-c. VI, article 9 is enacted to read:

ARTICLE 9. PARKING ENFORCEMENT SPECIALISTS

§1130-A. Volunteer parking enforcement programs

1. Programs established. Each sheriff's department may establish a program to deputize volunteer parking enforcement specialists to enforce handicapped parking laws and ordinances in private parking lots within the county, in localities which do not have municipal police departments, pursuant to enforcement agreements entered into between the sheriff's department and the owners of such lots pursuant to section 2151, subsection 2, paragraph K.

2. Qualifications. The sheriff's department should seek candidates who are handicapped. To qualify for the position of volunteer parking enforcement specialist, an applicant:

A. Must be at least 18 years of age;

B. Must successfully complete a criminal history check to standards officially adopted by the sheriff's department; and

C. Must successfully complete an examination and training program, as established in section 1130-B.

3. Duties. After a qualified applicant has met all the requirements of subsection 2, the sheriff's department shall deputize the applicant to act as a volunteer parking enforcement specialist. The duties of the parking enforcement specialist are to:

A. Issue parking citations, tickets or oral warnings to operators of motor vehicles parked in violation of any handicapped parking law or ordinance, but only

in private parking lots, pursuant to agreements entered into under section 2151, subsection 2, paragraph K; and

B. Make referrals to a law enforcement agency when proper and appropriate.

§1130-B. Training and examination

1. Training manual. An applicant for the position of parking enforcement specialist shall be provided with a copy of a self-paced study guide and training manual approved by the Commissioner of Public Safety. The manual shall include, but is not limited to, instruction in:

A. What a ticket or citation is and how to issue one correctly;

B. Reporting and referral to a law enforcement officer or agency when it is proper and appropriate and to avoid confrontation;

C. Communications and public relations skills that emphasize positive public relations and community education; and

D. Basic first aid.

2. Examination. The Commissioner of Public Safety shall devise the examination for parking enforcement specialists. Examinations shall be offered by the sheriff's department as needed.

3. Local orientation. Upon successful completion of the examination, applicants shall be given an orientation program by the sheriff's department on local ordinances and procedures.

§1130-C. Municipal volunteer parking enforcement program

1. Programs established. Each municipal police department, with the approval of the municipal officers, may establish a program or contract with the sheriff to carry out a program to deputize volunteer parking enforcement specialists to enforce handicapped parking laws and ordinances in private parking lots within the municipality, pursuant to enforcement agreements entered into between the police department and the owners of such lots pursuant to section 2151, subsection 2, paragraph K.

2. Qualifications. The police department should seek candidates who are handicapped. To qualify for the position of volunteer parking enforcement specialist, an applicant:

A. Must be at least 18 years of age;

B. Must successfully complete a criminal history check to standards officially adopted by the police department; and

C. Must successfully complete an examination and training program, as established in section 1130-B, except that local orientation may be conducted by the police department.

3. Duties. After a qualified applicant has met all the requirements of subsection 2, the police department shall deputize the applicant to act as a volunteer parking enforcement specialist. The duties of the parking enforcement specialist are to:

A. Issue parking citations, tickets or oral warnings to operators of motor vehicles parked in violation of any handicapped parking law or ordinance, but only in private parking lots, pursuant to agreements entered into under section 2151, subsection 2, paragraph K; and

B. Make referrals to a law enforcement agency when proper and appropriate.

Sec. 2. 30 MRSA §2151, sub-§2, ¶K, as amended by PL 1987, c. 298, §6, and c. 390, §5, is repealed and the following enacted in its place:

K. Providing for the establishment and policing of parking spaces designated for handicapped persons. A municipality with off-street public parking areas may set aside an adequate number of these spaces for use by handicapped persons. A municipality with on-street public parking spaces may set aside an adequate number of these spaces in appropriate locations for use by handicapped persons. The municipality may post any of the signs authorized by this paragraph adjacent to and visible from each handicapped parking space. One sign shall consist of a profile view of a wheelchair with an occupant in white on a blue background with a printed inscription. The inscription shall read: "Handicapped Parking: Special Plate Required. Unauthorized vehicles are subject to a fine." The other signs authorized under this paragraph and which may be posted in lieu of the first sign shall consist of a profile view of a wheelchair with an occupant in white on a blue background which may bear an inscription. Any new sign erected or any sign replaced after the effective date of this paragraph shall conform to the signs authorized by this paragraph. Any existing posted signs that do not conform to the provisions of this paragraph and which were erected prior to the effective date of this paragraph shall be deemed to be valid for enforcement purposes. Any vehicle or motorcycle parked in a clearly marked parking space designated as a handicapped parking space that does not bear a special registration plate or placard issued under Title 29, section 252, or a similar plate issued by another state, shall be cited for a penalty of not less than \$50. Owners of private off-street parking shall arrange for private enforcement or shall enter into agreements with local or county law enforcement agencies for the policing of spaces dedicated for handicapped persons' vehicles, under which agreements unauthorized vehicles shall be tagged. Where serv-

ice facilities are established on the Maine Turnpike and on the interstate highway system in Maine, the State Police shall enforce this subsection. "Clearly marked" includes painted signs on pavement and vertical standing signs, which are visible in existing weather conditions.

Under these agreements, public law enforcement officials may exercise their vested authority to ensure that parking spaces designated for the handicapped are utilized appropriately by handicapped persons, whether the designated handicapped parking spaces are located on public lots or on private lots open to the public.

An owner of private off-street parking who fails to arrange for private enforcement or to enter into an agreement with a law enforcement agency commits a civil violation for which a forfeiture of not less than \$50 may be adjudged.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1988-89</u>	
<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
Criminal Justice Academy		
All Other		\$10,000
Provides funds to develop or contract to develop a training manual for county parking enforcement specialist programs and funds for public service announcements and education about the program and handicapped parking laws. This appropriation also includes funds to develop a statewide parking ticket.		

Effective August 4, 1988.

CHAPTER 829

S.P. 935 — L.D. 2455

AN ACT to Require the Department of Human Services to Reimburse Home Health Agencies for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff.

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

Sec. 1. 22 MRSA §2149 is enacted to read:

§2149. Compensation for home health care providers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Home health care provider" means an organization designated as a home health agency under rules of the department or certified by Medicare for delivery of home health services.

2. Compensation. In determining levels of reimbursement in rate structures established for home health care providers, the department shall:

A. Formulate payment rates for various types of care provided based on the service costs attributable to each home health care provider, as determined by such standard methods as the department may establish;

B. Adjust rates accordingly, at least annually, for alternative programs to institutional care for optimal service delivery to eligible clients, but not to exceed the costs of nursing home care;

C. Recognize the provider's reasonable costs of recruiting, training and retaining qualified staff, including registered nurses, licensed practical nurses, certified nurse aides, home health aides and allied personnel; and

D. Implement this subsection in such a manner which does not result in a decrease in numbers of clients or units of service. The monthly limits on costs per individual receiving in-home services as an alternative to institutional care shall be at least \$1,878 for skilled level care and \$1,361 for intermediate level care.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1988-89</u>	
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Home-Based Care		
All Other		\$172,366
Payments to Providers of Medical Care		
All Other		133,570
Total		<u>\$305,936</u>

Sec. 3. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

	<u>1988-89</u>	
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Payments to Providers of Medical Care		
All Other		\$268,504

Effective August 4, 1988.