

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

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

Sec. 1. 34-B MRSA §5609 is enacted to read:

§5609. Habilitation and vocational rehabilitation services

1. Habilitation services. The Department of Mental Health and Mental Retardation, through the Bureau of Mental Retardation, and the Department of Human Services, through the Bureau of Rehabilitation, shall provide, to the extent of the resources available, for those habilitation and vocational rehabilitation services, defined in Title 22, section 3054, subsection 8, and any other service, including, but not limited to, supported employment including work in rehabilitation facilities and work centers, as defined in Title 5, chapter 155, subchapter II; job coaching; transportation, recreational and leisure services; and respite or day programs designed in consultation with an interdisciplinary team, as defined in section 5461, subsection 7, in order to make available to clients, as defined in section 5461, subsection 2, services that are otherwise not obtainable, in the following order of priority:

A. Those clients living at home or in unsubsidized foster care who are between the ages of 20 and 26 and are not receiving any day program; and

B. All other clients who are between the ages of 20 and 26 and are not receiving an appropriate day program.

For purposes of this section, an interdisciplinary team shall include the client and a member of the client's family or the client's guardian.

2. Payment for service. The Bureau of Mental Retardation shall establish a voucher system to allow the interdisciplinary team to incorporate only those services deemed critical and otherwise unavailable into a program, including work, habilitation and other services designated in subsection 1, when appropriate. The bureau shall establish a limit on the amount of transitional services available to clients eligible for services under this section.

3. Rules. The Bureau of Mental Retardation shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to establish a transitional program under subsections 1 and 2.

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

1988-89

MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT OF

Bureau of Mental Retardation

All Other

\$225,000

Provides funds for a pilot program for transitional services for bureau clients between the ages of 20 and 26.

Sec. 3. **Report to the Legislature.** The Department of Mental Health and Mental Retardation shall report to the joint standing committee having jurisdiction over human resources no later than March 1, 1989. This department shall report to the Legislature concerning the implementation and operation of the pilot project established by this Act.

Effective August 4, 1988.

CHAPTER 838

H.P. 1775 — L.D. 2428

AN ACT to Increase the Frequency of Restaurant Inspections.

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

Sec. 1. 22 MRSA §2494, as amended by PL 1983, c. 553, §20, is further amended to read:

§2494. Fees

Each application for, or for renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp or camping area within the meaning of this chapter shall be accompanied by a fee, appropriate to the size of the establishment, place, camp or area of the licensee, determined by the department and not to exceed \$40 the fees listed below. All fees collected by the department shall be deposited in the General Fund. No such fee may be refunded. No license may be assignable or transferable. The fees may not exceed:

1. Forty dollars. Forty dollars for:

A. Public schools governed by a school board of an administrative unit;

B. Private secondary schools approved for tuition when school enrollments are at least 60% publicly funded students as determined by the previous school year's October to April average enrollment; and

C. Schools operated by an agency of State Government for the education of children in unorganized territories;

2. Ten dollars. Ten dollars for each inspection for any eating establishment which is located in a municipality which requires local inspections of eating establishments; and

3. One hundred twenty-five dollars. One hundred twenty-five dollars for all other establishments, places and camps not included in subsection 1 or 2.

All such fees are for the license ~~and the initial licensure inspection~~, 2 licensure inspections and one follow-up inspection. When additional inspections are required to determine an applicant's eligibility for licensure, the department is authorized through its ~~regulations~~ rules to charge an additional ~~\$10~~ \$20 fee to cover the costs of each additional inspection or visit. Failure to pay such charges within ~~90~~ 30 days of the billing date shall constitute grounds for revocation of ~~said~~ the license, unless an extension for a period not to exceed ~~90~~ 60 days is granted in writing by the commissioner.

Sec. 2. 22 MRSA §2497, as amended by PL 1985, c. 771, §5, is further amended to read:

§2497. Right of entry and inspection

The department and any duly designated officer or employee ~~thereof~~ of the department shall have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules ~~and regulations~~ in force pursuant ~~thereto~~ to this chapter. The department shall make an inspection of the premises of any establishment licensed under this chapter at least twice in each year, provided that if that establishment operates for less than 26 consecutive weeks annually, the department may inspect it only once in each year. Such right of entry and inspection shall extend to any premises which the department has reason to believe is being operated or maintained without a license but no such entry and inspection of any premises may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. The department and any duly designated officer or employee ~~thereof~~ of the department does not have the right to enter, for inspection under this chapter, upon and into the premises of any establishment that is licensed under chapter 551, subchapter I.

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

1988-89

HUMAN SERVICES, DEPARTMENT OF	
Legal Services-Human Services	
Positions	(2)
Personal Services	\$51,800
All Other	3,200
Capital Expenditures	1,000

Provides funds for one attorney and one clerical position in order to carry out the purposes of this Act.

Bureau of Health	
Positions	(14)
Personal Services	\$291,760
All Other	65,240
Provides funds for 14 restaurant inspectors, in order to carry out the purposes of this Act.	

TOTAL APPROPRIATIONS \$413,000

Effective August 4, 1988.

CHAPTER 839

H.P. 1882 — L.D. 2574

AN ACT to Expand the Property Tax Circuit Breaker Program.

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

Sec. 1. 36 MRSA §6201, sub-§11, as enacted by PL 1987, c. 516, §§3 and 6, is amended to read:

11. Rent constituting property taxes accrued for an elderly household. "Rent constituting property taxes accrued for an elderly household" means 25% of the gross rent actually paid in cash or its equivalent in any tax year by a claimant and his the claimant's household solely for the right of occupancy of their Maine homestead in the tax year and which rent constitutes the basis, in the succeeding calendar year, of a claim for relief under this chapter by the claimant.

Sec. 2. 36 MRSA §6201, sub-§11-A is enacted to read:

11-A. Rent constituting property taxes accrued for nonelderly household. "Rent constituting property taxes accrued for nonelderly household" means 15% of the gross rent actually paid in cash or its equivalent in any tax year by a claimant and the claimant's household solely for the right of occupancy of their Maine homestead in the tax year and which rent constitutes the basis, in the succeeding calendar year, of a claim for relief under this chapter by the claimant.

Sec. 3. 36 MRSA §6207, sub-§§1 and 2, as enacted by PL 1987, c. 516, §§3 and 6, are repealed and the following enacted in their place:

1. Benefit calculation. For claimants representing a nonelderly household, the benefit is 33 1/3% of the amount by which the benefit base exceeds 4.5% of income to a maximum payment of \$250.
2. Income eligibility. Claimants with household incomes in excess of \$28,000 are not eligible for a benefit.