

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

**AN ACT to Provide for a State Trademark for
Maine Products.**

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

Sec. 1. 7 MRSA §443-B is enacted to read:

§443-B. Certification trademark for Maine products

1. Registration of trademark. The Commissioner of Agriculture, Food and Rural Resources shall, before December 31, 1988, apply to the United States Patent and Trademark Office for registration for a certification trademark or trademarks consisting of a seal in the form of the outline of the State, the word "Maine" and any other appropriate identifying words. Any certification trademark obtained may only be used on farm products produced within the State. Any certification trademark obtained may be registered with the State in accordance with Title 10, chapter 301-A.

2. Origin of product. For purposes of this section, the commissioner shall define, by rule, for each commodity group, the meaning of the term "produced within the State" and the minimum percent of the content of any package that must have actually been produced within the State to meet the requirements for use of any mark under this section.

The commissioner shall grant a waiver to the minimum content criteria when emergency market conditions arise which are abnormal to the historic flow of a specific commodity, with the degree of the waiver to be determined by the commissioner. The commissioner shall determine what constitutes an emergency condition.

3. Quality grades and standards. Any product bearing a certification trademark obtained under this section shall meet the official grades and standards established by the commissioner under section 443 for that commodity.

4. Promotion. The commissioner shall contract for services to promote the use of the proposed state trademark.

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

1988-89

AGRICULTURE, FOOD AND RURAL
RESOURCES, DEPARTMENT OF

Marketing Services — Agriculture

Positions	(2)
Personal Services	\$44,000

Provides funds for the salaries of 2
Produce Inspector III positions.

DEPARTMENT OF AGRICULTURE,
FOOD AND RURAL RESOURCES
TOTAL

\$44,000

ECONOMIC AND COMMUNITY
DEVELOPMENT, DEPARTMENT OF

Business Development

All Other	(\$44,000)
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DEPARTMENT OF ECONOMIC AND
COMMUNITY DEVELOPMENT
TOTAL

(\$44,000)

TOTAL APPROPRIATIONS

\$ 0

Effective August 4, 1988.

CHAPTER 845

H.P. 1694 — L.D. 2327

**AN ACT to Promote the Creation and
Expansion of Independent Living Opportunities
for Maine's Citizens with Disabilities.**

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

Sec. 1. 22 MRSA §7302, sub-§10, as enacted by PL 1981, c. 511, §1, is repealed and the following enacted in its place:

10. Severe disability. "Severe disability" means a disability which results in persons having severe, chronic physical, sensory or cognitive limitations which restrict their ability to carry out the normal activities of daily living and to live independently.

Sec. 2. 22 MRSA §7342, sub-§§1 and 2, as enacted by PL 1981, c. 511, §1, are repealed and the following enacted in their place:

1. Severe disability. Has a severe disability;

2. Need for services. Has a need for personal care assistance services or for an attendant at night, or both, which services are necessary to prevent or remove the adult from inappropriate placement in an institutional setting; and

Sec. 3. 22 MRSA §7343, sub-§4, ¶¶A to C, as enacted by PL 1981, c. 511, §1, are amended to read:

A. Personal health management to maximize personal well-being in relation to the adult's disability, provided by a registered nurse or other qualified person experienced in the rehabilitation of the severely physically disabled, including all aspects of prevention, maintenance and treatment techniques;

B. Personal care assistant management, provided by a registered nurse experienced in the rehabilitation of the severely physically disabled, including training in recruiting, hiring and managing a personal care assistant; scheduling; potential problems; and

C. Functional skills required to maximize the adult's abilities in activities of daily living, provided by a registered occupational therapist experienced in the rehabilitation of the severely physically disabled.

Sec. 4. Personal care assistants; wages, benefits and overnight pay. The Bureau of Rehabilitation, in establishing and administering a program of personal care assistance services for severely disabled adults, shall expand its present program to serve an additional 20 new consumers and shall provide through contract with providers of in-home personal care assistance for an average compensation rate of \$7 an hour for personal care assistants, payment of \$12 each night for each client to overnight attendants and the establishment of a pro rata group benefits package, not to exceed \$1,000 for each personal care attendant, including health insurance, vacation and sick leave for personal care assistants. In overseeing the use of funds for increased wages of personal care assistance workers, the Bureau of Rehabilitation shall take into account regional variations in the cost of living and competitive wage rates across the State.

Sec. 5. State Medicaid plan. The Bureau of Medical Services shall adopt personal care assistance services as part of the state Medicaid plan. These regulations shall be designed to allow for personal assistance services to be provided in a manner that allows the consumer to achieve maximum control over that consumer's life while minimizing the orientation to a medical model whenever possible, which will result in reducing the overall costs.

Effective August 4, 1988.

CHAPTER 846

S.P. 863 — L.D. 2251

AN ACT to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law.

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

Sec. 1. 10 MRS A §963-A, sub-§10, ¶I, as amended by PL 1987, c. 521, §1, is further amended to read:

I. Any water supply system project; or

Sec. 2. 10 MRS A §963-A, sub-§10, ¶J, as enacted by PL 1987, c. 521, §2, is amended to read:

J. Any underground oil storage facility replacement project; or

Sec. 3. 10 MRS A §963-A, sub-§10, ¶K is enacted to read:

K. Any overboard discharge replacement project.

Sec. 4. 10 MRS A §963-A, sub-§§42-A and 42-B are enacted to read:

42-A. Overboard discharge. "Overboard discharge" means the same as set forth in Title 38, section 466, subsection 9-A.

42-B. Overboard discharge replacement project. "Overboard discharge replacement project" means the removal, rehabilitation or replacement of a privately owned waste water disposal system utilized by a business which results in an overboard discharge.

Sec. 5. 10 MRS A §1023-E is enacted to read:

§1023-E. Overboard Discharge Replacement Fund

1. Creation. The Overboard Discharge Replacement Fund is created and established under the jurisdiction and control of the authority.

2. Sources of money. There shall be paid into the fund the following:

A. All money appropriated for inclusion in the fund;

B. Subject to any pledge, contract or other obligation, all interest, dividends or other pecuniary gains from investment of money of the fund;

C. Subject to any pledge, contract or other obligations, any money which the authority receives in repayment of advances from the fund; and

D. Any other money available to the authority and directed by the authority to be paid into the fund.

3. Application of fund. Money in the fund may be applied to carry out any power of the authority under or in connection with section 1026-G, including, but not limited to, to pledge or transfer and deposit money in the fund as security for and to apply money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans for all or part of overboard discharge replacement projects when the authority determines that:

A. Replacement, rehabilitation or removal of the overboard discharge is required by applicable law within 2 years from the date of application to the authority for a loan;

B. The applicant demonstrates a reasonable likelihood that it will not be able to obtain the funds necessary to undertake all or any part of the project from any other source, including a loan insured under section 1026-G;

C. There is a reasonable likelihood that the applicant will be able to repay the loan; and

D. The project will assist in creating or retaining jobs and will provide a more healthy environment.