

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

(1) If the member completes the service or service and age requirements for retirement under the special plan the member was under previously, the retirement benefit shall not be reduced; or

(2) If the member does not complete the service or service and age requirements for retirement under the special plan the member was under previously, the retirement benefit shall be reduced in accordance with section 18452, subsection 3.

4. Computation of benefit. The computation of the retirement benefit shall be based upon the member's average final compensation, as defined in section 17001, subsection 4.

See title page for effective date.

CHAPTER 80

H.P. 104 - L.D. 141

An Act to Provide Credit for Braille Courses

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

20-A MRSA §4707 is enacted to read:

§4707. Instruction in Braille and Nemeth Code

Schools may offer instruction in Braille and Nemeth Code as part of the school curriculum. When Braille or Nemeth Code courses are offered, schools shall determine appropriate credit for completion of those courses.

See title page for effective date.

CHAPTER 81

S.P. 210 - L.D. 488

An Act to Amend the Motor Vehicle Laws

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

29 MRSA §363, 1st ¶, as amended by PL 1983, c. 455, §15, is further amended to read:

Any person licensed under this subchapter, excepting those holding a transporter license or only a loaner license, may, upon the sale, lease or exchange of a motor vehicle or trailer, attach to the rear of ~~such~~ that motor vehicle or trailer a temporary registration plate and the purchaser of ~~such~~ that motor vehicle or trailer may operate the same for a period not to exceed 14 consecutive days thereafter without payment of a regular fee. If the purchaser of ~~such~~ the

vehicle or trailer is a nonresident member of the Armed Services Forces, ~~said~~ the purchaser may operate the same vehicle or trailer a period not to exceed 20 consecutive days thereafter without payment of a regular fee. If, at the end of this initial period, a Maine resident who is unable to comply with the requirements of chapter 21 and a nonresident who has applied for, but not yet received, a registration certificate from ~~his~~ the nonresident's home state, the Secretary of State may further extend this period without charge for not more than 20 additional days. A temporary registration plate may not be used on a loaded truck without a written permit from the Secretary of State. Any person licensed under this subchapter, excepting those holding a transporter license or only a loaner license, shall not attach to the rear of a house trailer or mobile home any temporary registration plate unless the operator of the vehicle hauling the trailer has in ~~his~~ the person's possession the written certificate from the tax collector required by section 354, subsection 5. Temporary registration plates issued under this section for motorcycles shall be the same size as the regular motorcycle plates.

See title page for effective date.

CHAPTER 82

H.P. 561 - L.D. 759

An Act to Make Records of Quasi-judicial Proceedings Confidential

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

32 MRSA §13006 is enacted to read:

§13006. Confidentiality

All hearings and records of hearings conducted by the grievance committee or the professional standards committee of any state or regional professional real estate association or board are confidential and are exempt from discovery.

See title page for effective date.

CHAPTER 83

H.P. 567 - L.D. 771

An Act to Make Technical Corrections in the Laws Concerning Gasoline Stations

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

Sec. 1. 10 MRSA §1661-A, as enacted by PL 1987, cc. 615 and 718, is repealed and the following enacted in its place:

§1661-A. Gasoline stations to provide services for handicapped drivers

Every full-service gasoline station offering self-service pumping at a lesser cost shall require an attendant employed by the station to dispense gasoline to any motor vehicle properly displaying a handicapped placard or special designating plates issued under Title 29, section 252, when the person to whom the placard or plates have been issued is the operator of the vehicle, the service is requested, the operator has a driver's license designated with a code H, restricted to special equipment, and there is no nonhandicapped adult in the motor vehicle.

Sec. 2. 10 MRSA §1661-B is enacted to read:

§1661-B. Requirement for gasoline stations to post prices of fuels sold

1. Posting required. A retail seller of fuel to be used by vehicles on public highways shall post the price on each pump of the fuel available at that pump by a sign no less than 64 square inches and in a manner that is clearly visible to a driver approaching the pump. On multi-grade pumps, the posted price shall be for the lowest priced unleaded regular gasoline. The sign should indicate the difference in price for full-service, mini-service and self-service if more than one grade of service is available at that pump.

2. Enforcement. Any person, firm, partnership or corporation who violates any of the provisions of this section commits a civil violation for which a civil forfeiture of not more than \$100 for the first offense and not more than \$500 for each subsequent offense shall be adjudged. Enforcement of this section shall be by the Commissioner of Agriculture, Food and Rural Resources pursuant to Title 7, section 14.

See title page for effective date.

CHAPTER 84

S.P. 233 - L.D. 563

An Act to Amend the Occupational License Disqualification Law

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

Sec. 1. 5 MRSA §5301, as repealed and replaced by PL 1977, c. 287, §1, is amended to read:

§5301. Eligibility for occupational license, registration or permit

1. Effect of criminal history record information respecting certain convictions. Subject to subsection 2 and sections 5302 and 5303, in determining eligibility for the granting of any occupational license, registration or permit issued by the State, the appropriate State licensing agency

may take into consideration criminal history record information from Maine or elsewhere relating to certain convictions which have not been set aside or for which a full and free pardon has not been granted, but the existence of such information shall not operate as an automatic bar to being licensed, registered or permitted to practice any profession, trade or occupation.

2. Criminal history record information which may be considered. A licensing agency may use in connection with an application for an occupational license, registration or permit criminal history record information pertaining to the following:

A. Convictions for which incarceration for less than one year may be imposed and which involve dishonesty or false statement;

B. Convictions for which incarceration for less than one year may be imposed and which directly relate to the trade or occupation for which the license or permit is sought;

C. Convictions for which no incarceration can be imposed and which directly relate to the trade or occupation for which the license or permit is sought; ~~and~~

D. Convictions for which incarceration for one year or more may be imposed; or

E. Convictions for which incarceration for less than one year may be imposed and which involve sexual misconduct by an applicant or licensee of the Board of Registration in Medicine, the Board of Osteopathic Examination and Registration, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the Board of Chiropractic Examination and Registration, the State Board of Examiners in Physical Therapy and the State Board of Nursing.

Sec. 2. 5 MRSA §5302, as amended by PL 1977, c. 287, §§2 and 3, is further amended to read:

§5302. Denial, suspension, revocation or other discipline of licensees because of criminal record

1. Reasons for disciplinary action. Licensing agencies may refuse to grant or renew, or may suspend, revoke or take other disciplinary action against any occupational license, registration or permit on the basis of the criminal history record information relating to convictions denominated in section 5301, subsection 2, but only if the licensing agency determines that the applicant, licensee, registrant or permit holder so convicted has not been sufficiently rehabilitated to warrant the public trust. The applicant, licensee, registrant or permit holder shall bear the burden of proof that there exists sufficient rehabilitation to warrant the public trust.

2. Reasons to be stated in writing. The licensing agency shall explicitly state in writing the reasons for a