

MAINE STATE LEGISLATURE

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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

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1989

commission in writing of the effective date of the decision and shall include the minutes or other record of the decision, including any endorsement required by subsection 3.

Sec. 10. 35-A MRSA §6505, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. **Accommodation of the owner and taker.** The county commissioners in awarding damages for property taken by eminent domain, upon the application of the owner or the taker, may prescribe terms and conditions, for the use of the property taken, that will best accommodate the owner and the taker.

Sec. 11. 35-A MRSA §7503, sub-§1, as repealed and replaced by PL 1987, c. 628, §5, is amended to read:

1. **Placement of public telephones.** Any person placing public telephones in any building public place after December 31, 1983, shall provide that at least one public telephone is wheelchair accessible if the building has an entrance which public place is otherwise wheelchair accessible.

If a building public place in which one or more public telephones are located becomes wheelchair accessible after December 31, 1983, the subscriber shall notify the person placing the public telephones and that person shall replace at least one public telephone with a telephone which is wheelchair accessible.

Any public telephone placed before January 1, 1984, shall be deemed to be in compliance with this section. This section shall not apply to public telephones for the use of persons while in motor vehicles.

Sec. 12. 35-A MRSA §7503, sub-§3, ¶A, as enacted by PL 1987, c. 628, §6, is amended to read:

A. "Public telephone" means a telephone located in a public place ~~or in an area to which the public is invited~~ and which is intended for use by the public.

Sec. 13. 35-A MRSA §7503, sub-§3, ¶C is enacted to read:

C. "Public place" means any location to which members of the public are invited or have general access, including, but not limited to, sidewalks, plazas, lobbies, stores, schools, governmental buildings, transportation terminals and shopping centers.

See title page for effective date.

CHAPTER 160

S.P. 476 - L.D. 1274

An Act to Clarify Terminology Used in Laws Related to Historic Sites under the Jurisdiction of the Bureau of Parks and Recreation

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

Sec. 1. 12 MRSA §601, sub-§1, as amended by PL 1979, c. 541, Pt. A, §118, is further amended to read:

1. **Historic site.** ~~"Memorial" shall mean: Any "Historic site" means any area of land, with or without buildings, improvements or other structures established for public use wholly or primarily because of its historical, archeological or scientific interest or value.~~

Sec. 2. 12 MRSA §602, 2nd ¶, as amended by PL 1973, c. 460, §19, is further amended to read:

The bureau shall have jurisdiction, custody and control in, over and upon all state parks and ~~memorials~~ historic sites and national parks which are under control and management of the State, excepting Baxter State Park. Wilderness or natural areas, or both, shall be established and managed primarily to preserve the natural character and features of such areas, and any use or development which threatens such character and features shall be prohibited. It is not the intention of the Legislature to include under this chapter any national parks now existing or which may be hereafter created under national management or control. Said bureau shall have and exercise the following powers and authority:

Sec. 3. 12 MRSA §602, sub-§3, as amended by PL 1977, c. 694, §218, is further amended to read:

3. **Parks and historic sites; rules and regulations.** With the consent of the Governor, to set apart and publicly proclaim areas of land in this State including improvements, or other structures thereon, title to which has been acquired under this chapter as parks or ~~memorials~~ historic sites within the meaning of said chapter, and the bureau may from time to time establish such rules and regulations as it deems necessary:

A. For the protection and preservation of state parks and parks under state control; ;

B. For the protection and safety of the public; and

C. For observances of the conditions and restrictions expressed in deeds of trust, or otherwise, of the parks of the State and of monuments thereon.

All rules and regulations of the bureau shall be promulgated in accordance with the procedures set forth in Title 5, chapter 375, subchapter II: ;

Sec. 4. 12 MRSA §602, sub-§5, as amended by PL 1973, c. 460, §19, is further amended to read:

5. **Police supervision.** To exercise police supervision over all state parks and ~~memorials~~ historic sites. The agents or representatives of the Bureau of Parks and Recreation designated for that purpose by said bureau are authorized and empowered to arrest with or without warrant any person within the State who is committing, or to detain until a

warrant has been obtained, any person within the State who has been seen by said agents or representatives committing any offense against the state laws, or any violation of any rule or regulation of the Bureau of Parks and Recreation within a state park or ~~memorial~~ historic site, but no dwelling house shall be searched for the purpose of such arrest without a warrant, and then only in the daytime, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant: ;

Sec. 5. 12 MRSA §602, sub-§7, as amended by PL 1975, c. 771, §132, is further amended to read:

7. Lease and agreements with United States. With the consent of the Governor and Council, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state parks, within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state parks or ~~memorials~~ historic sites under this chapter. Such lands or interest therein, when so acquired, whether title thereto be in the United States or otherwise, shall be and remain subject to administration, maintenance, supervision, use and development by said bureau under this chapter during the terms of any such lease or agreement. With respect to lands or interest therein, included in any park or parks acquired and owned by the Government of the United States and administered under this chapter the State of Maine shall retain concurrent jurisdiction with the United States in and over all such lands. Any civil and criminal process issuing under the authority of this State may be executed on said lands in the same manner and to the same effect as if the same were privately owned, and exclusive jurisdiction in and to said lands shall revert to the State of Maine when said lands shall cease to be owned by the United States. Such lands owned by the United States shall be exempt from all taxes and assessments so long as the same shall be the property of the United States: ;

Sec. 6. 38 MRSA §321-A, sub-§1, as amended by PL 1973, c. 460, §19, is further amended to read:

1. Exercise police supervision. To exercise police supervision over public facilities acquired, constructed and maintained pursuant to this subchapter in the same manner and to the same extent that said bureau may exercise police supervision over state parks and ~~memorials~~ historic sites under Title 12, section 602, subsection 5.

See title page for effective date.

CHAPTER 161

H.P. 718 - L.D. 987

An Act to Amend the Laws Relating to AIDS and Communicable Diseases to Remove the Sunset Provision for Health Care Facility Employees and Applicants for Employment

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

5 MRSA §19204-B, sub-§1, as enacted by PL 1987, c. 811, §9, is amended to read:

1. Employee testing. No health care facility may require that any employee or applicant for employment submit to an HIV test or reveal whether the employee or applicant for employment has obtained an HIV test as a condition of employment or to maintain employment, except when based on a bona fide occupational qualification. Enforcement of this subsection is assigned to the Maine Human Rights Commission.

~~This subsection is repealed October 1, 1989.~~

See title page for effective date.

CHAPTER 162

H.P. 639 - L.D. 873

An Act Regarding Freelance Cosmetologists and Barbers

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

Sec. 1. 32 MRSA §302, sub-§2, as amended by PL 1987, c. 395, Pt. A, §123, is further amended to read:

2. Exceptions. The practice of barbering shall be carried on only by persons duly licensed to practice barbering in this State and only in a licensed barber shop, except as provided in this subsection. A duly licensed barber may practice barbering:

- A. ~~Upon~~ On patients in hospitals or nursing homes;
- B. ~~Upon~~ On residents of summer camps;
- C. ~~Upon~~ On inmates or residents of institutions of the Department of Mental Health and Mental Retardation;
- D. ~~Upon~~ On an invalid or handicapped person in that person's place of residence;
- E. ~~Upon~~ On a resident of a nursing home;