

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

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;

F. ~~Upon~~ On a hotel or motel occupant in that person's hotel or motel room; ~~and~~

G. ~~Upon~~ On a person in the person's residence, if the barber maintains or is employed in a licensed barber shop; ~~or~~

H. On persons in their private businesses.

The exceptions listed in this subsection shall not permit the practice of barbering in food establishments or food preparation areas.

Sec. 2. 32 MRSA §352, sub-§2, as amended by PL 1987, c. 395, Pt. A, §129, is further amended to read:

2. Rules. The board shall adopt rules pursuant to the authority vested in it by this chapter, subject to the Maine Administrative Procedure Act, Title 5, chapter 375, except as otherwise provided in this subsection and subject to the approval of the Commissioner of Professional and Financial Regulation.

The rules shall include, but not be limited to, the following matters:

A. The proper use of appliances, apparatus and electrical machines used in any establishment in connection with the practice of barbering, as defined in section 301;

B. The sanitary requirements for proprietors of barber shops and persons engaged in the practice of barbering, as defined in section 301; and

C. Requirements for licenses and registrations consistent with this chapter.

The rules ~~may~~ shall also include reasonable requirements, including sanitary standards, to govern the practice of barbering by persons outside of licensed shops, as authorized by section 302, subsection 2.

A copy of all valid rules issued by the board shall be sent to all persons licensed or registered under this chapter.

Sec. 3. 32 MRSA §1552, sub-§2, as amended by PL 1987, c. 395, Pt. A, §146, is further amended to read:

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

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 and the Department of Corrections;

D. ~~Upon~~ On an invalid or handicapped person in that person's place of residence;

E. ~~Upon~~ On a resident of a nursing home;

F. ~~Upon~~ On a hotel or motel occupant in that person's hotel or motel room; ~~and~~

G. ~~Upon~~ On a person in the person's residence; ~~when done for the usual fees; or~~

H. On persons in their private businesses.

The exceptions listed in this subsection shall not permit the practice of cosmetology in food establishments or food preparation areas.

Sec. 4. 32 MRSA §1602, sub-§2, as amended by PL 1983, c. 413, §69, is further amended to read:

2. Rules. The board may adopt rules commensurate with the authority vested in it by this chapter, subject to the Maine Administrative Procedure Act, Title 5, chapter 375, and subject to the approval of the Commissioner of Human Services.

The rules shall include, but not be limited to, rules concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with the practice of cosmetology, and prescribing the sanitary requirements to be observed by proprietors of beauty shops and by persons engaged in this practice and shall make regulations not contrary to law relative to the applications for licenses and certificates of registration. The rules shall also include reasonable requirements, including sanitary standards, to govern the practice of barbering by persons outside of licensed shops, as authorized by section 1552, subsection 2. The board shall cause these rules to be printed in suitable form and a copy thereof to be sent to the proprietors of those shops, which copy shall be kept posted in a conspicuous place in those shops so as to be easily read by customers.

A copy of all rules which are adopted by vote of the board and which are approved by the Commissioner of Human Services shall be sent to all persons licensed under this chapter.

See title page for effective date.

CHAPTER 163

S.P. 325 - L.D. 862

**An Act to Ensure Proper Representation on the
Region II Crisis Intervention Program Advisory
Board**

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