

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
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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:

34-B MRSA §3623, sub-§1, as enacted by PL 1987, c. 349, Pt. H, §21, is amended to read:

1. Established. The Region II Crisis Intervention Program Advisory Board, as established by Title 5, chapter 379, shall consist of 11 members as follows: ~~The~~ the Superintendent of the Bangor Mental Health Institute, or ~~his~~ the superintendent's designee; ~~the chief executive officer of the participating hospital, or his designee~~ the chief of psychiatry of a participating hospital, or the chief's designee, or if there is no participating hospital, a psychiatrist selected by the board; the Director of Community Support Services for the Community Health and Counseling Service; 2 representatives of the Down-East Alliance for the Mentally Ill and 2 other family members of mentally ill people chosen by the Down-East Alliance for the Mentally Ill to represent a geographical distribution within the region. These members shall select a private mental health practitioner and 2 consumers of services for the mentally ill. The coordinator of the project shall be a member of the advisory board, but may only vote in case of a tie.

This subsection is repealed October 1, 1991.

See title page for effective date.

CHAPTER 164

S.P. 275 - L.D. 721

An Act to Amend the Protection From Harassment Laws

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

5 MRSA §4654, sub-§2, as enacted by PL 1987, c. 708, §4, is further amended to read:

2. Temporary orders. The court may enter any temporary orders, authorized under subsection 4, without written or oral notice to the defendant or ~~his~~ the defendant's attorney if:

A. It appears clearly from a verified petition or an affidavit accompanying the petition that:

(1) Before the defendant or ~~his~~ the defendant's attorney can be heard, the plaintiff may be in immediate and present danger of physical abuse from the defendant or ~~may suffer~~ is in immediate and present danger of suffering extreme emotional distress as a result of the defendant's conduct;

(2) Either the plaintiff has or has not contacted any law enforcement officials concerning the alleged harassment; and

(3) The plaintiff has provided sufficient information to substantiate the alleged harassment;

B. When reasonable, the plaintiff or the court has made reasonable efforts to give written or oral notice to the defendant or ~~his~~ the defendant's attorney that the plaintiff is seeking a temporary order; and

C. The court provides written reasons for entering a temporary order.

See title page for effective date.

CHAPTER 165

S.P. 247 - L.D. 577

An Act Relating to Contracts Administered by the Department of Transportation

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

Sec. 1. 5 MRSA §1749, 4th ¶, as amended by PL 1971, c. 593, §22, is further amended to read:

Nothing in this section ~~shall~~ may apply to the construction, improvement or repair of any and all ways, roads and bridges with appurtenances or other public improvements which, by law, are under the supervision of the Department of Transportation.

Sec. 2. 5 MRSA §1831, sub-§2, as enacted by PL 1983, c. 188, is amended to read:

2. Limitation. This section does not apply to purchase of supplies, services, materials and equipment or to public improvements, as described under chapters 153 and 155. This section does not apply to construction, improvement or repair of any and all ways, roads or bridges with appurtenances or other public improvements which by law are under the supervision of the Department of Transportation in accordance with section 1741.

Sec. 3. 23 MRSA §52-A, sub-§§1 and 2, as enacted by PL 1979, c. 580, are amended to read:

1. Retention of part of contract price. Notwithstanding any other law, in any contract awarded by the Department of Transportation and to which the department is a party for the construction and maintenance of public highways, bridges and other structures, the department may withhold up to 5% of the money due the contractor until the project under the contract has been accepted by or for the department. Upon receipt of a claim from a subcontractor pursuant to subsection 2, the department may withhold a greater percentage of the money due under the contract if it determines that the additional amount may be required to pay the claim. When the contract has been substantially completed, the department may, upon request, further reduce the amounts withheld if it deems it desirable and prudent. The reduction shall not reduce the amount withheld to an amount less than the amount of any pending claim against the contractor filed by a subcontractor pursuant to subsection 2.