

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

AS PASSED AT THE
FIRST REGULAR SESSION

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1989

D. No person may be served who is visibly intoxicated;

E. Taste testing shall be limited to a designated area;

F. Taste testing shall be conducted within the hours of retail sale established in this Title;

G. The retail licensee must obtain the written permission of the commission before conducting any taste-testing activity;

H. A retail licensee may conduct no more than one taste testing per month;

I. Taste testing is not allowed in any municipality where on-premise and off-premise sales are not allowed pursuant to chapter 5;

J. The retail licensee must notify the Bureau of Liquor Enforcement of the date and time scheduled for an on-premise taste testing; and

K. The retail licensee must purchase all wine served at a taste testing from a wholesale licensee.

See title page for effective date.

CHAPTER 489

H.P. 670 - L.D. 918

An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue

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

Sec. 1. 6 MRSA §303, sub-§§ 2 and 3, as enacted by PL 1981, c. 41, are amended to read:

2. Situations covered. The commissioner shall establish and maintain a state air search and rescue plan for the immediate handling of the following emergency situations arising from aeronautical activities:

A. Locating aircraft believed lost and down within the State; and

B. Locating persons who are believed lost and down in the State as a result of accidents involving aircraft overflying the State or parachute jumps.

For purposes of this section, the phrases "within the State" and "in the State" include the coastal waters of the State as defined in Title 12, section 6001.

3. Plan of action. The state air search and rescue plan shall provide a plan of action for search and rescue which will mobilize all state agencies which can contribute in

those emergencies and inform all State agencies which request to be informed of any air search operation, in accordance with agreements reached in advance and which relies upon the Maine Wing Civil Air Patrol to coordinate and control specific air search operations. The plan shall provide that its first objective shall be saving human life and rendering prompt aid to survivors.

Sec. 2. 6 MRSA §303, sub-§4, ¶C, as enacted by PL 1985, c. 610, is amended to read:

C. The Director of the Division of Aeronautics shall communicate and coordinate with state agencies who have agreed to offer mutual support in implementing the cooperative action plan for air search and rescue, when the assistance is needed in searching for missing persons. The director shall immediately inform the Bureau of Marine Patrol of any aircraft that is believed lost over coastal waters of the State and keep the bureau apprised of the progress of the search for that aircraft.

Sec. 3. 12 MRSA §6029, as enacted by PL 1987, c. 814, §1, is repealed and the following enacted in its place:

§6029. Search and rescue operations

The Department of Marine Resources may provide search and rescue services in the coastal waters of the State and shall be the responsible state agency for those services, except when they involve lost or downed aircraft. The department shall develop a formal plan for those activities and designate one person within the department as coordinator of search and rescue to work with other search and rescue agencies, both governmental and private. The department shall attempt to establish and train regional volunteer organizations to assist with search and rescue and include them in plans and joint training exercises as appropriate.

Sec. 4. 37-B MRSA c. 13, sub-c. V is enacted to read:

SUBCHAPTER V

SEARCH AND RESCUE

§850. Search and rescue plan

The Director of the Maine Emergency Management Agency shall prepare a state search and rescue plan encompassing all activities including land, sea and air searches for persons, boats and airplanes. In the preparation of this plan, the director shall review such individual agency plans as currently exist, seek the advice and counsel of all currently designated federal and state search and rescue agencies and obtain their approval of the final plan. This plan shall be completed no later than June 30, 1990. All other search and rescue agencies shall cooperate with the agency in preparation of this plan. Responsibility for execution of the plan shall be with the individual state agencies that have responsibility for the area being searched or for lost or downed

aircraft, as appropriate. These agencies shall follow all the provisions of the approved plan.

This plan shall be reviewed and updated as necessary. The director shall see that the plan and its revisions receive suitable dissemination on a timely basis. Individual agencies shall submit revisions of their search and rescue plans to the director for comment and incorporation into the agency's statewide plan.

See title page for effective date.

CHAPTER 490

H.P. 1230 - L.D. 1715

An Act to Exempt Contracts Supplementing the Civilian Health and Medical Program of the Uniformed Services from the Mandated Benefits for Substance Abuse and Mental Illness

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

Sec. 1. 24 MRSA §2325-A, sub-§5-A, as enacted by PL 1983, c. 515, §4, is amended to read:

5-A. Exceptions. This section shall not apply to employee group insurance contracts issued to employers with 20 or fewer employees insured under the group contract or to group contracts designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as defined in the United States Code, Title 10, Section 1072, subsection 4.

Sec. 2. 24 MRSA §2329, sub-§5, as enacted by PL 1983, c. 527, §1, is amended to read:

5. Exceptions. This section shall not apply to employee group insurance contracts issued to employers with 20 or fewer employees insured under the group contract or to group contracts designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as defined in the United States Code, Title 10, Section 1072, subsection 4.

Sec. 3. 24-A MRSA §2842, sub-§5, as enacted by PL 1983, c. 527, §2, is amended to read:

5. Exceptions. This section shall not apply to employee group insurance policies issued to employers with 20 or fewer employees insured under the group policy or to group policies designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as described in Title 10 of the United States Code, Title 10, Section 1072, subsection 4.

Sec. 4. 24-A MRSA §2843, sub-§5-A, as enacted by PL 1983, c. 515, §6, is amended to read:

5-A. Exceptions. This section shall not apply to employee group insurance policies issued to employers with 20 or fewer employees insured under the group policy or to group policies designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as described in the United States Code, Title 10, Section 1072, subsection 4.

See title page for effective date.

CHAPTER 491

S.P. 643 - L.D. 1735

An Act to Amend the Teacher Retirement System Laws to Allow Contributions for Associates in Education

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary to encourage the development of programs to increase the preparation of college students who are completing programs leading to certification as teachers in the State; and

Whereas, under current law, teachers on leave who participate in college-level teacher preparation programs must sacrifice a one-year contribution towards their retirement; and

Whereas, some teachers will be participating in those teacher preparation courses during the school year beginning September 1989; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §17001, sub-§42, as amended by PL 1985, c. 808, §§1 and 2, is further amended to read:

42. Teacher. "Teacher" means a preschool teacher, teacher, superintendent, principal, supervisor, school nurse, school dietician or school secretary employed in any public school, including teachers in unorganized territory. The term "teacher" shall include a person who is on a one-year leave of absence from a position as a teacher and is participating in the education of prospective teachers by teaching and supervising students enrolled in college-level teacher preparation programs in this State.

Sec. 2. 5 MRSA §17154, sub-§6, ¶C is enacted to read: