

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
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therapist licensed to practice in this State who assumes responsibility for patient-related activities of the individual;

5. Student physical therapist or assistant. The supervised practice of physical therapy by a student enrolled in an accredited physical therapist or physical therapist assistant program who indicates that that person is a "student"; or

6. Delegation to aides or assistants. Any physical therapist licensed pursuant to this chapter from delegating to a physical therapy aide or licensed physical therapist assistant treatment procedures or patient-related activities commensurate with the education and training of the person, but not including interpretation of referrals, performance or evaluation procedures or determination and modification of patient treatment programs. The board shall adopt rules governing supervision of physical therapy aides and licensed physical therapist assistants.

See title page for effective date.

## CHAPTER 179

S.P. 333 - L.D. 908

### An Act to Provide Funds to Dental Clinics

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

Sec. 1. PL 1989, c. 196, §3 is amended to read:

Sec. 3. Maternal and Child Health Block Grant Allocations. Allocations to Maternal and Child Health under the Maternal and Child Health Block Grants include \$16,000 in fiscal year 1989-90 and in fiscal year 1990-91 for each of the following: Chester Dental Clinic, Portland Dental Clinic, Bangor Dental Clinic and the Jessie Albert Memorial Dental Clinic in Bath, Maine. Allocations for these purposes shall be incorporated into future budget preparations.

Sec. 2. Maternal and Child Health Block Grant Allocations. Allocations to Maternal and Child Health under the Maternal and Child Health Block Grants include \$64,000 in fiscal year 1991-92 and in fiscal year 1992-93 for public and private nonprofit community dental clinics. Allocations for these purposes must be incorporated into future budget preparations.

See title page for effective date.

## CHAPTER 180

S.P. 79 - L.D. 142

### An Act to Revise Transition Services for Disabled Students

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

20-A MRSA §7803-A is enacted to read:

#### §7803-A. Transition services

Each school administrative unit shall provide an annual statement of the transition services needed by a handicapped youth in transition enrolled in that unit. The statement of transition services must be provided to all handicapped youth in transition who are 16 years of age or older and enrolled in school and may be provided to younger students when the school administrative unit finds it necessary. When appropriate, a cooperative agreement among the Department of Education, the Department of Human Services, the Department of Mental Health and Mental Retardation, the Department of Corrections and the Department of Labor must be included as part of the annual statement describing the responsibilities of and coordination required by those agencies. If a cooperating agency fails to provide agreed-upon services, the school administrative unit is responsible for reconvening the cooperating agencies for the purposes of developing alternative strategies to meet the transition objectives. This section does not require any school administrative unit to provide noneducational services to students.

See title page for effective date.

## CHAPTER 181

H.P. 558 - L.D. 801

### An Act to Amend the School Approval Standards

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

Sec. 1. 20-A MRSA §4502, sub-§5, ¶J, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

J. Health, sanitation and safety requirements, including compliance with section 6302;

Sec. 2. 20-A MRSA §6302 is enacted to read:

#### §6302. School building ventilation

1. Applicability. This section applies to school buildings subject to basic school approval under section 4502 in which the heating, ventilation and air-conditioning system is mechanically driven.

2. Operation. Each school administrative unit shall ensure that the heating, ventilation and air-conditioning system is:

A. Maintained and operated to provide at least the quantity of outdoor air required by the state building standards code in effect at the time the building permit

was issued or the heating, ventilation and air-conditioning system was installed, whichever is later; and

B. Operated continuously during school activity hours except:

(1) During scheduled maintenance and emergency repairs; and

(2) During periods for which school officials can demonstrate to the commissioner's satisfaction that the quantity of outdoor air supplied by an air supply system that is not mechanically driven and by infiltration meets the outdoor air supply rate required by paragraph A.

3. Inspection and record. Each school administrative unit is responsible for:

A. Inspection of the heating, ventilation and air-conditioning system at least annually and correction of any problems within a reasonable time; and

B. Maintaining written records of heating, ventilation and air-conditioning system inspection and maintenance for at least 5 years. The superintendent shall make these records available for examination upon request.

**Sec. 3. 26 MRSA §565-A, sub-§1**, as enacted by PL 1987, c. 733, §6, is amended to read:

**1. Advise and propose standards.** The board shall work with the Bureau of Public Improvements with respect to evaluation of indoor air quality and ventilation in public school buildings and buildings occupied by state employees and the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

A. The board may advise the Bureau of Public Improvements and propose for consideration by the bureau air quality and ventilation standards that are more stringent than the minimum standards as defined in Title 5, section 1742, subsection 24.

See title page for effective date.

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## CHAPTER 182

S.P. 413 - L.D. 1127

### An Act to Increase the Probationary Period for Police Officers

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

**30-A MRSA §2701**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

### §2701. Employee probation periods

Except as specifically provided otherwise by charter or ordinance, any reference to cause and hearing in this Part only applies to an employee who has completed a reasonable probation period established by the municipality. Periods of probation may not exceed 6 calendar months or the length of time in effect in a municipality on January 1, 1984, whichever is greater, except that in the case of police officers, a longer probationary period not to exceed one year may be established as the result of collective bargaining or provided for by the municipality in the absence of a bargaining agent.

See title page for effective date.

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## CHAPTER 183

H.P. 1019 - L.D. 1492

### An Act to Permit Orderly Consideration of Department of Environmental Protection Applications

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

**38 MRSA §344, sub-§1-A** is enacted to read:

1-A. Governing rules. An application for a permit, license or approval is processed under the substantive rules in effect on the date the application or request for approval is determined to be complete for processing.

See title page for effective date.

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## CHAPTER 184

S.P. 242 - L.D. 646

### An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System

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

**Sec. 1. 5 MRSA §17054, sub-§§1 and 2**, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

**1. Retirement allowance available for child support.** A member's retirement allowance ~~shall be~~ is available to satisfy any child support obligation ~~which that~~ is otherwise enforceable by execution, garnishment, attachment, assignment or other process; ~~and~~

**2. Accumulated contributions available for child support.** A member's accumulated contributions, being