

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
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

All court-ordered and court-related transportation of juvenile detainees to and from the Maine Youth Center is the responsibility of the sheriff of the county in which the court is located.

See title page for effective date.

CHAPTER 315

H.P. 352 - L.D. 482

An Act to Protect Retail Sales Employees

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

17 MRSA §3204, 2nd ¶, as amended by 1989, I.B. 2, is further amended to read:

This section ~~shall~~ does not apply to: The operation or maintenance of common, contract and private carriers; taxicabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument dealers; automatic laundries; machines that vend anything of value, including, but not limited to, a product, money or service; a satellite facility approved by the Superintendent of Banking under Title 9-B; or comparable facility approved by the appropriate federal authority; pharmacies; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operations, including, but not limited to, pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres; public dancing; sports and athletic events; bowling alleys; displaying or exploding fireworks, under Title 8, chapter 9 9-A; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate ~~salesmen~~ sales representatives; mobile home brokers and mobile home ~~salesmen~~ sales representatives; provided that this section ~~shall~~ does not exempt the businesses or facilities specified in sections 3205 and 3207 from closing in any municipality until the requirements of those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space; and stores with more than 5,000 square feet of interior customer selling space which engage in retail sales and which do not require, as a condition of employment, that their employees work on Sundays. If an employer decreases the average weekly work hours of an employee who has declined to work on

Sundays, it is prima facie evidence that the employer has required Sunday work as a condition of employment in violation of this section, unless the employer and employee agreed that the employee would work on Sundays when the employee was initially hired. In no event, however, shall may any store having more than 5,000 square feet of interior customer selling space be open on Easter Day, Thanksgiving Day and Christmas Day.

See title page for effective date.

CHAPTER 316

H.P. 1013 - L.D. 1481

An Act to Facilitate the Delivery of Family Support Services

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

Sec. 1. 5 MRSA §12004-I, sub-§§59-B and 59-C are enacted to read:

<u>59-B.</u>	<u>Regional Family</u>	<u>Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health</u>	<u>Support Councils</u>	<u>Only</u>	<u>§1804</u>
<u>and Mental</u>			
<u>Retardation</u>			

<u>59-C.</u>	<u>Maine Family</u>	<u>Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health</u>	<u>Support Council</u>	<u>Only</u>	<u>§1805</u>
<u>and Mental</u>			
<u>Retardation</u>			

Sec. 2. 34-B MRSA c. 1, sub-c. V is enacted to read:

SUBCHAPTER V

FAMILY SUPPORT SERVICES

§1801. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Crisis intervention. “Crisis intervention” means an unplanned and temporary service necessary to alleviate a crisis and preserve the living arrangements of a person who receives services from the department.

2. Family support services. “Family support services” means services that enable a family, which is otherwise eligible to receive services from the department, to maintain and care for its minor or adult member at home. Family support services include but are not limited to the following:

A. Dental and medical care;

- B. Respite care;
- C. Recreation and leisure activities;
- D. Homemaker services;
- E. Transportation;
- F. Personal assistance services;
- G. Home health services;
- H. Therapeutic and nursing services;
- I. Home and vehicle modifications;
- J. Equipment and supplies;
- K. Family counseling services;
- L. Communication services;
- M. Crisis intervention;
- N. Specialized utility costs;
- O. Integrated child care;
- P. Specialized diagnosis and evaluation;
- Q. Specialized nutrition and clothing;
- R. Family education and training;
- S. Service coordination;
- T. Information services;
- U. Assistive technology; and
- V. Permanency planning.

3. Respite care. “Respite care” means a temporary service that provides a respite to a family in a planned and predictable manner. Respite care may include but is not limited to bringing outside caretakers into the home and bringing a child outside the home for services.

4. Service coordination. “Service coordination” means a lifelong, goal-oriented process for coordination of the range of services needed and wanted by persons with disabilities and their families.

5. Therapeutic services. “Therapeutic services” means occupational, physical, speech and language, respiratory, and vision therapy, counseling and other therapies to increase, maintain or improve the functional capabilities of persons with disabilities.

§1802. Principles of family support

The department shall provide family support services in accordance with the following principles.

1. Importance of family setting and home care. Children, regardless of the type or severity of their disabilities, belong with and do best with families. Accordingly, families should receive whatever support is necessary to care for their family members with disabilities at home.

2. Focus on whole family. Family support must focus on the needs of the entire family.

3. Flexibility. Family needs change over time and family support must be flexible and responsive to the unique needs and strengths of individual families.

4. Integration. Families should be supported to fully integrate their family members with disabilities into education, employment and social settings in their own communities. Support to families must build on social networks and other sources of support that exist in their communities.

5. Long-term support. Family support is needed throughout the life spans of family members with disabilities.

6. Family expertise. Families should be recognized as experts regarding the needs of their members with disabilities. The family should be the primary decision-making unit regarding the support, services and opportunities it needs. Accordingly, families must be included in the planning and implementation of family support systems.

7. Family contributions. Families that have members with disabilities should be recognized for enriching the lives of all citizens through their contributions to the economic health and social fabric of the State.

8. Individual needs and aspirations. People with disabilities have personal needs and preferences to live, work, learn, grow and to have relationships. People with disabilities have abilities, competencies and aspirations and should be supported to pursue their personal desires and reach their fullest potential.

§1803. Family support policy coordination

With the assistance and advice of the councils established in sections 1804 and 1805, the commissioner shall coordinate the development and implementation of consistent family support policies and services among the department’s bureaus. The commissioner shall assign at least one person from each bureau to carry out the duties of this subchapter. The duties include but are not limited to the following.

1. Resource allocation. Those persons assigned by the commissioner under this section shall make recommendations to the commissioner regarding the allocation or re-allocation of family support resources among the bureaus.

2. Policy development and implementation. Those persons assigned by the commissioner under this section shall develop and implement a family support policy that is consistent among the bureaus.

3. Service coordination and monitoring. Those persons assigned by the commissioner under this section shall oversee service coordination for families who are served by more than one bureau and shall resolve interbureau disagreements.

4. Liaison to other departments. Those persons assigned by the commissioner under this section shall serve as the department's liaison to other departments when a family is served by more than one department.

§1804. Regional family support councils

The commissioner shall appoint a regional family support council as established in Title 5, section 12004-I, subsection 59-B in each of the department's regions. Each council shall have 12 members, all of whom are persons with disabilities or family members of persons with disabilities. Each council shall select its chair who shall serve on the Maine Family Support Council.

Each council shall determine which family support services are needed in its region and shall assist the commissioner to plan the development and implementation of those services. Each council shall participate in all departmental planning activities that are required by state or federal mandates.

§1805. Maine Family Support Council

The Maine Family Support Council, as established in Title 5, section 12004-I, subsection 59-C, consists of the chairs of each of the regional family support councils. The council shall select its chair. The department shall provide appropriate staff assistance to the council.

The Maine Family Support Council shall advise the commissioner regarding the statewide development and implementation of family support services.

§1806. Authority to provide family support services

The commissioner may provide family support services directly from the department or through agreements with community agencies. Agreements with community agencies must be in accordance with section 1208, subsections 2 and 3.

§1807. Rules

The commissioner shall adopt rules in accordance with Title 5, chapter 375 to implement this subchapter.

See title page for effective date.

CHAPTER 317

S.P. 375 - L.D. 1009

An Act Concerning the Sales and Use Tax on Aircraft Parts

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

36 MRSA §1760, sub-§76 is enacted to read:

76. Aircraft parts. The sale or use of replacement or repair parts of an aircraft in this State when used by a scheduled airline in the performance of service under federal regulations of the Civil Aeronautics Board, Part 298 or under 49 United States Code, Section 1371.

See title page for effective date.

CHAPTER 318

S.P. 492 - L.D. 1330

An Act Regarding the Regulation of Customer Premise Wire and Interexchange Carrier Selection

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

Sec. 1. 35-A MRSA §7306 is enacted to read:

§7306. Customer premise wire

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following term has the following meaning.

A. "Customer premise wire" means the segment of telephone wiring from the customer's side of the protector, or such other point that may be determined by the commission, to the customer's telephone equipment.

2. Deregulation of customer premise wire. The commission may by rule deregulate all or a portion of a telephone utility's service providing installation, maintenance and repair of customer premise wire. Prior to deregulation, the commission must find that a reasonable degree of competition exists between providers of installation, maintenance or repair services on customer premise wire. The commission must include the results of any action taken pursuant to this subsection in the annual report filed with the Legislature pursuant to section 120.

3. Ratemaking treatment of customer premise wire services. Nothing in subsection 2 restricts the commission's