

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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**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

authority over the ratemaking treatment of expenses and revenues associated with customer premise wire services offered by a telephone utility.

**Sec. 2. 35-A MRSA §7506** is enacted to read:

**§7506. Interexchange carrier selection**

**1. Carrier-initiated changes.** A local exchange telephone company operating in this State in an equal access exchange, as defined by the Federal Communications Commission, may not change a telephone subscriber's presubscribed interexchange carrier, at the request of an interexchange carrier, unless provided with a written authorization form from the requesting interexchange carrier signed by the telephone subscriber.

**2. Penalty.** A person who knowingly violates subsection 1 or provides false information to a local exchange telephone company concerning a telephone subscriber's preference in interexchange carriers commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged for each offense.

See title page for effective date.

**CHAPTER 319**

**S.P. 495 - L.D. 1333**

**An Act to Include Radiology in the Medical Liability Demonstration Project**

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

**Whereas,** Public Law 1989, chapter 931 establishes a medical liability demonstration project which is to begin by January 1, 1992; and

**Whereas,** the purpose of this legislation is to add the medical specialty of radiology to the medical liability demonstration project; and

**Whereas,** in order to include radiology in the medical liability demonstration project beginning January 1, 1992, it is necessary to begin the process of developing practice parameters and protocols for radiology immediately; 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 §12004-I, sub-§58-D** is enacted to read:

<u>cine</u>	<u>58-D. Medi-</u>	<u>Medical</u>	<u>Expenses</u>	<u>24 MRSA</u>
		<u>Specialty</u>	<u>Only</u>	<u>§2972</u>
		<u>Advisory</u>		
		<u>Committee</u>		
		<u>on Radi-</u>		
		<u>ology</u>		

**Sec. 2. 24 MRSA §2972, sub-§1,** as enacted by PL 1989, c. 931, §4, is amended to read:

**1. Medical specialty areas.** The Medical Specialty Advisory Committee on Anesthesiology, in accordance with Title 5, section 12004-I, subsection 58-A; the Medical Specialty Advisory Committee on Emergency Medicine, in accordance with Title 5, section 12004-I, subsection 58-B; and the Medical Specialty Advisory Committee on Obstetrics and Gynecology, in accordance with Title 5, section 12004-I, subsection 58-C; and the Medical Specialty Advisory Committee on Radiology, in accordance with Title 5, section 12004-I, subsection 58-D are established and shall develop practice parameters and risk management protocols for their respective medical specialty areas.

**Sec. 3. 24 MRSA §2972, sub-§2, ¶D** is enacted to read:

D. The Medical Specialty Advisory Committee on Radiology consists of members with an interest in and knowledge of the specialty area. It consists of 6 members:

- (1) One physician who practices in a tertiary hospital, appointed by the Board of Registration in Medicine;
- (2) One physician who practices in a medium-sized hospital, appointed by the Board of Registration in Medicine;
- (3) One physician who practices primarily in a rural area, appointed by the Board of Registration in Medicine;
- (4) One board-certified radiologist, appointed by the Governor in consultation with the Maine Radiological Society; and
- (5) Two public members:
  - (a) One representing the interests of payors of medical costs, appointed by the President of the Senate; and
  - (b) One representing the interests of consumers, appointed by the Speaker of the House of Representatives.