

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

---

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

In addition to any other right to avoid a contract or sale, the first-time buyer of a home food service plan has the right prior to delivery of the food or nonfood items to avoid the contract or sale until midnight of the 10th day after the date on which the buyer signs a contract subject to this subchapter. If the contract requires the seller to deliver a home food service plan, the seller shall allow the first-time buyer of a home food service plan to avoid the contract or sale subject to this subchapter, without charge, at the time of delivery of the food or nonfood items.

**Sec. 5. 32 MRSA §4681, sub-§3**, as amended by PL 1991, c. 239, §3, is further amended to read:

**3. Merchandise.** “Merchandise” includes any objects, wares, goods, promises, commodities, intangibles, services or other things of value but does not include food, ~~except food sold by directly contacting the consumer in the consumer’s residence~~ or technical or vocational schools located outside of the State that are registered pursuant to Title 20-A, section 9501.

See title page for effective date.

---

## CHAPTER 751

H.P. 1541 - L.D. 2174

### An Act to Protect School Students from Potential Harm

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

**Sec. 1. 29 MRSA §1312-D, sub-§12** is enacted to read:

**12. Suspension or revocation of school bus operator endorsement.** The Secretary of State shall:

A. Permanently revoke the school bus operator endorsement of any person convicted for a violation of section 1312-B who operated a school or private school activity bus during the commission of the offense;

B. Suspend for a period of at least 3 years the school bus operator endorsement of any person convicted for a first violation of section 1312-B. The person whose school bus operator endorsement has been suspended for a first violation of section 1312-B may petition the Secretary of State to restore the endorsement after one year of the suspension has been completed. The petition must include a recommendation from the school superintendent that the endorsement be restored. The Secretary of State may grant the petition with any

conditions, restrictions or terms determined to be in the interest of highway safety; or

C. Suspend for a period of at least 6 years the school bus operator endorsement of any person convicted of a 2nd or subsequent violation of section 1312-B within a 6-year period as defined by section 1312-B, subsection 2, paragraphs F and G.

This subsection applies to offenses that occur after the effective date of this subsection.

**Sec. 2. 29 MRSA §2013, sub-§3** is enacted to read:

**3. Current endorsement holders.** The Secretary of State shall suspend or revoke a school operator’s endorsement as provided in section 1312-D, subsection 12.

See title page for effective date.

---

## CHAPTER 752

S.P. 833 - L.D. 2137

### An Act to Amend the Definition of Ambulatory Surgical Facilities

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

**Sec. 1. 22 MRSA §1812-E**, as enacted by PL 1989, c. 572, §2, is amended to read:

**§1812-E. Ambulatory surgical facility**

**1. Definition.** As used in this chapter, unless the context otherwise indicates, “ambulatory surgical facility” has the same meaning as in section 303 means a facility with a primary purpose of providing elective surgical care to a patient who is admitted to and discharged from the facility within the same day. In order to meet this primary purpose, a facility must at least administer anesthetic agents, maintain a sterile environment in a surgical suite and charge a facility fee separate from the professional fee. “Ambulatory surgical facility” does not include:

- A. A facility that is licensed as part of a hospital;
- B. A facility that provides services or accommodations for patients who stay overnight;
- C. A facility existing for the primary purpose of performing terminations of pregnancies; or
- D. The private office of a physician or dentist in individual or group practice, unless that facility or