

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

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

1. Composition. The ~~client~~ government ~~shall~~ of the persons receiving services must be composed of residents elected by other residents and staff advisors skilled in the administration of community organizations.

2. Duties. The ~~client~~ government of the persons receiving services shall work closely with the bureau and the Office of Advocacy to promote the interests and welfare of all residents in the facility.

Sec. 13. 34-B MRSA §5609, as amended by PL 1989, c. 328, is further amended to read:

§5609. Habilitation and vocational rehabilitation services

1. Habilitation services. The Department of Mental Health and Mental Retardation, through the Bureau of Mental Retardation, and the Department of Human Services, through the Bureau of Rehabilitation, shall provide, to the extent of the resources available, for those habilitation and vocational rehabilitation services, defined in Title 22, section 3054, subsection 8, and any other service, including, but not limited to, supported employment including work in rehabilitation facilities and work centers, as defined in Title 5, chapter 155, subchapter II; job coaching; transportation, recreational and leisure services; and respite or day programs designed in consultation with an interdisciplinary team, ~~as defined in section 5461, subsection 7~~, in order to make available to clients persons receiving services, ~~as defined in section 5461, subsection 2~~; those services that are otherwise not obtainable, in the following order of priority:

A. Those clients persons receiving services who are living at home or in unsubsidized foster care who are between the ages of 20 and 26 and are not receiving any day program; and

B. All other clients persons receiving services who are between the ages of 20 and 26 and are not receiving an appropriate day program.

~~C. All clients served under this program prior to their 26th birthday shall be allowed to continue to receive services through the voucher system established by subsection 2.~~

All persons receiving services who are served under this program prior to their 26th birthday must be allowed to continue to receive services through the voucher system established by subsection 2.

For purposes of this section, an interdisciplinary team ~~shall include~~ includes the client person receiving services and a member of the client's person's family or the client's guardian of the person receiving services.

2. Payment for service. The Bureau of Mental Retardation shall establish a voucher system to allow the interdisciplinary team to incorporate only those services ~~deemed~~ determined critical and otherwise unavailable

into a program, including work, habilitation and other services designated in subsection 1, when appropriate. The bureau shall establish a limit on the amount of transitional services available to clients persons receiving services eligible for services under this section.

3. Rules. The Bureau of Mental Retardation shall ~~promulgate~~ adopt rules in accordance with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~; to establish a transitional program under subsections 1 and 2.

See title page for effective date.

CHAPTER 327

S.P. 214 - L.D. 685

An Act to Amend the Maine Human Rights Act to Include Provisions Concerning Employment Discrimination

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

Sec. 1. 5 MRSA §4552, as amended by PL 1991, c. 99, §1, is further amended to read:

§4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, physical or mental disability, religion, ancestry or national origin; and in employment, discrimination on account of age or because of the previous assertion of a claim or right under former Title 39 or Title 39-A and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental disability.

Sec. 2. 5 MRSA §4612, sub-§6 is enacted to read:

6. Right to sue. If within 180 days of a complaint being filed by the commission the commission has not filed a civil action in the case or has not entered into a conciliation agreement in the case, the complainant may request a right-to-sue letter, and, if a letter is given, the commission shall end its investigation.

Sec. 3. 5 MRSA §4622, sub-§1, ¶¶A and B, as enacted by PL 1981, c. 255, §4, are amended to read:

- A. Dismissed the case under section 4612, subsection 2; or
- B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; or

Sec. 4. 5 MRSA §4622, sub-§1, ¶C is enacted to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C.

See title page for effective date.

CHAPTER 328

H.P. 861 - L.D. 1170

An Act Regarding the Department of Environmental Protection Rulemaking

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

Sec. 1. 38 MRSA §341-D, sub-§1, as amended by PL 1991, c. 804, Pt. A, §1, is further amended to read:

1. Rulemaking. Subject to the Maine Administrative Procedure Act, the board shall adopt, amend or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering. The board shall also adopt, amend and repeal rules as necessary for the conduct of its business.

~~If a comment is received during the hearing process on any rule proposed by the board regarding a specific provision in the rule that imposes a regulatory burden more stringent than the burden that would be imposed by the adoption of a federal minimum standard, the board shall respond to that comment in the basis statement of the adopted rule.~~

The department shall identify in its regulatory agenda, where feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than the federal standard, if an applicable federal standard exists.

During the consideration of any proposed rule by the board, where feasible, and using information available to it, the department shall identify provisions of the proposed rule that the department believes would impose a

regulatory burden more stringent than the burden imposed by the federal standard, if such a federal standard exists, and shall explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal standard.

See title page for effective date.

CHAPTER 329

S.P. 241 - L.D. 734

An Act to Ensure Compliance with Existing Energy Efficiency Building Standards

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

Sec. 1. 10 MRSA §1415-H is enacted to read:

§1415-H. Certification of compliance

The following provisions apply to new construction of a commercial or institutional building, other than a building constructed or owned by a local unit of government, undertaken after the effective date of this section. For purposes of this section, the term "local unit of government" has the same meaning as the term used in the Constitution of Maine, Article IX, Section 21 and any implementing legislation.

1. Certification. Before installing permanent service to a commercial or institutional building, an electric utility, as defined in Title 35-A, section 102, shall obtain from the owner of the building or from the owner's legal agent, on a form provided by the utility, a signed certification that the building complies with the requirements of section 1415-D. A copy of the signed certification must be provided by the electric utility to the Department of Economic and Community Development, Energy Conservation Division or a successor agency charged with administering energy building standards.

2. Form. The Commissioner of Economic and Community Development shall develop a model certification form to be used by electric utilities under subsection 1.

3. Fee. An electric utility may charge a reasonable fee to cover its costs of processing certificates under this section.

4. Penalties. An electric utility that knowingly violates subsection 1 commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 must be adjudged. An owner of a building who falsely certifies that a building complies with the standards established under section 1415-D commits a civil violation for which a forfeiture of not less than \$100 and not more