

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

- A. A cosmetology ~~apprentice~~ trainee registration expires 18 months from date of issuance.
- B. A barber ~~apprentice~~ trainee registration expires 18 months from date of issuance.
- C. A manicurist ~~apprentice~~ trainee registration expires 6 months from date of issuance.
- D. An aesthetician ~~apprentice~~ trainee registration expires 12 months from date of issuance.

The board shall furnish to each registered ~~apprentice~~ an apprentice trainee a trainee registration. ~~An apprentice~~ A trainee registration is renewable upon payment of the registration fee. The registration must be displayed as provided for licenses in section 14235. The term "~~apprentice~~" "trainee" must appear in conspicuous print upon the registration. To obtain a license, ~~an apprentice~~ a trainee, upon completion of the required training in accordance with this chapter, must file application for examination at the next examination held by the board.

2. Filing with the board. Before beginning ~~an apprenticeship training~~, ~~an apprentice~~ a trainee must file with the board:

- A. The employer's name, shop name and address;
- B. The date that the ~~apprenticeship~~ training will begin;
- C. The type of ~~apprenticeship~~ training, such as cosmetology, barbering, manicuring or aesthetics;
- D. Evidence of age; and
- E. Evidence of satisfactory completion of the 10th grade or its equivalent.

~~Apprentices~~ Trainees who change their place of employment must notify the board, within 5 days of the change, of the name and place of business of the new employer and the date of the change.

3. Courses of instruction. ~~An apprentice~~ A trainee may take courses of instruction in a licensed school without having to register as a student as provided in this chapter. Hours or time accumulated in a school may not be combined with the required ~~apprenticeship~~ training hours and time.

Sec. B-24. 32 MRSA §14238, sub-§1, ¶C, as enacted by PL 1991, c. 397, §6, is amended to read:

- C. For ~~an apprentice~~ a trainee registration, \$25;

Sec. B-25. Use of the term "apprenticeship." A committee composed of 3 members representing and appointed by the State Apprenticeship and Training Council and 3 members representing the Maine Youth Apprenticeship Program appointed by the President of the Maine Technical College System is established to consider the need for developing standards for the use of the term "apprenticeship" in describing training and education programs in the State. The committee shall report its recommendations and any necessary legislation to the joint standing committee of the Legislature having jurisdiction over labor matters by December 1, 1994.

See title page for effective date.

CHAPTER 631

H.P. 1381 - L.D. 1868

An Act to Clarify and Expand the Driver Education and Evaluation Programs in the State

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

Sec. 1. 5 MRSA §12004-G, sub-§15-A, as repealed by T. 5, §20078, sub-§8, is reenacted to read:

<u>15-A.</u>	<u>Driver</u>	<u>\$75/Day</u>	<u>5 MRSA</u>
<u>Substance</u>	<u>Education</u>		<u>§20078-A</u>
<u>Abuse</u>	<u>and Evaluation</u>		
	<u>Programs</u>		
	<u>Appeals</u>		
	<u>Board</u>		

Sec. 2. 5 MRSA §20071, sub-§1, as enacted by PL 1991, c. 601, §28, is amended to read:

1. Alcohol-related or other drug-related motor vehicle incident. "Alcohol-related or other drug-related motor vehicle incident" means a conviction or administrative action resulting in the suspension of a motor vehicle operator's license for a violation under Title 29, section 1311-A; Title 29, former section 1312, subsection 10-A; Title 29, former section 1312-B; Title 29, former section 1312-C; Title 29, section 1312-B; ~~or Title 29, section 1313-B;~~ Title 29, section 2241, subsection 1, paragraph N; Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2); or Title 29, section 2241-J.

Sec. 3. 5 MRSA §20071, sub-§4-B, ¶¶C and D, as enacted by PL 1991, c. 622, Pt. Y, §2, are amended to read:

- C. Eluded or attempted to elude an officer, as defined in Title 29, section 2501-A, subsection

3, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more; ~~or~~

D. Failed to submit to a chemical test for the determination of that person's blood-alcohol level, at the request of a law enforcement officer on the occasion that resulted in the conviction; ~~or~~

Sec. 4. 5 MRSA §20071, sub-§4-B, ¶E is enacted to read:

E. Had a blood or urine test that indicated the presence of a scheduled drug as defined in Title 17-A, section 1101, subsection 11.

Sec. 5. 5 MRSA §20073-A, sub-§1, as enacted by PL 1991, c. 622, Pt. Y, §5, is amended to read:

1. First offenders; adult. The Office of Substance Abuse program required for clients without a previous alcohol-related or drug-related motor vehicle offense and without an offense with aggravating factors as defined in section 20071, subsection 4-B, consists of a 1/2-hour to one-hour educational session on the effects of alcohol and other drugs and an alcohol and other drug assessment. The evaluation and treatment components may be recommended.

Sec. 6. 5 MRSA §20073-A, sub-§2-A is enacted to read:

2-A. First offenders under 21 years of age who have reached 23 years of age. If a person was a first offender under 21 years of age but has reached 23 years of age at the time of registration for the Driver Education and Evaluation Programs, that person's preliminary assessment must be through the first offender adult program. That person may be referred for further evaluation as a result of the preliminary assessment and may be referred to treatment as a result of that evaluation. The fee for the preliminary assessment is the same as the fee for the first offender adult as set in section 20076-A, subsection 1. The cost of evaluation and the treatment, if necessary, is the responsibility of the client.

Sec. 7. 5 MRSA §20078-A is enacted to read:

§20078-A. Board of appeals

The Driver Education and Evaluation Programs Appeals Board, established in section 12004-G, subsection 15-A, is referred to as the "board" in this subchapter and is governed by this section.

1. Qualifications. Each member of the board must have training, education, experience and dem-

onstrated ability in successfully treating clients who have substance abuse problems. Board members may not hold a current certificate to provide driver education, evaluation and treatment services during their terms of appointment.

2. Appointment; term; removal. The board consists of 3 members appointed by the Governor for 2-year terms; initially, however, 2 members are appointed for 2-year terms and one member for a one-year term. A vacancy occurring prior to the expiration of a term must be filled by appointment for the unexpired term. Members may be removed by the Governor for cause.

3. Facilities; staff. The director shall provide staff support and adequate facilities for the board.

4. Chair; rules. The board shall elect annually a chair from its members. The director shall adopt rules to carry out the purposes of this section.

5. Compensation. Each member of the board is entitled to compensation in accordance with chapter 379.

6. Appeal from decision. A client of Driver Education and Evaluation Programs may appeal to the board as follows.

A. The client may appeal a failure to certify completion of treatment pursuant to section 20072, subsection 2.

B. The client may appeal an evaluation decision referring the client to treatment or a completion of treatment decision pursuant to section 20073-A. A client may appeal under this paragraph only after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment.

7. Appeal procedure and action. An appeal is heard and decided by one board member. The board may affirm or reverse the decision of the treatment provider or agency, require further evaluation, make a finding of completion of treatment or make an alternate recommendation. The board, after due consideration, shall make a written decision and transmit that decision to the Driver Education and Evaluation Programs and the client who appealed the case. The decision of the board is final agency action for purposes of judicial review pursuant to chapter 375, subchapter VII.

Sec. 8. 29 MRSA §1312-D, sub-§2-A, as corrected by RR 1991, c. 2, §110, is amended to read:

2-A. Special licenses for Driver Education and Evaluation Programs participants. Following the expiration of the total period of suspension im-

posed on a first-time offender pursuant to Title 15, section 3314 or section 1312-B, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program as set out in Title 5, section 20073-A. First offenders with an aggravated offense as defined in Title 5, section 20071, subsection 4-B are entitled to receive a special license after completion of the evaluation provided by the Office of Substance Abuse. First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of a minimum of 3 treatment sessions provided by a counselor or agency approved by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

See title page for effective date.

CHAPTER 632

S.P. 690 - L.D. 1876

An Act Concerning Municipally Owned and Operated Solid Waste Incinerators

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

Sec. 1. 38 MRSA §352, sub-§5-A, in that part designated "TABLE II" related to "Title 38, SECTION 1310-N," paragraph B is repealed and the following enacted in its place:

B. Incineration facilities

<u>1. New or expanded for the acceptance of municipal or special wastes, or both</u>	<u>3,500</u>	<u>5,000</u>
<u>2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less</u>	<u>3,500</u>	<u>1,000</u>

Sec. 2. 38 MRSA §352, sub-§5-B, in that part designated "TABLE II" related to "Title 38, SECTION 1304," paragraph I is enacted to read:

<u>I. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less</u>	<u>3,500</u>	<u>1,000</u>
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Sec. 3. Retroactivity. This Act takes effect retroactively to July 1, 1993.

See title page for effective date.

CHAPTER 633

S.P. 693 - L.D. 1879

An Act to Enhance the Effectiveness of the Office of the Public Advocate

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

Sec. 1. 35-A MRSA §116, sub-§8, ¶C, as enacted by PL 1991, c. 591, Pt. CC, §2, is repealed.

Sec. 2. 35-A MRSA §116, sub-§8, ¶C-1 is enacted to read:

C-1. Except as specified in this subsection, funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but unexpended funds in excess of 10% of the total annual assessment authorized in this section must, at the option of the Public Advocate, either be presented to the Legislature in accordance with paragraph A for reallocation and expenditure or used to reduce the utility assessment in the following fiscal year.

Sec. 3. Retroactivity. This Act applies retroactively to June 30, 1994.

See title page for effective date.

CHAPTER 634

S.P. 701 - L.D. 1899

An Act to Require Risk-based Capital Standards and Standard Valuation to Ensure Continued Accreditation for the Bureau of Insurance

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