

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

**Sec. 1. 32 MRSA §1102, sub-§5**, as amended by PL 1991, c. 531, §1, is further amended to read:

**5. Oil burner technicians.** Any person duly licensed under chapter 33 subject to the restrictions of the license as issued; ~~or~~

**Sec. 2. 32 MRSA §1102, sub-§6**, as amended by PL 1991, c. 531, §2, is further amended to read:

**6. Elevator mechanics.** Any person licensed under Title 26, sections 484 to 487 subject to the restrictions of the license as issued; ~~;~~

**Sec. 3. 32 MRSA §1102, sub-§8**, as enacted by PL 1993, c. 659, Pt. A, §2, is amended to read:

**8. Gas installers.** A person duly licensed under chapter 33 or chapter 49 when installing natural gas utilization equipment, subject to the restrictions of that person's license; ~~;~~

**Sec. 4. 32 MRSA §1102, sub-§§9 and 10** are enacted to read:

**9. Plumbers.** A person licensed under chapter 49, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps and water heaters of the same or smaller size in residential properties; or

**10. Pump installers.** A person licensed under chapter 69-C, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps of the same or smaller size in residential properties.

See title page for effective date.

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**CHAPTER 115**

**S.P. 213 - L.D. 555**

**An Act to Increase the Time Period for Veterans Serving in Desert Storm Recognized in the Veterans Preference Program**

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

**Sec. 1. 5 MRSA §7054, sub-§1, ¶D**, as amended by PL 1993, c. 427, §1, is further amended to read:

D. "War, campaign or expedition" means any of the following periods:

- (1) April 6, 1917 to November 10, 1918;
- (2) December 7, 1941 to September 1, 1945;
- (3) June 27, 1950 to January 31, 1955;
- (4) August 5, 1964 to May 7, 1975; and
- (5) August 7, 1990 to ~~April 11~~ August 7, 1991.

See title page for effective date.

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**CHAPTER 116**

**S.P. 163 - L.D. 424**

**An Act Concerning Juveniles Hunting without Adult Supervision**

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

**Sec. 1. 12 MRSA §7406, sub-§21** is enacted to read:

**21. Allowing a junior hunter to hunt without adult supervision.** A person is guilty of allowing a junior hunter to hunt without adult supervision if that person, who is the adult supervisor, parent or guardian of a holder of a junior hunting license under the age of 16, allows that junior hunter to hunt other than in the presence of, and under the supervision of, an adult.

See title page for effective date.

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**CHAPTER 117**

**H.P. 835 - L.D. 1166**

**An Act to Provide for Certain Amendments to Laws Affecting the Finance Authority of Maine**

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

**Whereas**, this legislation in part corrects an unintended sunset of authority of the Finance Authority of Maine to oversee and administer student financial assistance programs; and

**Whereas**, there is an immediate need for assistance to the many students who rely on the student financial assistance programs to access the financing they need to pursue educational opportunities; and

**Whereas**, there is an immediate need to correct the law to make it clear that money from the Economic Recovery Program Fund may be used for the Capital Access Program; and

**Whereas**, there is an immediate need to recruit more teachers and to create additional incentives for primary care physicians to practice in this State; and

**Whereas**, this legislation will preserve and create job opportunities and increase the number of primary care physicians and teachers in this State; 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:**

#### PART A

**Sec. A-1. 1 MRSA §2501, sub-§10**, as enacted by PL 1989, c. 698, §§1 and 76, is repealed.

**Sec. A-2. Retroactivity.** This Part applies retroactively to June 30, 1992.

#### PART B

**Sec. B-1. 10 MRSA §1023-I, sub-§3**, as amended by PL 1993, c. 722, Pt. B, §1 and affected by §3, is further amended to read:

**3. Application of the fund.** Money in the fund, except money in the 1994 Bond Proceeds Account, may be applied to carry out any power of the authority under or in connection with section 1026-J or to pay obligations incurred in connection with the fund. Money in the 1994 Bond Proceeds Account may be applied to carry out any power of the authority under or in connection with section 1026-J or ~~1026-K~~ 1026-L or to pay obligations incurred in connection with the fund. Money in the fund not needed currently to meet the obligations of the authority as provided in this section may be invested in a manner permitted by law.

**Sec. B-2. Retroactivity.** This Part applies retroactively to July 14, 1994.

#### PART C

**Sec. C-1. 10 MRSA §971**, as amended by PL 1985, c. 714, §8, is further amended to read:

#### §971. Actions of the members

Seven members of the authority ~~shall~~ constitute a quorum of the members. The affirmative vote of the greater of 5 members, present and voting, or a majority of those members present and voting ~~shall be~~ is necessary for any action taken by the members. No vacancy in the membership of the authority may impair the right of the quorum to exercise all powers and perform all duties of the members.

Notwithstanding any other provision of law, in a situation determined by the chief executive officer to be an emergency requiring action of the members on not more than 3 days' oral notice, an emergency meeting of the members may be conducted by telephone in accordance with the following.

**1. Placement of call.** A conference call to the members must be placed by ordinary commercial means at an appointed time.

**2. Record of call.** The authority shall arrange for recordation of the conference call when appropriate and prepare minutes of the emergency meeting.

**3. Notice of emergency meeting.** Public notice of the emergency meeting must be given in accordance with Title 1, section 406 and that public notice must include the time of the meeting and the location of a telephone with a speakerphone attachment that enables all persons participating in the telephone meeting to be heard and understood and that is available for members of the public to hear the business conducted at the telephone meeting.

#### PART D

**Sec. D-1. 20-A MRSA §12101, sub-§8**, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is amended to read:

**8. Primary health care.** "Primary health care" means ~~the practice of~~ general or family ~~medicine~~ practice of medicine, general internal medicine, general pediatrics, general dentistry and obstetrics and gynecology.

**Sec. D-2. 20-A MRSA §12104, sub-§5, ¶A**, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is amended to read:

A. Upon completion of professional education the student shall repay the loan in accordance with the following schedule.

- (1) A loan recipient who does not obtain loan forgiveness pursuant to this section shall repay the entire principal portion of the loan plus simple interest at a rate to be determined by rule of the authority. Inter-

est does not begin to accrue until the loan recipient completes medical education, including residency and internship. The authority may establish differing interest rates to encourage loan recipients to practice primary health care medicine in the State.

(2) Primary health care physicians and dentists practicing in a designated health professional shortage area, any physician practicing in an underserved specialty or any physician providing services to a designated underserved group are forgiven the larger of 25% of the original outstanding indebtedness plus any accrued interest or \$7,500 for each year of practice.

Primary health care physicians and dentists practicing in the State, but not practicing in a designated health professional shortage area, are forgiven the larger of 12.5% of the original outstanding indebtedness plus any accrued interest or \$3,750 for each year of practice.

(3) Veterinarians providing services to Maine residents with insufficient veterinary services are forgiven the larger of 25% of the original outstanding indebtedness plus any accrued interest or \$7,500 for each year of practice.

(4) Any student ~~electing to complete~~ completing an entire residency at any ~~family practice~~ primary health care residency program in the State is forgiven 50% of the original outstanding indebtedness for each year of practice in a designated health professional shortage area ~~or~~, as a physician practicing in an underserved specialty or as a physician providing services to an underserved group or 25% of the original outstanding indebtedness for each year of primary health care practice in the State.

**Sec. D-3. Retroactivity.** This Part applies retroactively to January 1, 1993.

## PART E

**Sec. E-1. 20-A MRSA c. 428** is amended by repealing the chapter headnote and enacting the following in its place:

### CHAPTER 428

#### TEACHERS FOR MAINE PROGRAM

**Sec. E-2. 20-A MRSA §12501, sub-§1**, as amended by PL 1991, c. 553, §1, is further amended to read:

**1. Academic achievement.** "Academic achievement" ~~"Academic achievement"~~ means graduation in the top ~~42~~ 25% of the class for graduating high school seniors, or earning a grade point average of 3.0 or more, based on a 4.0 grade point system, or the equivalent, for currently enrolled college students and all other postsecondary applicants. Eligibility for applicants not currently enrolled must be based upon their most recent cumulative grade point average.

**Sec. E-3. 20-A MRSA §12501, sub-§6-B** is enacted to read:

**6-B. Teacher shortage area.** "Teacher shortage area" means a geographic region of the State for which there is an insufficient supply of teachers, as determined by the chief executive officer in consultation with the Commissioner of Education.

**Sec. E-4. 20-A MRSA §12501, sub-§7**, as enacted by PL 1983, c. 859, Pt. F, §§1 and 2, is amended to read:

**7. Underserved subject areas.** "Underserved subject areas" means those subjects or programs, required or authorized to be taught in the public schools for which there is an insufficient supply of teachers, as ~~may be determined by the commissioner, including but not limited to, special education, computer studies, science and math~~ chief executive officer in consultation with the Commissioner of Education.

**Sec. E-5. 20-A MRSA §12502**, as repealed and replaced by PL 1991, c. 664, §1, is amended to read:

#### **§12502. Teachers for Maine Program**

There is established the ~~Blaine House Scholars and Financial Assistance~~ Teachers for Maine Program to recognize graduates from Maine high schools or the equivalent who attain high academic achievement and to provide financial assistance to college students and, graduating high school seniors and students pursuing postbaccalaureate teacher certification who demonstrate an interest in pursuing a career in teaching in this State for postsecondary education and to teachers for advanced degree or continued study. The program recognizes outstanding graduating high school seniors, college students and students pursuing postbaccalaureate teacher certification ~~as described in section 12503 and disburses loans as described in section 12504.~~ The chief executive officer shall administer the program and shall establish by rule the rates of interest or fees to be charged.

**Sec. E-6. 20-A MRSA §12503**, as amended by PL 1991, c. 553, §4, is further amended to read:

**§12503. Teachers for Maine loan recipients**

Each year graduating high school seniors, college students and students pursuing postbaccalaureate teacher certification who show evidence of academic achievement ~~must~~ may be considered for recognition as ~~Blaine House scholars~~ Teachers for Maine loan recipients. ~~Nominations and applications~~ Applications must be submitted to the chief executive officer at a time and in a format to be determined by rule of the chief executive officer.

The Governor, after consultation with the chief executive officer, shall announce the names of those individuals selected by the chief executive officer to be ~~Blaine House scholars~~ Teachers for Maine loan recipients.

**Sec. E-7. 20-A MRSA §12504**, as amended by PL 1991, c. 553, §5, is further amended to read:

**§12504. Allocation of funds**

~~Funds available under this chapter must be allocated as follows: up to 50% for Blaine House scholars entering preservice; up to 25% for teachers engaged in graduate study or continuing education; up to 25% for Blaine House scholars not entering preservice; and up to 15% for Blaine House scholars who are students pursuing postbaccalaureate teacher certification.~~

The chief executive officer shall establish by rule the allocation of funds available under this chapter.

Loans of up to \$1,500 per academic year or \$6,000 total may be made to eligible ~~individuals~~ teachers engaged in graduate study or continuing education and students pursuing postbaccalaureate teacher certification. Loans of up to \$3,000 per academic year or \$12,000 total may be made to eligible graduating high school seniors and college students. ~~Individuals~~ An individual who have has received a ~~Blaine House scholars~~ Teachers for Maine loan or a Blaine House Scholars Program loan as an undergraduate a graduating high school senior or as a college student may also receive a loan for students pursuing postbaccalaureate teacher certification or as a loan for teachers teacher engaged in graduate education or continuing education. In no event may an individual receive more than ~~\$12,000~~ \$18,000 in total. Loans for undergraduate students and postbaccalaureate recipients are for one academic year and are automatically renewed if the recipient maintains a grade point average of 2.5 based on a 4.0 grade point system or the equivalent. Loans for teachers are automatically renewable only if the applicant is

pursuing a continuing course of study approved at the time of the initial application.

An eligible individual who has received a loan as a student pursuing postbaccalaureate teacher certification may subsequently receive a loan as a teacher engaged in graduate study or continuing education, including undergraduate courses. However, in no event may an individual receive ~~Blaine House Teachers for Maine loans or Blaine House Scholars Program loans~~ totaling more than \$6,000 ~~for students pursuing postbaccalaureate teacher certification and teachers engaged in graduate education or continuing education.~~

**Sec. E-8. 20-A MRSA §12505, sub-§1**, as amended by PL 1991, c. 553, §6, is further amended to read:

**1. Eligibility for postsecondary education loans.** A postsecondary education loan may be given only to a high school graduate, or the equivalent, who is a resident of the State, who has been recognized as a ~~Blaine House scholar~~ Teachers for Maine loan recipient and who has met other eligibility criteria established by rule of the authority. Preference must be given to students enrolled in a program ~~which that~~ has been determined to be an underserved subject area.

**Sec. E-9. 20-A MRSA §12507**, as amended by PL 1991, c. 664, §2, is further amended to read:

**§12507. Repayment and return service provisions; preservice teacher preparation**

Each ~~recipient of~~ graduating high school senior or college student who receives a loan may cancel the total amount of the loan by completing ~~4 years~~ one year of return services in the public schools or private schools approved for tuition purposes in the State for each year the individual receives a loan. The ~~repayment period shall be 2 years~~ return service requirement is one year for every 2 years or less that the individual receives a loan if return service is performed in underserved subject areas or in geographically isolated teacher shortage areas as determined by the commissioner. ~~Return service may also cancel the loan on a proportional basis, reducing the total amount of the debt by 25% for each year of return service.~~ Return service for this purpose ~~shall~~ must be performed within 5 years of graduation from the institution of higher education. If the chief executive officer grants a deferment, the time period for performance of return service may be extended for the same period as the deferment. Return service may not be credited for the same semester for which an individual receives a loan pursuant to this chapter. Failure to fulfill the return service option ~~will necessitate~~ necessitates repayment to the authority as follows.

**1. Debt calculation.** The debt ~~shall~~ must include ~~the~~ total amount of the loan less the amount, if any, ~~which that~~ has been cancelled by return service.

**2. Time for repayment.** The total debt must be repaid to the authority within ~~5~~ 10 years of graduation from the institution of higher education according to a schedule established by the chief executive officer. Due dates for repayments are set by the chief executive officer ~~and may be extended for the same period of any deferment granted by the chief executive officer.~~

**3. Deferment.** A recipient of a loan may seek a deferment of the annual payments for a period or periods as established by rule of the authority. A request for deferment must be made to the chief executive officer who shall make a determination on a case-by-case basis. The chief executive officer may grant a deferment in the event that a recipient of a loan evidences intent to teach and inability to secure employment necessary to obtain forgiveness of the loan at the time the deferment is sought. The chief executive officer shall require certification of ~~such the~~ intent annually and ~~shall~~ grant a one-year deferment for each successful request for deferment. A recipient may not receive ~~no~~ more than 5 one-year deferments. The decision of the chief executive officer is final.

**Sec. E-10. 20-A MRSA §12508**, as amended by PL 1991, c. 664, §3, is further amended to read:

**§12508. Repayment and return service provisions - loans for teachers and students pursuing postbaccalaureate teacher certification**

Each recipient of a loan designated for teachers pursuing graduate study or continuing education or for students pursuing postbaccalaureate teacher certification may cancel the total amount of the loan by completing ~~2 years~~ one year of return service for each year a loan is received in the public schools or private schools approved for tuition purposes in the State. The ~~repayment period~~ return service requirement is one year of return service for 2 loans received if return service is performed in underserved subject areas or in ~~geographically isolated teacher shortage areas as determined by the commissioner.~~ Return service may also cancel the loan on a proportional basis, reducing the total amount of the debt by 50% for each year of return service. Return service for this purpose must be performed within 3 years of graduation from the institution of higher education or completion of the course or courses for which the funds were given. In no event may return service be credited for the same semester for which an individual receives a loan pursuant to this chapter. An individual receiving loan forgiveness for a loan for a teacher pursuing graduate study or continuing education or a postbaccalaureate teacher certification loan may not receive loan

forgiveness for any undergraduate loan simultaneously. If the chief executive officer grants a deferment, the time period for performance of return service may be extended for the same period as the deferment. Failure to fulfill the return service option will necessitate repayment to the authority as follows.

**1. Debt calculation.** The debt must include the total amount of the loan less the amount, if any, that has been canceled by return service.

**2. Time for repayment.** The total debt must be repaid to the authority within 3 years of graduation from the institution of higher education or courses for which the funds were given or within 3 years of repayment of any other loans made pursuant to this chapter. If the chief executive officer grants a deferment, the time period may be extended up to the period of the deferment. A repayment schedule including due dates must be set by the chief executive officer.

**3. Deferment.** A recipient of a loan may seek a deferment of the annual payments for a period or periods as established by the chief executive officer who shall make a determination on a case-by-case basis. The chief executive officer may grant a deferment in the event that a recipient of a loan evidences intent to teach and inability to secure employment necessary to obtain forgiveness of the loan at the time the deferment is sought. The chief executive officer shall require certification of ~~such the~~ intent annually and ~~shall~~ grant a one-year deferment for each successful request for deferment. A recipient may not receive ~~no~~ more than 5 one-year deferments. The decision of the chief executive officer is final.

**Sec. E-11. 20-A MRSA §12509**, as amended by PL 1993, c. 410, Pt. EEEE, §4, is further amended to read:

**§12509. Nonlapsing revolving fund**

The ~~Blaine House Scholars Fund~~ Teachers for Maine fund is created under the jurisdiction of the authority as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. Any unexpended balance in the Teachers for Maine fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the ~~fund funds~~, money from gifts, grants, bequests, loans, including loans obtained pursuant to chapter 417-B, and donations, in addition to money appropriated or allocated by the State. Loan repayments under this section or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance

administrative costs incurred by the authority as determined appropriate by the authority.

**Sec. E-12. Transition.** The Teachers for Maine fund established in the Maine Revised Statutes, Title 20-A, section 12509 is the successor to the Blaine House Scholars Fund. The fund may be used to provide renewal loans to individuals who received a Blaine House scholars loan and are eligible for renewal of that loan under law in effect at the time the loan was made. Any unexpended balance in the Blaine House Scholars Fund must be carried over for use in the Teachers for Maine fund and repayments required to be made to the Blaine House Scholars Fund must be made to the Teachers for Maine fund.

**Sec. E-13. Application.** This Part applies only to individuals receiving a first loan in any category on or after January 1, 1996. This Part does not apply to applications for renewals of loans, which are governed by the law in effect when the initial loan was granted.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 17, 1995.

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**CHAPTER 118**

**H.P. 626 - L.D. 851**

**An Act to Conform the Maine Tax Laws for 1994 with the United States Internal Revenue Code**

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

**Whereas,** the 90-day period would delay the processing of 1994 income tax returns; and

**Whereas,** legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state tax laws; 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. 36 MRSA §111, sub-§1-A,** as amended by PL 1993, c. 504, §1 and affected by §2, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1993~~ 1994.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 1994.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 17, 1995.

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**CHAPTER 119**

**S.P. 290 - L.D. 788**

**An Act to Amend the Purchasing Laws**

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

**Sec. 1. 5 MRSA §1825-B, sub-§2, ¶B,** as amended by PL 1991, c. 780, Pt. Y, §70, is further amended to read:

B. The Director of the Bureau of General Services is authorized by the Governor or the Governor's designee to make purchases without competitive bidding because in the opinion of the Governor or the Governor's designee an emergency exists that requires the immediate procurement of goods or services;

**Sec. 2. 5 MRSA §1825-B, sub-§2, ¶E,** as enacted by PL 1989, c. 785, §2, is amended to read:

E. The purchase is part of a cooperative project between the State and the University of Maine System involving:

- (1) An activity assisting a state agency and enhancing the ability of the university system to fulfill its mission of teaching, research and public service; and
- (2) A sharing of project responsibilities and, when appropriate, costs; ~~or~~

**Sec. 3. 5 MRSA §1825-B, sub-§2, ¶F,** as amended by PL 1991, c. 780, Pt. Y, §70, is further amended to read:

F. The procurement of goods or services involves expenditures of \$2,500 or less, in which case the Director of the Bureau of General Ser-