

# MAINE STATE LEGISLATURE

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

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

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**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**

handfishing, dragging, hand-raking and trapping pursuant to section 6749-W.

**4. Chair and officers.** The council shall annually choose one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.

**5. Meetings.** The council shall meet at least once each year. The council may also meet at other times at the call of the chair or the chair's designee or the call of the commissioner or the commissioner's designee.

**§6749-Y. Penalty**

Notwithstanding section 6204, a person who violates or fails to comply with this subchapter commits a Class D crime that is punishable by a fine of not less than \$500. The fine may not be suspended.

**§6749-Z. Changing zones; 1997 and 1998**

**1. Authorization of changes.** Beginning in calendar year 1997, a person eligible to purchase a license under section 6749-O who wishes to change the zone in which the person harvests sea urchins may not change zones unless the change is authorized by the commissioner in accordance with this section.

**2. Zone change request on application.** A person eligible to purchase a license under section 6749-O who wishes to change the zone in which that person was licensed to harvest sea urchins in the previous calendar year must indicate on a sea urchin harvesting license application a preference to change the zone in which the person harvests sea urchins. The commissioner shall stamp each sea urchin harvesting license application with the time and date of submission.

**3. Conditions for authorization.** The commissioner shall authorize zone change requests for a zone if the number of licenses issued for that zone in the previous calendar year is less than the number of licenses issued for that zone in the year before the previous calendar year. The total number of authorized change requests for a zone during a licensing year may not exceed the number by which the number of licenses issued for that zone in the previous calendar year is less than the number of licenses issued for that zone in the year before the previous calendar year. The commissioner shall authorize zone change requests in chronological order of requests received under this section.

**Sec. 6. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6749-N and enact Title 12, sections 6749-V and 6749-W take effect May 1, 1996.

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

Effective April 2, 1996, unless otherwise indicated.

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**CHAPTER 596**

**S.P. 638 - L.D. 1673**

**An Act to Require the Department of Human Services to Provide Notice and Hearing in Cases Involving Denial of the Application of the Charity Care Guidelines**

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

**Sec. 1. 22 MRSA §395-B, sub-§1,** as enacted by PL 1995, c. 368, Pt. W, §4, is amended to read:

**1. Charity care guidelines.** The department shall adopt reasonable guidelines for policies to be adopted and implemented by hospitals with respect to the provision of health care services to patients who are determined unable to pay for the services received. The department shall adopt income guidelines that are consistent with the guidelines applicable to the Hill-Burton Program established under 42 United States Code, Section 291, et seq. (1988). The guidelines and policies must include the requirement that upon admission or, in cases of emergency admission, before discharge of a patient, hospitals must investigate the coverage of the patient by any insurance or state or federal programs of medical assistance. The guidelines must include provisions for notice to the public and the opportunity for a fair hearing regarding eligibility for charity care.

See title page for effective date.

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**CHAPTER 597**

**H.P. 1265 - L.D. 1740**

**An Act to Exempt Working Rural Mail Carriers and Taxicab Operators from Certain Provisions of the Seat Belt Law**

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

**Sec. 1. 29-A MRSA §2081, sub-§3**, as repealed by PL 1995, c. 432, §1 and affected by §4, is reenacted to read:

**3. Person between 4 and 19.** When a person 4 years of age or older, but less than 19 years of age, is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt or in a child safety seat. When a person who is less than 19 years of age is the operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, that operator must be properly secured in a seat belt.

**Sec. 2. 29-A MRSA §2081, sub-§3-A**, as enacted by PL 1995, c. 432, §2 and affected by §4, is amended to read:

**3-A. Other passengers; operators.** When a person ~~4~~ 19 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt.

**Sec. 3. 29-A MRSA §2081, sub-§4**, as amended by PL 1995, c. 65, Pt. A, §107 and affected by §153 and Pt. C, §15 and amended by c. 432, §3 and affected by §4, is further amended to read:

**4. Enforcement.** The following provisions apply to subsections 2, 3 and 3-A.

A. The requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for 5 years.

B. A person against whom enforcement action has been taken may not be adjudicated to have committed a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

C. A violation of subsection 2 is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 by a parent or legal

guardian if the parent or legal guardian provides the court with satisfactory evidence that the parent or legal guardian has acquired a child safety seat for continuous use by the child within 30 days of the violation.

D. A violation of subsection 3 or 3-A is a traffic infraction. The fine for a violation of subsection 3 or 3-A may not be less than \$25 nor more than \$50.

E. Subsection 3-A may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another law. An operator is not subject to the penalty established in paragraph D unless the operator is required to pay a fine for the primary violation.

**Sec. 4. 29-A MRSA §2081, sub-§6** is enacted to read:

**6. Exceptions.** Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail; and

B. The operator of a taxicab is not responsible for securing in a seat belt a passenger transported for a fee.

See title page for effective date.

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## CHAPTER 598

### H.P. 1253 - L.D. 1722

#### An Act to Develop the Maine Public Health Improvement Plan

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

#### PART A

**Sec. A-1. 22 MRSA §3-D** is enacted to read:

#### **§3-D. Maine Center for Public Health Practice**

The department may establish a nonprofit corporation pursuant to the Maine Nonprofit Corporation Act to be known as the Maine Center for Public Health Practice and referred to in this chapter as the "corporation." The purpose of the corporation is to plan, promote and coordinate health services research, training and policy efforts utilizing a consortium of public and private organizations within the State including the public university system. The corpora-