

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.

J.S. McCarthy Company
Augusta, Maine
1995

B. The recipient and the ~~original~~ spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the ~~original~~ spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

Sec. 4. 5 MRSA §18405-A, as enacted by PL 1991, c. 320, §2, is amended by repealing and replacing the headnote to read:

§18405-A. Divorce

Sec. 5. 5 MRSA §18405-A, first ¶, as enacted by PL 1991, c. 320, §2, is amended to read:

If the recipient of a reduced service retirement benefit under section 18404, subsection 3, 4 or 5 is granted a divorce either after retirement or before a retirement beneficiary is named, the following provisions apply.

Sec. 6. 5 MRSA §18405-A, sub-§1, ¶¶A and B, as enacted by PL 1991, c. 320, §2, are amended to read:

A. The ~~original~~ spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 18404, subsection 3, 4 or 5; and

B. The recipient and the ~~original~~ spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the ~~original~~ spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

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

Effective April 2, 1996.

CHAPTER 605

H.P. 1299 - L.D. 1782

An Act to Create the Motor Carrier Training Advisory Board

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

Sec. 1. 5 MRSA §12004-I, sub-§80-A is enacted to read:

<u>80-A.</u>	<u>Motor</u>	<u>Not</u>	<u>29-A</u>
<u>Transport-</u>	<u>Carrier</u>	<u>Autho-</u>	<u>MRSA</u>
<u>ation: Motor</u>	<u>Training</u>	<u>rized</u>	<u>§1356</u>
<u>Carriers</u>	<u>Advisory</u>		
	<u>Board</u>		

Sec. 2. 29-A MRSA §1354, sub-§6, ¶A, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, the American Automobile Association, the Maine Highway Safety Commission, law enforcement agencies, the insurance industry, the motor carrier industry and a driver education teacher and instructor. The Technical Review Panel shall assist the Secretary of State in developing curriculum and teacher and instructor training and certification.

Sec. 3. 29-A MRSA §1356 is enacted to read:

§1356. Motor Carrier Training Advisory Board

The Motor Carrier Training Advisory Board, as established by Title 5, section 12004-I, subsection 80-A, is created as an advisory board within the Department of the Secretary of State.

1. Membership. The board consists of 11 members appointed to serve 3-year terms as follows:

A. Three members representing the trucking industry, appointed by the Secretary of State;

B. One member who owns 3 or fewer commercial motor vehicles and operates a commercial motor vehicle for a livelihood, appointed by the Secretary of State;

C. One member representing the applied technology centers and applied technology regions, appointed by the Commissioner of Education;

D. One member appointed by the President of the Maine Technical College System;

E. One member appointed by the Commissioner of Public Safety;

F. One member who has experience in motor carrier safety, appointed by the Secretary of State;

G. Two members of the general public, appointed by the Secretary of State; and

H. One member who is a member of the joint standing committee of the Legislature having jurisdiction over transportation matters, appointed jointly by the President of the Senate and the Speaker of the House of Representatives. This member may continue to serve on the board after that person's legislative term of office has expired.

2. Chair. The board shall elect a chair from among its members. The chair shall serve a one-year term.

3. Duties. The board shall:

A. Review the Secretary of State's minimum standards for continuing education and postsecondary instructor qualifications established in accordance with section 1354;

B. Monitor the availability and adequacy of commercial driver postsecondary technical and continuing education courses; and

C. Monitor the availability of block grants and other sources of financial aid that may be available to support commercial driver training and advise the appropriate state officials of those grants and funding sources.

4. Administrative support; expenses. Members serve without compensation or reimbursement for expenses. The Secretary of State shall provide necessary support services.

Sec. 4. Initial appointments. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1356, subsection 1, the terms of initial appointments for the Motor Carrier Training Advisory Board are as follows: three serve for one year, 4 serve for 2 years and 4 serve for 3 years. A person making an initial appointment to the Motor Carrier Training Advisory Board shall submit appointee names to the Secretary of State no later than September 1, 1996. The Secretary of State shall determine the initial term for each appointee.

See title page for effective date.

CHAPTER 606

H.P. 1326 - L.D. 1814

An Act Concerning the Treatment of Ocular Diseases by Optometrists

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

Sec. 1. 32 MRSA §2411, sub-§3, as repealed and replaced by PL 1995, c. 439, §3 and affected by §8, is amended to read:

3. Pharmaceutical agent. "Pharmaceutical agent" means any topical medicinal diagnostic and therapeutical substances for use in the diagnosis, cure, treatment or prevention of ~~glaucoma~~ ocular conditions and diseases, and ~~any topical oral~~ any topical oral medicinal diagnostic and therapeutical substances and quantities for use in the diagnosis, cure, treatment or prevention of ocular conditions and diseases ~~other than glaucoma~~ under section 2430, subsection 2.

Sec. 2. 32 MRSA §2415, as amended by PL 1993, c. 600, Pt. A, §144, is further amended to read:

§2415. Appointment; tenure; vacancies; removal

The State Board of Optometry, as established by Title 5, section 12004-A, subsection 28 and in this chapter called the "board," consists of 6 persons appointed by the Governor. Five of the appointees must have been resident optometrists engaged in the actual practice of optometry in this State for a period of at least 5 years prior to their appointment and ~~one~~ after the 1999 renewal they must hold advanced therapeutic licenses. One of the appointees must be a consumer member who is a resident of this State and has no pecuniary interest in optometry or in the merchandising of optical products. Appointment is for a term of 5 years. Appointments of members must comply with section 60. A member of the board may be removed from office for cause by the Governor. The board has a common seal.

Sec. 3. 32 MRSA §2417, sub-§6, as enacted by PL 1995, c. 439, §5 and affected by §8, is repealed.

Sec. 4. 32 MRSA §2419-A, as amended by PL 1993, c. 600, Pt. A, §150, is repealed.

Sec. 5. 32 MRSA §2420 is enacted to read:

§2420. Notification to Board of Commissioners of the Profession of Pharmacy

Every year at the completion of the license renewal cycle, the board shall provide to the Board of Commissioners of the Profession of Pharmacy a current listing of all licensees designating licensees