

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Whereas, the 90-day period would delay the processing of the 1996 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 taxes; 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 1995, c. 538, §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, ~~1995~~ 1996.

Sec. 2. 36 MRSA §5122, sub-§2, ¶B, as repealed and replaced by PL 1985, c. 506, Pt. A, §78, is further amended to read:

B. An amount equal to the taxpayer's federal new jobs credit or work opportunity credit as determined under the laws of the United States;

Sec. 3. Application. This Act applies to tax years beginning on or after January 1, 1996.

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

Effective April 25, 1997.

CHAPTER 128

H.P. 748 - L.D. 1025

An Act Concerning Licensing and Recertification of Licensed Counseling Professionals

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

Sec. 1. 32 MRSA §13860, sub-§2, as amended by PL 1989, c. 895, §16, is further amended to read:

2. Continuing education and supervision. The board, by rule, may establish continuing education and supervision requirements. Applicants for renewal of

license must show proof of satisfying the continuing education requirements set forth by the board. If a license lapses due to failure of the licensee to meet continuing education requirements, the licensee may renew the license upon completion of the required continuing education.

Sec. 2. 32 MRSA §13864 is enacted to read:

§13864. Inactive licenses

Any licensee, who does not perform any of the activities described in section 13851, subsection 8 and who wants to preserve the license while not engaged in any counseling activity, may surrender that license to the board for placement on inactive status. The board may place the license on inactive status only upon proper application by the licensee. During inactive status, the licensee must renew the license biennially, but is not required to meet the continuing education requirements under section 13860, subsection 2. The board shall adopt rules by which a license in an inactive status may be reactivated. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 129

H.P. 796 - L.D. 1084

An Act to Allow After-market Window Tinting of Multi-purpose Vehicles

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

Sec. 1. 29-A MRSA §1916, sub-§2, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. The provisions of subsection 1, paragraphs C and D do not apply to side windows behind the operator's seat or the rear window of the following motor vehicles, provided that the vehicle is equipped with 2 outside rear view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle:

- (1) A bus that transports passengers for hire;
- (2) A motor vehicle used to transport human remains by a funeral establishment, as described in Title 32, section 1501, or by a medical examiner, appointed pursuant to Title 22, section 3022 or 3023; ~~or~~

(3) A limousine that regularly transports passengers for hire, and has a carrying capacity of more than 6 passengers and whose owner is required to obtain an operating permit pursuant to section 552; and

(4) A multi-purpose vehicle.

Sec. 2. 29-A MRSA §1916, sub-§2-A is enacted to read:

2-A. Definition. For the purposes of this section a "multi-purpose vehicle" means a motor vehicle designed to carry 10 or fewer persons that is constructed by the manufacturer on a truck chassis or that is constructed with special features for occasional off-road operation and allowed unlimited tinting by the manufacturer. "Multi-purpose vehicle" includes vans, pick-ups and recreational vehicles but does not include station wagons, passenger car sedans and those vehicles restricted by the Federal Motor Vehicle Safety Standards.

See title page for effective date.

CHAPTER 130

H.P. 872 - L.D. 1189

An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program

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

Sec. 1. 26 MRSA §1197, sub-§8-A, as enacted by PL 1995, c. 665, Pt. DD, §3 and affected by §12, is repealed.

Sec. 2. 26 MRSA §1197, sub-§8-B is enacted to read:

8-B. Appeal of nonacceptance into a self-employment assistance program. All determinations under this section must be made in writing. A determination that an individual has not been accepted into a program approved by the commissioner that provides self-employment assistance activities may be appealed only as provided in this subsection.

A. A person who receives a determination of nonacceptance into a self-employment assistance program may obtain a review of that determination by a board appointed in accordance with rules adopted under subsection 9. Appeals to the board must be filed, in writing, within 15 calendar days after the determination is mailed to the individual's last known address. The period within which an appeal may be filed may be ex-

tended, for a period not to exceed an additional 15 calendar days, for good cause shown.

B. When an individual requests a review, the board shall promptly investigate and attempt to resolve the complaint informally. If the problem is not resolved to the complainant's satisfaction through this informal process, a hearing by an impartial hearing officer to review the board's decision must be scheduled and conducted in accordance with the Maine Administrative Procedure Act.

C. A person aggrieved by the decision of the hearing officer may appeal by commencing an action pursuant to Title 5, chapter 375, subchapter VII. The Commissioner of Labor must be made a defendant in any such appeal.

See title page for effective date.

CHAPTER 131

H.P. 901 - L.D. 1244

An Act to Clarify Part-time School Week for the Purpose of Enforcing Child Labor Laws in the State

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

Sec. 1. 26 MRSA §774, sub-§1, ¶B, as amended by PL 1993, c. 434, §3, is further amended to read:

B. More than 20 hours in any week when school is in session, except that the minor may work up to 8 hours on each day that an authorized school closure occurs up to a total of 28 hours in that week. In addition, the maximum weekly hours a minor may work is 50 hours during any week that the approved school calendar is less than 3 days or during the first or last week of the school calendar, regardless of how many days school is in session for the week. If requested, a school must provide verification of its closings to the minor's employer or the Department of Labor;

Sec. 2. 26 MRSA §774, sub-§6 is enacted to read:

6. In session. School is considered in session if the students are required to be in attendance by the school board pursuant to Title 20-A, chapter 211.

See title page for effective date.