

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

examination of the competitiveness of the Medicare supplement and nongroup lines of insurance; the impact, if any, of managed care on nonprofit hospital and medical service organization and health insurance rates for these lines; the impact, if any, of 1997 statutory changes affecting the rates of these lines; and the continued need for review of rate filings for these lines. By January 1, 2001, the Bureau of Insurance shall submit a report of the study, including recommendations and any necessary legislation regarding whether these statutes should be amended, to the joint standing committee of the Legislature having jurisdiction over insurance matters.

**Sec. 13. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

**1997-98**

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Bureau of Insurance**

|  |          |
|--|----------|
| All Other  | \$85,200 |
| Allocates funds for the costs of retaining certain consultants needed to conduct a required study. |          |

See title page for effective date.

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**CHAPTER 345**

**H.P. 870 - L.D. 1187**

**An Act to Improve the Transition of People with Disabilities from Children's to Adult Services**

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

**Sec. 1. 20-A MRSA §7258** is enacted to read:

**§7258. Transition to adult services**

**1. Attendance at pupil evaluation team meetings.** Annually, representatives from appropriate state service agencies, as determined by the pupil evaluation team of the school administrative unit, and in accordance with special education rules, shall designate a transition contact person to participate in transition planning for students with disabilities. The transition contact person shall attend pupil evaluation team meetings or provide relevant information to the

pupil evaluation team for transition planning purposes. This requirement applies to students with disabilities who have attained 16 years of age, or 14 years of age when determined by the pupil evaluation team to be appropriate.

**2. Documentation.** Annually, the transition planning team shall complete documentation that estimates the amount and type of anticipated services the pupil will require upon aging out or graduation and submit this annual documentation to the Department of Education. The department shall transmit the data to the appropriate state service agency.

**3. Budget.** State service agencies shall show evidence of having used the documentation completed pursuant to subsection 2 to develop their biennial budget beginning with the biennium ending June 30, 1999.

See title page for effective date.

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**CHAPTER 346**

**H.P. 9 - L.D. 6**

**An Act to Allow Certain County and Municipal Officials to Serve on the Maine Land Use Regulation Commission and the Board of Environmental Protection**

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

**Sec. 1. 12 MRSA §683, first ¶,** as amended by PL 1995, c. 3, §2, is further amended to read:

The Maine Land Use Regulation Commission, as established by Title 5, section 12004-D, subsection 1 to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission consists of 7 public members, none of whom may be state employees, who must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Legislature, for staggered 4-year terms. Among the public members, there must be 4 who must be knowledgeable in at least one of each of the following areas: commerce and industry; fisheries and wildlife; forestry; and conservation. Of the potential appointees to the commission, the Governor shall actively seek and give consideration to persons residing in or near the unorganized areas of the State and to persons residing on unorganized coastal islands. At least 2 members must be residents within

the commission's jurisdiction. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, a commissioner, official or employee from that county or municipality may not participate in that proceeding.

**Sec. 2. 38 MRSA §341-C, sub-§2**, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

**2. Qualifications and requirements.** Members of the board must be chosen to represent the broadest possible interest and experience that can be brought to bear on the administration and implementation of this Title and all other laws ~~which~~ the board is charged with administering. At least 4 members must be residents of the First Congressional District and at least 4 members must be residents of the Second Congressional District. The boundaries of the congressional districts are defined in Title 21-A, chapter 15. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the board. If a county or municipality is a participant in an adjudicatory proceeding before the board, a commissioner, official or employee from that county or municipality may not participate in that proceeding.

See title page for effective date.

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**CHAPTER 347**

**H.P. 135 - L.D. 177**

**An Act to Amend the Child Labor Laws as They Pertain to Employment of Minors 15 Years of Age**

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

**Sec. 1. 26 MRSA §773, 2nd ¶** is amended to read:

The provisions of this section pertaining to manufacturing establishments ~~shall do~~ not apply to minors ~~under 16~~ 15 years of age who are employed in retail establishments where any frozen dairy product or frozen dairy product mix or related food product is manufactured on the premises, regardless of trade name or brand or coined name.

**Sec. 2. 26 MRSA §773, 3rd ¶**, as amended by PL 1975, c. 238, §2, is further amended to read:

The provisions of this section pertaining to hotels ~~shall do~~ not apply to minors under 16 years of age who are employed in outdoor occupations on the grounds of a hotel or to minors 15 years of age who are employed in kitchens, dining rooms, lobbies and offices of a hotel. Minors 15 years of age are expressly prohibited from working in an area not listed as permitted and are expressly prohibited from performing room service, making deliveries of any sort to the hotel rooms or entering the hallways to those rooms.

**Sec. 3. 26 MRSA §773, last ¶**, as enacted by PL 1989, c. 520, §1, is repealed.

See title page for effective date.

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**CHAPTER 348**

**H.P. 244 - L.D. 308**

**An Act to Continue the Vendor's Tax for One Year by Delaying the Repeal Date**

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

**Sec. 1. 36 MRSA §4773**, as amended by PL 1995, c. 661, §1, is further amended to read:

**§4773. Repeal**

This chapter is repealed on November 1, ~~1997~~ 1998.

See title page for effective date.

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**CHAPTER 349**

**S.P. 110 - L.D. 389**

**An Act to Exclude from the Definition of "Employment" Services Provided by Lessees of Taxicabs**

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

**Sec. 1. 26 MRSA §1043, sub-§11, ¶F**, as corrected by RR 1995, c. 2, §62, is further amended by amending subparagraphs 38 and 39 to read:

(38) Services performed by a person licensed as a guide as required by Title 12, section 7311, as long as that employment is not subject to federal unemployment tax; ~~and~~