

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

last known address at least 30 days in advance of the expiration of ~~such~~ the license. Renewals are contingent upon evidence of participation in continuing professional education, such as attending professional meetings and regional ~~inservice~~ in-service programs, as determined by the board. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date ~~shall be~~ is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of the expiration.

Sec. 23. 32 MRSA §6030, as amended by PL 1983, c. 816, Pt. A, §37, is further amended to read:

§6030. Continuing professional education

The board shall require the applicant for license renewal to present evidence of ~~his~~ the applicant's satisfactory completion of continuing professional education in accordance with rules adopted by the board.

See title page for effective date.

CHAPTER 380

H.P. 1236 - L.D. 1753

An Act to Preserve the Solvency of the Unemployment Compensation Fund

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

Sec. 1. 26 MRSA §1191, sub-§2, as amended by PL 1995, c. 9, §2, is further amended to read:

2. Weekly benefit amount for total unemployment. Each eligible individual establishing a benefit year on or after October 1, 1983 who is totally unemployed in any week must be paid with respect to that week benefits equal to 1/22 of the wages, rounded to the nearest lower full dollar amount, paid to that individual in the high quarter of the base period, but not less than \$12. The maximum weekly benefit amount for claimants requesting insured status determination beginning October 1, 1983 and thereafter from June 1st of a calendar year to May 31st of the next calendar year may not exceed 52% of the annual average weekly wage, rounded to the nearest lower full dollar amount, paid in the calendar year preceding June 1st of that calendar year. No increase

in the maximum weekly benefit amount may occur for the period from June 1, 1992 to October 28, 1995. For the ~~period~~ periods from October 29, 1995 to May 31, 1997 and from September 28, 1997 to September 26, 1998, the maximum weekly benefit amount is limited to 94% of the amount calculated previously in this subsection, rounded to the nearest lower full dollar amount. For claimants requesting insured status determination on or after April 1, 1993 and before January 1, 1995, the weekly benefit amount must be the amount determined by this subsection minus \$6. For claimants requesting insured status determination on or after April 1, 1995 and before January 1, ~~1998~~ 1999, the weekly benefit amount must be the amount determined by this subsection minus \$3.

Sec. 2. 26 MRSA §1221, sub-§2, ¶C, as amended by PL 1995, c. 9, §5 and affected by §6, is further amended to read:

C. Each employer subject to this chapter, other than those liable for payments in lieu of contributions, shall pay, in addition to the contribution rate as prescribed in subsection 4, 7/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1993, 8/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1994 and 4/10 of 1% of the wages paid by the employer with respect to employment during calendar years 1995, 1996 ~~and~~ and 1998.

Sec. 3. 26 MRSA §1221, sub-§4, ¶C, as amended by PL 1981, c. 16, §2, is further amended to read:

C. To designate the contribution rate schedule to be effective for a rate year, a reserve multiple ~~shall~~ must be determined. The reserve multiple ~~shall~~ must be determined by dividing the fund reserve ratio by the composite cost rate. The determination date ~~shall be~~ is September 30th of each calendar year, and the schedule of contribution rates to apply for the 12-month period commencing January 1st, ~~shall be as~~ is determined by this reserve multiple, except that for the 1998 rate year Schedule P is in effect.

See title page for effective date.

CHAPTER 381

S.P. 597 - L.D. 1776

An Act to Establish Guidelines for Putting Certain Social Service Contracts out to Bid

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

Sec. 1. 5 MRSA §20005, sub-§§6-A and 6-B are enacted to read:

6-A. Contract award and renewal. Award a new contract through a request-for-proposal procedure. Any contract of \$500,000 per year or more that is renewed must be awarded through a request-for-proposal procedure at least every 8 years, except for the following.

A. A renewal contract with a provider is not subject to the request-for-proposal procedure requirement if the contract granted under this subsection is performance based.

B. Notwithstanding paragraph A, the department shall subject a contract to a request-for-proposal procedure when necessary to comply with paragraph C.

C. A contract under this subsection that is subject to renewal must be awarded through a request-for-proposal procedure if the department determines that:

(1) The provider has breached the existing contract;

(2) The provider has failed to correct deficiencies cited by the department;

(3) The provider is inefficient or ineffective in the delivery of services and is unable to improve its performance within a reasonable time; or

(4) The provider can not or will not respond to a reconfiguration of service delivery requested by the department;

6-B. Consumer assistance and advice. Establish a procedure to obtain assistance and advice from consumers of substance abuse services regarding the selection of contractors when requests-for-proposals are issued.

Sec. 2. 34-B MRSA §3604, sub-§3, ¶E, as amended by PL 1993, c. 624, §1, is further amended to read:

E. Any new contract must be awarded through a request-for-proposal procedure and any contract of \$500,000 per year or more that is renewed must be awarded through a request-for-proposal procedure at least every 8 years, except for the following.

(1) Renewal contracts for A renewal contract with a provider are is not subject to the

request-for-proposal procedure requirement if all contracts executed with that provider the contract granted under this subsection are performance based contracts is performance based.

(2) Notwithstanding subparagraph (1), the department shall subject a contract to a request-for-proposal procedure when necessary to comply with paragraph G.

See title page for effective date.

CHAPTER 382

H.P. 1262 - L.D. 1789

An Act Regarding Illegal Transportation of Drugs by a Minor

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

Sec. 1. 22 MRSA §2389 is enacted to read:

§2389. Illegal transportation of drugs by minor

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Drug" means a schedule W, X, Y or Z drug as defined in Title 17-A, section 1102.

B. "Minor" means a person who has not attained 21 years of age.

2. Minor may not transport drugs. A minor may not knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control unless possession of the drug is expressly authorized by this Title or Title 32.

3. Violation. A minor who violates this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. A forfeiture of not less than \$200 must be adjudged for a 2nd offense and a forfeiture of not less than \$400 must be adjudged for a 3rd or subsequent offense, none of which may be suspended.

4. License suspension. The court shall suspend the operator's license or right to operate or right to obtain a license of a minor found in violation of this section as follows:

A. Thirty days for the first offense;

B. Ninety days for the 2nd offense; and

C. One year for any subsequent offense.