

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

the controversy by failing to raise that controversy first with the local school administrative unit before initiating the subsequent action or proceeding.

See title page for effective date.

CHAPTER 442

S.P. 292 - L.D. 943

**An Act to Amend the Law Governing
Municipal Zoning with Respect to
Community Living Arrangements**

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

Sec. 1. 30-A MRSA §4357, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. 2. 30-A MRSA §4357-A is enacted to read:

§4357-A. Community living arrangements

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

A. "Community living arrangement" means a housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility.

B. "Disability" has the same meaning as the term "handicap" in the federal Fair Housing Act, 42 United States Code, Section 3602.

2. Single-family use. In order to implement the policy of this State that persons with disabilities are not excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a community living arrangement is deemed a single-family use of property for the purposes of zoning.

Sec. 3. 36 MRSA §652, sub-§1, ¶C, as amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended by amending subparagraph (6), division (b), subdivision (i) to read:

- (i) Property used as a nonprofit nursing home, boarding home or boarding care facility licensed by the Department of Human Services pursuant to Title 22, chapter 1665 or a community living ~~facility arrangement~~ as defined in Title 30-A, section 4357, ~~sub-section 2, paragraph B~~ 4357-A

or any property owned by a non-profit organization licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide services to or for the benefit of persons with mental illness or mental retardation;

See title page for effective date.

CHAPTER 443

H.P. 1122 - L.D. 1578

**An Act to Protect Workers and
Establish Labor Standards for
"Workfare" Participants**

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

Sec. 1. 26 MRSA §1403 is enacted to read:

§1403. Labor standards for persons required to work as condition of receiving public assistance and affected employees

1. Nondisplacement of existing employees; nonavailability for layoff replacement; noninfringement on promotional opportunities or collective bargaining agreements; labor disputes. A participant who is required to work as a condition of receiving public assistance, as defined in Title 22, section 9-A, subsection 1, paragraph A, may not be employed in or assigned to:

A. A position that was previously filled by a regular employee when that employee is on layoff from the same or an equivalent position or when the vacancy was created by terminating an employee or otherwise reducing the workforce;

B. An established position that is vacant;

C. A worksite where there is a labor dispute, including a strike or lockout; or

D. A worksite in a manner that violates an existing contract or collective bargaining agreement or infringes on the promotional opportunities for any employees.

2. Grievance procedures. The commissioner, with assistance from the department, shall adopt rules to ensure that:

A. Persons required to work as a condition of receiving public assistance have access to a grievance procedure for the purpose of resolving