

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

2. Data collection and interpretation. The Director of the Bureau of Labor Standards within the Department of Labor, the Superintendent of Insurance and the board's executive director shall meet at least 3 times a year with appropriate staff and other state agencies to review the areas of data collection pertaining to the workers' compensation system, as well as to interpret and coordinate appropriate data collection programs to carry out the purposes of this Act. The Director of the Bureau of Labor Standards shall chair this group.

The Director of the Bureau of Labor Standards, the Superintendent of Insurance and the board's executive director shall provide jointly or individually any further occasional reports that they consider necessary to the improved function and administration of this Act and the occupational disease laws.

3. Occupational injuries and illnesses. The Director of the Bureau of Labor Standards within the Department of Labor shall provide an annual report concerning the number and character of occupational injuries and illnesses and their effects, as required under Title 26, section 42.

The board's executive director shall assist the Director of the Bureau of Labor Standards to ensure that necessary information regarding the administrative processes, costs and other factors related to this Act and the occupational disease laws are included in the report. The Commissioner of Human Services and the Director of the Bureau of Health shall provide the Director of the Bureau of Labor Standards with any information in their possession related to occupational injuries and illnesses.

4. Loss costs data. The Superintendent of Insurance shall provide the following information to the Director of the Bureau of Labor Standards within the Department of Labor on an annual basis:

A. A tabulation of premium and loss costs paid and incurred on an accident-year basis regarding those insurance companies authorized by the Bureau of Insurance to write workers' compensation in the State; and

B. Similar data for self-insurance workers' compensation plans regulated by the Bureau of Insurance.

Sec. 9. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
WORKERS' COMPENSATION BOARD		

**Administration - Workers'
Compensation Board**

Positions - Legislative Count	(10,000)	(10,000)
Personal Services	\$303,002	\$429,275
All Other	169,075	170,725

Allocates funds for 5 additional Advocate positions, one additional Staff Attorney position, 2 additional Auditor positions, 2 additional Clerk Typist III positions, reclassification of 5 1/2 Advocate positions from range 22 to range 24 and operating costs necessary to administer new responsibilities under the workers' compensation law.

WORKERS' COMPENSATION BOARD	_____	_____
TOTAL	\$472,077	\$600,000

See title page for effective date.

CHAPTER 487

S.P. 603 - L.D. 1800

**An Act to Include Flunitrazepam in
the List of Schedule W Drugs**

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

**Sec. 1. 17-A MRSA §1102, sub-§1, ¶¶L
and M,** as enacted by PL 1989, c. 924, §3, are
amended to read:

L. Lysergic acid; ~~and~~

M. Lysergic acid amide; ~~and~~

Sec. 2. 17-A MRSA §1102, sub-§1, ¶N is
enacted to read:

N. Flunitrazepam or its chemical equivalent.

See title page for effective date.

CHAPTER 488

S.P. 357 - L.D. 1176

**An Act to Provide Continuity and
Flexibility for Long-term Care**

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

Sec. 1. 22 MRSA §1813, as repealed and replaced by PL 1991, c. 104, is amended by adding a new 3rd paragraph to read:

For nursing facilities providing both nursing home and assisted living services, the department shall issue one license reflecting both levels of care. The commissioner shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Sec. 2. 22 MRSA §1816, as amended by PL 1981, c. 470, Pt. A, §71, is further amended by adding a new 2nd paragraph to read:

For nursing facilities providing both nursing home and assisted living services, the department shall ensure that a single coordinated licensing and life safety code inspection is performed. The commissioner shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 489

S.P. 602 - L.D. 1780

An Act to Amend the Finance Authority of Maine Act and the Adaptive Equipment Loan Program

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

Sec. 1. 10 MRSA §373, sub-§1, as amended by PL 1995, c. 519, §3, is further amended to read:

1. Establishment; membership. There is established the Adaptive Equipment Loan Program Fund Board that consists of 9 members as follows: ~~The Commissioner of Education or the commissioner's Director of the Bureau of Rehabilitation Services or the director's designee; the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all nondesignated members~~ to be appointed by the Governor. The board shall annually elect a chair from among its members.

Sec. 2. 10 MRSA §374, sub-§4, as enacted by PL 1987, c. 817, §2, is repealed and the following enacted in its place:

4. Rules. The board may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A. The rules must ensure that:

A. Individuals and business entities are eligible for loans;

B. A preference is given for loans to qualifying individual borrowers seeking loans to acquire adaptive equipment for personal, family or household purposes; and

C. Loan applications may only be approved or denied by the board at a regular or special meeting except as follows:

(1) Approval of applications for loans under \$2,500 may be delegated by the board to a subcommittee of the board or outside contractors under the supervision and control of the board; and

(2) In the discretion of the chair of the board, if an applicant would suffer undue hardship by waiting for the next regular meeting the application may be approved by a subcommittee of the board containing at least 5 members of the board when a majority of the members of such subcommittee vote for approval.

In all other cases, including any denial of an application, the application must be acted upon by the board at a regular or special meeting.

Sec. 3. 10 MRSA §375, sub-§4, as enacted by PL 1989, c. 191, §2, is repealed.

Sec. 4. 10 MRSA §963-A, sub-§51, as amended by PL 1993, c. 427, §3, is further amended to read:

51. Veteran. "Veteran" means any person who served in the United States Armed Forces ~~during any federally recognized period of conflict as defined in Title 37 B, section 504, subsection 4, paragraph A 1, subparagraph (3), or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and was not dishonorably discharged. A veteran of the Vietnam War must have served on active duty for a period of more than 90 days, unless that veteran was discharged for a service connected disability, and any part of that active duty service occurred after December 22, 1961 and before May 7, 1975.~~

Sec. 5. 10 MRSA §963-A, sub-§51-A is enacted to read:

51-A. Wartime veteran. "Wartime veteran" means any person who served in the United States