

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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. Rate impacts. Near-term benefits to ratepayers will substantially exceed future adverse impacts estimated by the commission;

See title page for effective date.

CHAPTER 594

H.P. 1006 - L.D. 1398

An Act to Clarify the Law Regarding the Discipline of Exceptional Students

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

Sec. 1. 20-A MRSA §1001, sub-§9-B is enacted to read:

9-B. Disciplinary sanctions for exceptional students. They retain the authority to sanction an exceptional student as defined in section 7001, subsection 2 for misconduct that violates school rules. Notwithstanding the duties of school administrative units as described in section 7202, the school board may authorize the superintendent, principal or assistant principal to enforce this subsection by allowing the superintendent, principal or assistant principal to suspend an exceptional student up to a maximum of 10 days individually or cumulatively for infractions of school rules. When an exceptional student is suspended for 10 days or less for a violation of school rules, the school board is not required to provide a tutor, transportation or any other aspect of the student's special education program.

Sec. 2. Amend rules. The Department of Education shall amend the special education rules to remove any requirements that school administrative units must provide educational services to an exceptional student that has been expelled or suspended from school for 10 days or less for violating school rules.

See title page for effective date.

CHAPTER 595

H.P. 1445 - L.D. 2036

An Act to Amend the Act to Implement the Maine Indian Claims Settlement

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

Sec. 1. 30 MRSA §6209-B, sub-§1, ¶A, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

A. Criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Indian reservation of the Penobscot Nation by a member of any federally recognized Indian tribe, nation, band or other group, except when committed against another a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of another a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

Sec. 2. Effective date; certification. This Act does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 118th Legislature, the Secretary of State receives written certification by the Tribal Chief and the Council of the Penobscot Nation that the nation has agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes; except that in no event may this Act become effective until 90 days after the adjournment of the Second Regular Session of the 118th Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 596

S.P. 683 - L.D. 1908

An Act to Conform the Maine Tax Laws for 1997 with the United States Internal Revenue Code

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period would delay the processing of the 1997 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 preserva-

tion 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 1997, c. 127, §1, 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, ~~1996~~ 1997.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1997.

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

Effective March 13, 1998.

CHAPTER 597

H.P. 1413 - L.D. 1977

An Act to Revise the Hazardous Occupations Provisions of the Child Labor Laws

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

Sec. 1. 26 MRSA §772, as amended by PL 1979, c. 663, §159, is further amended to read:

§772. Minors under 18

~~No~~ A minor under 18 years of age ~~shall~~ may not be employed ~~in, about or in connection with any manufacturing or mechanical establishment, laundry, dry cleaning establishment or bakery~~ in any capacity that the director determines to be hazardous, dangerous to his life or limbs, injurious to morals or ~~where his~~ when the minor's health will ~~will~~ would be injured. The director shall adopt rules to develop and maintain a list of occupations not suitable for employment of a minor. The rules must conform as far as practicable to the child labor provisions of the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 212 and any associated regulations. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. This section ~~shall~~ does not apply to minors in public and approved private schools ~~wherein~~ where mechanical equipment is installed and operated primarily for purposes of instruction.

Sec. 2. Committee briefing. Before providing notice of or holding a hearing on proposed rules,

as required by the Maine Revised Statutes, Title 5, chapter 375, subchapter II, the Director of the Bureau of Labor Standards shall brief the joint standing committee of the Legislature having jurisdiction over labor matters on the substance of the rules proposed to comply with Title 26, section 772.

See title page for effective date.

CHAPTER 598

H.P. 1490 - L.D. 2089

An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner

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

Sec. 1. 22 MRSA §3035 is enacted to read:

§3035. Fees

1. Fees. Except as provided in subsections 3 and 4, the Office of Chief Medical Examiner shall charge a fee for providing report documents, histological slides and other items or additional services sought by a person entitled to obtain that item or service relating to a medical examiner case. Fees are to be paid in advance and according to the following fee schedule:

A. For report documents, the fees are as follows:

(1) Report documents when no autopsy has been performed, \$10;

(2) Report documents when an autopsy has been performed, \$25; and

(3) Report documents under subparagraphs (1) and (2) accompanied by a certificate under section 3022, subsection 6, an additional fee of \$35, \$25 of which accrues to the Secretary of State;

B. For histological slides, the fees are as follows:

(1) For each slide, \$10;

(2) A handling fee per case, \$20; and

(3) For 21 slides or more, an additional handling fee, \$20; and

C. For other items and services such as photographs and transparencies, additional tests relating to toxicology or specimens and videotaping: