

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

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:

- (1) A handling fee per case, \$20; and
- (2) Anticipated costs of providing the item or service, including shipping charges.

2. Report documents. For purposes of this section, "report documents" in a medical examiner case include the written report under section 3028, subsection 7; the written report of the findings of the autopsy under section 3028, subsection 8; and associated reports, including, but not limited to, toxicological reports, reports of forensic experts, reports of consultants and reports relating to harvested organs.

3. Exemptions. Exemptions from paying the fees established in subsection 1 are as follows.

- A. A governmental agency is exempt from all fees in subsection 1.
- B. A health care provider who has rendered service to the deceased is exempt from fees for the copy of report documents under subsection 1, paragraph A, subparagraphs (1) and (2).
- C. A next of kin of the deceased, as defined under section 2843-A, is exempt from the fee for one copy per family of report documents under subsection 1, paragraph A, subparagraphs (1) and (2).

4. Waiver. Notwithstanding the fee schedule under subsection 1, paragraph A, fees for report documents relating to a medical examiner case may be waived at the discretion of the Chief Medical Examiner.

5. Deposit of fees. All fees collected must be deposited in a dedicated account within the Office of Chief Medical Examiner. At the end of each fiscal year, the State Controller shall transfer all unencumbered balances in excess of \$500 to the General Fund as undedicated revenue.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

**ATTORNEY GENERAL,
DEPARTMENT OF THE
Chief Medical Examiner - Office of**

All Other	\$13,750
Provides for the allocation of funds for costs related to providing documents, slides	

and other items or services related to medical examiner cases.

See title page for effective date.

CHAPTER 599

S.P. 564 - L.D. 1721

An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees

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

Sec. 1. PL 1991, c. 848, §3, 2nd ¶ is amended to read:

The transfer may occur only if the transferee corporation has a board of trustees that includes the chancellor of the University of Maine System; 3 members representing the Board of Trustees of the University of Maine System; the President of Bates College; the President of Bowdoin College; the President of Colby College; and not fewer than 8 nor more than 12 public trustees elected by the board in the manner prescribed in the corporation's bylaws. The president of the transferee corporation is a nonvoting member of the board. By January 1, 1999, 2 additional public trustees must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate. By January 1, 1999, the board shall amend the Maine Public Broadcasting Corporation bylaws to reflect the method of appointment of public trustees described in this paragraph.

See title page for effective date.

CHAPTER 600

H.P. 887 - L.D. 1204

An Act to Establish the Maine Disaster Relief Laws

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

Sec. 1. 5 MRSA §19-B is enacted to read:

§19-B. State employee participation in disaster relief

In order to participate in specialized disaster relief services for the American Red Cross, a state