

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

(15) The impact of the benefit as it relates to employers shifting to self-insured plans and the extent to which the benefit is currently being offered by employers with self-insured plans; and

(16) The impact of making the benefit applicable to the state employee health insurance program;

D. The effects of balancing the social, economic and medical efficacy considerations, including:

(1) The extent to which the need for coverage outweighs the costs of mandating the benefit for all policyholders; ~~and~~

(2) The extent to which the problem of coverage may be solved by mandating the availability of the coverage as an option for policyholders; ~~and~~

(3) The cumulative impact of mandating this benefit in combination with existing mandates on the costs and availability of coverage.

See title page for effective date.

CHAPTER 617

H.P. 1321 - L.D. 1870

An Act Concerning the Coded Notation on OUI Offenders' Driver's Licenses

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

Sec. 1. 29-A MRSA §1404, sub-§2, as amended by PL 1997, c. 318, §1, is further amended to read:

2. Prior convictions. A person convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in section 2453, subsection 2, within 10 years of the date the license is issued, reissued or returned after a period of suspension bears a coded notation of that fact.

The Secretary of State may, at the request of a licensee, remove the coded notation from the license of a person convicted for a first operating-under-the-influence offense as defined in section 2453, subsection 2 after 6 years from the date of the conviction if the person has not been convicted or adjudicated of any traffic offense of speeding more than 15 miles per hour over the maximum speed limit or any offense

described under section 2551, subsection 1 or had a license suspended or revoked within that 6-year period.

See title page for effective date.

CHAPTER 618

H.P. 1394 - L.D. 1948

An Act to Improve Management of Contracted Personnel Services Costs

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

Sec. 1. 5 MRSA §1877-A, sub-§1, ¶¶C and D, as enacted by PL 1991, c. 780, Pt. Y, §82, are amended to read:

C. The degree to which personnel needs of state agencies are being met. This portion of the report must also include the evaluation of the Civil Service Policy Review Board with respect to this same issue; ~~and~~

D. Any problems that exist with respect to current policies and procedures as they relate to the personnel needs of state agencies. This portion of the report must also include the evaluation of the Civil Service Policy Review Board with respect to the issue of this paragraph; ~~and~~

Sec. 2. 5 MRSA §1877-A, sub-§1, ¶E is enacted to read:

E. All temporary and contracted positions within each agency and bureau of State Government. This information must include the duration and turnover of each position; the separate costs of each position for wages, benefits, contract fees and administration costs; and the position title or function. The costs associated with preparing this report must be absorbed utilizing existing department resources.

See title page for effective date.

CHAPTER 619

H.P. 1424 - L.D. 1988

An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs

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

Sec. 1. 14 MRSA §158-B is enacted to read:

§158-B. Limited liability of charitable organizations

1. Liability limited. A charitable organization is not liable for a claim arising from death or injury to a person or damage to property caused by a juvenile participating in a supervised work or service program, performing community service or providing restitution under Title 15, section 3301 or 3314, including a claim arising from death or injury to the juvenile or damage to the juvenile's property.

2. No effect on other liability or immunity. Nothing in this section creates liability for any claim or waives any immunity otherwise available.

3. Charitable organization defined. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code, Section 501(a) because the nonprofit organization is described in the United States Internal Revenue Code, Section 501(c)(3).

Sec. 2. 15 MRSA §3314, sub-§1, ¶B, as amended by PL 1991, c. 885, Pt. E, §17 and affected by §47, is further amended to read:

B. The court may require a juvenile to participate in a supervised work or service program. Such a program may provide restitution to the victim by requiring the juvenile to work or provide a service for the victim, or to make monetary restitution to the victim from money earned from such a program. Such a supervised work or service program may be required as a condition of probation if:

- (1) The juvenile is not deprived of the schooling that is appropriate to his the juvenile's age, needs and specific rehabilitative goals;
- (2) The supervised work program is of a constructive nature designed to promote rehabilitation and is appropriate to the age level and physical ability of the juvenile; and
- (3) The supervised work program assignment is made for a period of time not exceeding 180 days.

A juvenile ~~referred to~~ participating in a supervised work or service program, performing community service or providing restitution under this paragraph section or section 3301, subsec-

~~tion 5, paragraphs A and B,~~ may not be subject to Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992.

See title page for effective date.

CHAPTER 620

H.P. 1430 - L.D. 1994

An Act to Establish a Migrant and Immigrant Worker Assistance Office in Central Maine

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

Sec. 1. 26 MRSA §1404 is enacted to read:

§1404. Migrant and immigrant worker assistance outreach project

The department, to the extent possible within available resources, shall establish a migrant and immigrant worker assistance outreach project to assist migrant and immigrant workers in the State. The project shall coordinate with employers, employees, labor unions, nonprofit agencies and government agencies that serve migrant and immigrant workers to promote efforts that:

1. Educate. Educate employers and migrant and immigrant workers about state and federal laws that establish workers' employment-related rights and responsibilities;

2. Facilitate. Facilitate access for non-English-speaking workers to necessary translation services and programs that teach English as a 2nd language;

3. Assist. Assist migrant and immigrant workers in obtaining services necessary to improve their health and safety and broaden their employment opportunities; and

4. Advocate. Advocate for migrant and immigrant workers who seek redress of their grievances or who seek to make claims through government agencies and facilitate workers' access to legal services.

Sec. 2. Report. The Department of Labor shall report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 2, 1999 regarding the activities it has undertaken pursuant to the Maine Revised Statutes, Title 26, section 1404. The report must include a list of written materials produced and distributed to migrant and immigrant workers, available labor market information about migrant and immigrant