

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
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order upon the customer upon notice by the Attorney General, the Attorney General's designee or the District Attorney that service upon the customer would not be in the public interest. A subpoena, summons or warrant issued in connection with a criminal proceeding or state or federal grand jury proceeding, a request for information by the Department of Human Services for purposes related to establishing, modifying or enforcing a child support order or a trustee process lawfully issued need not be served upon the customer.

See title page for effective date.

CHAPTER 198

H.P. 1211 - L.D. 1740

An Act to Amend the Habitual Truancy Law

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

Sec. 1. 20-A MRSA §5051, sub-§2, ¶A-1, as enacted by PL 1989, c. 415, §19, is amended to read:

A-1. As part of the informal measures set out in paragraph A, the superintendent may ask the student's parents to attend a series of meetings with their child's teacher or other school personnel designated by the superintendent. The purpose of the meetings is to describe the education program to the parents and explain the value of their child attending an educational program, including, but not limited to, school, adult education, a high school equivalency degree program and other alternative education programs. The superintendent shall arrange meeting times convenient to the parents.

Sec. 2. 20-A MRSA §5051, sub-§2, ¶F, as amended by PL 1995, c. 124, §1, is further amended to read:

F. When a student is determined habitually truant and in violation of section 5001-A and the superintendent has made a good faith attempt to meet the requirements of paragraph A-1, the ~~school board~~ superintendent may notify the local law enforcement department of the decision. After this notification, a local law enforcement officer who sees a truant may offer to transport the truant to the appropriate school if the truant and the truant's parent or guardian provide verbal consent and if the truant:

- (1) Is off school grounds during school hours; and

- (2) Is not under the supervision of school personnel.

See title page for effective date.

CHAPTER 199

S.P. 351 - L.D. 1055

An Act to Bring Certain Maine Drug Test Levels into Conformity With Federal Standards

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

Sec. 1. 26 MRSA §683, sub-§2, ¶G, as amended by PL 1989, c. 832, §6, is further amended to read:

G. The cutoff levels for both screening and confirmation tests at which the presence of a substance of abuse in a sample is considered a positive test result.

- (1) Cutoff levels for confirmation tests for marijuana may not be lower than ~~20~~ 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter for urine samples.

- (2) The Department of Human Services shall adopt rules under section 687 regulating screening and confirmation cutoff levels for other substances of abuse, including those substances tested for in blood samples under subsection 5, paragraph B, to ensure that levels are set within known tolerances of test methods and above mere trace amounts. An employer may request that the Department of Human Services establish a cutoff level for any substance of abuse for which the department has not established a cutoff level;

See title page for effective date.

CHAPTER 200

H.P. 685 - L.D. 941

An Act to Require That Certified Public Accounting and Public Accounting Firms Have a Majority of Their Owners Hold Certificates

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

Sec. 1. 32 MRSA §12252, sub-§3, as enacted by PL 1987, c. 489, §2, is repealed and the following enacted in its place:

3. Individual permits required. The following provisions apply to the issuance of individual permits.

A. An applicant for initial issuance or renewal of a permit to practice under this section shall show that a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of certificates who are licensed in a state and that all partners, officers, shareholders, members or managers whose principal place of business is in this State and who perform professional services in this State hold valid permits issued by the board. At least a simple majority of the ownership of a public accounting firm, in terms of financial interests and voting rights, must belong to holders of permits issued by the board. Firms may include nonlicensee owners in accordance with paragraph B.

B. A certified public accountancy firm or public accountancy firm may include nonlicensee owners as long as:

(1) All nonlicensee owners are individuals who actively participate in the certified public accountancy firm or public accountancy firm; and

(2) The firm complies with such other requirements as the board may impose by rule.

Sec. 2. 32 MRSA §12275, sub-§3, as enacted by PL 1987, c. 489, §2, is amended to read:

3. Use of title. ~~No~~ A firm may ~~not~~ assume or use the title or designation "certified public accountant," the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card or device indicating that the firm is composed of certified public accountants, unless:

A. The firm holds a valid permit issued under section 12252; and

B. ~~All~~ Fifty-one percent of all partners, officers and shareholders of the firm hold certificates.

See title page for effective date.

CHAPTER 201

H.P. 954 - L.D. 1352

An Act to Ensure that Workers' Compensation Death Benefits are Paid to Dependents Without Regard to Country of Residence

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

Sec. 1. 39-A MRSA §102, sub-§8, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by amending the last blocked paragraph to read:

In all other cases, questions of total or partial dependency must be determined in accordance with the fact as the fact was at the time of the injury. If there is more than one person wholly dependent, the compensation must be divided equally among them and persons partly dependent, if any, are not entitled to a part of the compensation during the period in which compensation is paid to persons wholly dependent. If there is no one wholly dependent and more than one person who is partly dependent, the compensation must be divided among them according to the relative extent of their dependency. ~~If a dependent is an alien residing outside the United States or outside the Dominion of Canada, the compensation paid to any such dependent is 1/2 that provided in the case of the death of an employee.~~

Sec. 2. Retroactivity. This Act applies retroactively to June 1, 1998.

See title page for effective date.

CHAPTER 202

H.P. 726 - L.D. 1016

An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process

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

Sec. 1. 39-A MRSA §329 is enacted to read:

§329. Interpreter required

An employee whose native language is not English and who does not understand the English language to the degree necessary to reasonably understand and participate in proceedings that affect the employee's rights is entitled to have an interpreter present at all proceedings before the board or a