

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

valid during the year of issue. The reduced fees are as follows:

A. Twenty dollars, plus the issuing fee for a combination fishing and hunting license;

B. Ten dollars, plus the issuing fee for a hunting license; and

C. Ten dollars, plus the issuing fee for a fishing license.

See title page for effective date.

CHAPTER 250

H.P. 743 - L.D. 1033

An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System

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

Sec. 1. 5 MRSA §17764, as enacted by PL 1989, c. 709, §3, is amended to read:

§17764. Vista, Peace Corps, Head Start and foreign teaching

Members who served in the Peace Corps, foreign or domestic, the Volunteers in Service to America Program, or the Fulbright Exchange Program or who taught children of United States Foreign Service Corps personnel outside the continental United States or United States Armed Forces personnel located in any foreign country on a regularly established United States military base; or who served as an employee of a Head Start program in Maine may purchase service credit for that service under the following conditions. For the purposes of this section "members" means state employees and teachers.

1. Limit on service credit. The service credit may not exceed 2 years.

2. Creditable service required. Members whose service in these organizations preceded their becoming members in the Maine State Retirement System must, on the date of retirement, have at least 15 years of creditable service.

3. Return to employment. Members who terminated service in the State as state employees or teachers prior to service with these organizations must return to state employment or active teaching in the State within one year of the completion of service in these organizations.

4. Payment to fund. Members must, before any retirement benefit becomes effective, pay into the Members' Contribution Fund by a single direct payment or annual direct payments to the retirement system an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Payments must be made as provided in section 17701.

See title page for effective date.

CHAPTER 251

H.P. 856 - L.D. 1213

An Act Regarding the Effective Date of Guardian Ad Litem Training

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

Sec. 1. 19-A MRSA §1507, sub-§2, as amended by PL 1997, c. 257, §2 and affected by §6, is further amended to read:

2. Qualifications. A guardian ad litem appointed on or after ~~September 1, 1998~~ March 1, 2000 must meet the qualifications established by the Supreme Judicial Court.

Sec. 2. 22 MRSA §4005, sub-§1, ¶A, as amended by PL 1997, c. 257, §5, is further amended to read:

A. The court, in every child protection proceeding except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders, shall appoint a guardian ad litem for the child. The guardian ad litem's reasonable costs and expenses must be paid by the District Court. The appointment must be made as soon as possible after the proceeding is initiated. Guardians ad litem appointed on or after ~~September 1, 1998~~ March 1, 2000 must meet the qualifications established by the Supreme Judicial Court.

Sec. 3. PL 1995, c. 405, §25, first ¶, 4th sentence is amended to read:

The program must be implemented by ~~September 1, 1997~~ November 1, 1999.

Sec. 4. PL 1995, c. 405, §25, sub-§4 is amended to read:

4. The Supreme Judicial Court is requested to report its findings and recommendations, including any recommended legislation, to the ~~First~~ Second Regular Session of the ~~118th~~ 119th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than ~~January 15, 1997~~ December 15, 1999.

See title page for effective date.

CHAPTER 252

H.P. 74 - L.D. 87

An Act to Require All Voting Places to be Accessible

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 21-A MRSA §630, as amended by PL 1997, c. 436, §91, is further amended to read:

§630. Accessible voting places for the physically handicapped

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings:

A. "Accessible voting place" means a voting place in a building in which the part of the building set aside for voting meets the requirements for accessible routes of the 1981 standards of construction described in Title 25, chapter 331.

B. "Physical handicap" means an impairment which confines an individual to a wheelchair; causes an individual to walk with difficulty; affects the sight or hearing to the extent that an individual functioning in public areas is insecure or exposed to danger; or causes faulty coordination or reduces mobility, flexibility, coordination and perceptiveness to the extent that special facilities are needed to provide for the safety of that individual.

2. Voting places. Each municipality must provide at least one voting place that is in a building,

~~which is~~ By April 1, 2000, all publicly owned buildings that are used as voting places must be accessible as defined in subsection 1. By July 1, 2001, each municipality shall ensure that all privately owned facilities used by the municipality as voting places are accessible as defined in subsection 1.

~~B. In municipalities in which one or more voting places are inaccessible to handicapped voters and in which the office of the clerk is in a building that is accessible as defined in subsection 1, paragraph A, the municipal officers shall designate the office of the clerk as an alternative voting place for physically handicapped voters who reside in voting districts that do not have accessible voting places. In municipalities in which one or more voting places and the office of the clerk are inaccessible to physically handicapped voters and in which one or more voting places are accessible to these voters, the municipal officers shall designate one of these accessible voting places, as centrally located as possible, as the alternative voting place for physically handicapped voters who reside in voting districts that do not have accessible voting places. A physically handicapped voter who wishes to vote at an alternative voting place must notify the clerk of the municipality at least 48 hours before the date of any election. This notice may be waived if an emergency exists. The clerk shall keep a list of the persons who give this notice.~~

~~Not later than 10 days before the date of any election, the clerk shall issue a public notice designating the location of the alternative accessible voting place. This notice is not required in any municipality in which all or no voting places are accessible to these persons.~~

~~When a physically handicapped voter votes at the office of the clerk or at an alternative voting place, that voter shall vote by absentee ballot and the method of voting must be the same as in section 754 A. If the municipality has a central voting place, then the handicapped voter may vote there using a regular ballot for the applicable voting district. If an alternative voting place is designated, the clerk shall furnish a reasonable number of absentee ballots and return envelopes to the warden. When the clerk or the warden receives such a ballot, the clerk or warden shall follow, as far as applicable, the same procedure prescribed in subchapter IV for the clerk to follow in handling absentee ballots.~~

3. Alternative paper ballots. ~~At all voting places which are equipped with voting machines, paper ballots must be provided for use by voters who are physically unable to operate a voting machine.~~