

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

CHAPTER 178

H.P. 56 - L.D. 65

An Act to Require Elevators Installed during New Construction be Large enough to Accommodate Ambulance Stretchers

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

Sec. 1. 32 MRSA §15228 is enacted to read:

§15228. Elevator size

1. Requirements. Notwithstanding section 15206, whenever a passenger elevator is installed in a building being newly constructed or in a new addition that extends beyond the exterior walls of an existing building, the passenger elevator must reach all levels within the building and be of sufficient size to allow the transport of a person on an ambulance stretcher in the fully supine position, without having to raise, lower or bend the stretcher in any way. This requirement applies to all plans approved by the board after January 1, 2002. The board shall adopt rules necessary to carry out the provisions of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Applicability. This section applies only to multi-story buildings that house private entities or nonprofit organizations that serve the public or are places of public accommodation. Notwithstanding Title 5, section 4553, subsection 8, places of public accommodation include restaurants, cafes, hotels, inns, banks, theaters, motion picture houses, bars, taverns, night clubs, country clubs, convention centers, retail stores, shopping centers, hospitals, private schools, day care centers, senior citizen centers, doctor offices, professional offices, manufacturing facilities, apartment buildings, condominiums, state facilities or any private establishment that in fact caters to, or offers its goods, facilities or services to, or solicits or accepts patronage from, the general public. This section does not apply to any building owned by a local unit of government.

See title page for effective date.

CHAPTER 179

S.P. 21 - L.D. 37

An Act to Amend the Law Governing the Child Care Advisory Council and to Gather Data on Child Care Services in the State

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

Whereas, the 119th Legislature passed legislation pertaining to the laws governing child care; and

Whereas, due to the new legislation, there will be more work for the Child Care Advisory Council to do; 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 preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §3739, sub-§2, as corrected by RR 1995, c. 2, §42, is amended to read:

2. Membership. The council has a minimum of 25 members, appointed as follows:

A. One employee of the Bureau of Family Independence who is responsible for child care services, appointed by the commissioner;

B. Two employees of the Department of Human Services who are responsible for child care services, appointed by the commissioner;

C. One employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services, Bureau of Children with Special Needs, appointed by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services;

D. One employee of the Department of Education, appointed by the Commissioner of Education;

E. One employee who coordinates the state Head Start program, appointed by the commissioner;

F. The State Fire Marshal or the State Fire Marshal's designee;

G. One employee of the Office of Substance Abuse, appointed by the Director of the Office of Substance Abuse;

H. One employee of the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development;

- I. One member of the Senate, appointed by the President of the Senate;
- J. Two members of the House of Representatives, at least one of whom must be from the minority party, appointed by the Speaker of the House of Representatives;
- K. One parent or other consumer who receives a child care subsidy at the time of that parent's or consumer's appointment, appointed by the Governor;
- L. One parent or other consumer of child care services who does not receive a child care subsidy, appointed by the Governor;
- M. One business representative nominated by the Maine Chamber of Commerce and Industry, appointed by the Governor;
- N. One center-based care representative nominated by the Maine Child Care Directors' Association, appointed by the Governor;
- O. One Head Start provider nominated by the Maine Head Start Directors' Association, appointed by the Governor;
- P. One family day-care provider nominated by the Maine Family Day Care Association, appointed by the Governor;
- Q. One person representing Native Americans, appointed by the Governor;
- R. One child care provider who does not receive public funds, appointed by the Governor;
- S. One person associated with a local preschool handicapped project coordination site, appointed by the Governor;
- T. One person nominated by the Coalition for Maine's Children, appointed by the Governor;
- U. One person nominated by the Maine Association of Child Care Resource and Referral Agencies, appointed by the Governor;
- V. One representative of women nominated by the Maine Women's Lobby, appointed by the Governor; and
- W. One provider of child care for school-age children, appointed by the Governor.

Senators and members of the House of Representatives serve for the duration of the legislative terms that they are serving when appointed. Members from state departments serve at the pleasure of their appointing authorities. All other members serve 3-year terms and

may continue to serve beyond their terms until their successors are appointed ~~but may not be appointed to subsequent consecutive terms~~. If a vacancy occurs before a term has expired, the vacancy must be filled for the remainder of the unexpired term by the authority who made the original appointment. If a member is absent for 2 consecutive meetings and has not been excused by the chair from either meeting, the council may remove the member by majority vote. If a nominating organization does not submit nominations within a reasonable period of time, the appointing authority may fill that organization's seat with a member of the public at large.

The council shall determine whether more than 25 members would assist it in its work under subsections 1 and 5. If a majority of the council votes to request the appointment of additional members, the council shall specify the number of additional members needed and shall convey a request for the appointment of those additional members to the Governor, who shall make the appointments.

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

Effective May 16, 2001.

CHAPTER 180

H.P. 445 - L.D. 566

An Act to Allow Vehicles to Travel for Inspection and Repair

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

Sec. 1. 29-A MRS §1754, sub-§1, ¶¶C and D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

C. Is sold or transferred to another person, meets inspection standards and displays a valid certificate of inspection issued within 60 days of the sale or transfer; ~~or~~

D. If operated by a dealer or holder of a transporter registration certificate, is operated only from a point of purchase to the licensee's place of business. For the purposes of this paragraph, "point of purchase" includes, but is not limited to, an auto auction, distribution center or another licensed vehicle dealer; or

Sec. 2. 29-A MRS §1754, sub-§1, ¶E is enacted to read: