

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

4. Program funding cap. The annual amount available for distribution under this section may not exceed 2.5% of the annual funding dedicated for the Urban-Rural Initiative Program. All funds not distributed each year lapse to the Highway Fund.

5. Distribution of funds. Beginning July 1, 2003, the department shall increase an Urban-Rural Initiative Program payment for a municipality that applies under subsection 1 on a dollar-for-dollar basis. After the total of qualifying applications for reimbursement exceeds the annual amount available for distribution provided under subsection 4, funds must be apportioned according to the amount of each municipality's increase of qualifying expenditures, ridership or other factors determined by the department.

6. Rules. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 682

H.P. 916 - L.D. 1230

An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State

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

Sec. 1. 36 MRSA §1760, sub-§23-C, as enacted by PL 1999, c. 759, §2 and affected by §5, is amended to read:

23-C. Certain vehicles purchased or leased by nonresidents. Sales or leases of the following vehicles ~~purchased by~~ to a nonresident and if the vehicle is intended to be driven or transported outside the State immediately upon delivery ~~by the seller~~:

- A. Motor vehicles, except all-terrain vehicles as defined in Title 12, section 7851 and snowmobiles as defined in Title 12, section 7821;
- B. Semitrailers;
- C. Aircraft;
- D. Truck bodies and trailers manufactured in the State; and
- E. Camper trailers, including truck campers.

If the vehicles are registered for use in the State within 12 months of the date of purchase, the person seeking

registration is liable for use tax on the basis of the original purchase price.

Notwithstanding section 1752-A, for purposes of this subsection, the term "nonresident" may include an individual, an association, a society, a club, a general partnership, a limited partnership, a domestic or foreign limited liability company, a trust, an estate, a domestic or foreign corporation and any other legal entity.

Sec. 2. Effective date. This Act takes effect July 1, 2003.

Effective July 1, 2003.

CHAPTER 683

H.P. 1535 - L.D. 2038

An Act to Amend the Lead Poisoning Control Act

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

Sec. 1. 22 MRSA §1317-A, as amended by PL 1999, c. 276, §7, is repealed.

Sec. 2. 22 MRSA §1317-C, sub-§1, as enacted by PL 1991, c. 810, §23, is amended to read:

1. Screening. Beginning January 1, 1994, all ~~All~~ health care providers ~~must~~ shall advise parents of the availability and advisability of screening their children for lead poisoning. ~~By January 1, 1994, any~~ A health care program that receives funds from the State and has a child health component ~~must~~ shall provide screening of children for lead poisoning in accordance with rules adopted by the department.

Sec. 3. 22 MRSA §1317-D is enacted to read:

§1317-D. Lead poisoning risk assessment and blood lead level testing program

The commissioner shall establish a lead poisoning risk assessment and blood lead level testing program, referred to in this section as the "program," for assessment of lead poisoning risks to children and the testing of blood lead levels in children in accordance with this section and within the limits of available funding.

1. Lead poisoning risk assessment tool. The program must include a simplified lead poisoning risk assessment tool, developed by the department, based on questions from the United States Department of Health and Human Services, Centers for Disease Control and Prevention.

2. Information. The program must include the distribution of information on lead poisoning risk assessment to providers for children.

3. Testing of children covered by MaineCare program. As required by Section 1905(r)(5) of the Social Security Act and the federal Omnibus Budget Reconciliation Act of 1989, the program must require the testing of blood lead levels of all children covered by the MaineCare program at one year of age and 2 years of age. The drawing of blood for the testing may be done in the health care provider's office or may be referred to another laboratory.

4. Testing of children not covered by MaineCare program. The program must require the testing of blood lead levels of all children not covered by the MaineCare program at one year of age and 2 years of age unless, in the professional judgment of the provider of primary health care, in conjunction with the use of the lead poisoning risk assessment tool, the child's level of risk does not warrant a blood lead level test. The drawing of blood for the testing may be done in the health care provider's office or may be referred to another laboratory.

5. Inspections. The program must conduct comprehensive environmental lead inspections and technical assistance and give advice regarding the appropriate reduction of environmental lead hazards to families with children who have elevated levels of lead in their blood.

6. Funding. As resources permit and in accordance with rules adopted by the department, pursuant to section 1323, the program must include payment by the department for blood lead level testing and related services and diagnostic evaluations when a child's parent is unable to pay and does not have health coverage for testing and services.

7. Exception. This section does not apply to a child whose parent or guardian objects to that child's participation in the program on the grounds that the assessment or testing is contrary to the parent's or guardian's sincerely held religious or philosophical beliefs.

Sec. 4. 22 MRSA §1319-A, first ¶, as enacted by PL 1991, c. 810, §26, is amended to read:

~~Beginning January 1, 1993, any~~ A blood sample taken from a child by a health care provider or laboratory to test for blood lead level must be sent to the State Health and Environmental Testing Laboratory for analysis. By January 1, 1993, the ~~The~~ department shall adopt rules regarding lead-related testing conducted by the State Health and Environmental Testing Laboratory. Whenever possible, the laboratory shall bill 3rd-party payors for services provided under this chapter and shall deposit all fees

received into the State Health and Environmental Testing Laboratory dedicated account. The laboratory shall use the funds to:

Sec. 5. 22 MRSA §1323, sub-§§9 and 10, as enacted by PL 1991, c. 810, §31, are amended to read:

9. Fees. Establishing fees for services performed under this chapter; ~~and~~

10. Advisory boards. Establishing boards or commissions to advise the department regarding lead poisoning; ~~and~~

Sec. 6. 22 MRSA §1323, sub-§11 is enacted to read:

11. Risk assessment and testing. Developing the lead poisoning risk assessment tool and the requirements for its administration and testing for blood lead levels, pursuant to section 1317-D.

Sec. 7. Lead screening task force. The Department of Human Services and any boards or advisory commissions established to advise the department pursuant to the Maine Revised Statutes, Title 22, section 1323, subsection 10 shall convene a task force of representatives of pertinent health care organizations to determine the standard lead poisoning risk assessment tool for use statewide pursuant to Title 22, section 1317-D, subsection 1, to help disseminate the assessment tool and information on lead poisoning and to assist in developing additional recommendations that will increase lead screening in the State pursuant to Title 22, section 1317-D, subsection 2. By January 1, 2004, the department shall report on the initial work of the task force to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Sec. 8. Report; review. By March 1, 2005, the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the extent and result of lead poisoning risk assessment and blood lead level testing pursuant to the Maine Revised Statutes, Title 22, section 1317-D.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides funds to cover the costs incurred by a health care provider for performing a drawing of blood for the blood lead level test for children covered by the MaineCare program.

General Fund	2001-02	2002-03
All Other	\$0	\$50,000

Total	\$0	\$50,000
Federal Expenditures Fund	2001-02	2002-03
All Other	\$0	\$98,412
Total	\$0	\$98,412
HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTAL	2001-02	2002-03
GENERAL FUND	\$0	\$50,000
FEDERAL EXPENDITURES FUND	0	98,412
DEPARTMENT TOTALS - ALL FUNDS	\$0	\$148,412

Sec. 10. Effective date. This Act takes effect January 1, 2003.

Effective January 1, 2003.

CHAPTER 684

H.P. 1448 - L.D. 1945

An Act to Promote Organ Donation

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

Sec. 1. 26 MRSA §843, sub-§4, ¶C, as enacted by PL 1987, c. 661, is amended to read:

C. The placement of a child 16 years of age or less with the employee in connection with the adoption of the child by the employee; ~~or~~

Sec. 2. 26 MRSA §843, sub-§4, ¶D, as amended by PL 1997, c. 546, §1, is further amended to read:

D. A child, parent or spouse with a serious health condition; ~~or~~

Sec. 3. 26 MRSA §843, sub-§4, ¶E is enacted to read:

E. The donation of an organ of that employee for a human organ transplant.

Sec. 4. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 42-B, the Department of Labor, Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the laws resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary to print additional notices due to an

insufficient supply of such notices or future changes in the laws.

See title page for effective date.

CHAPTER 685

H.P. 1463 - L.D. 1960

An Act to Promote Safety of Families through the Workplace

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

Sec. 1. 26 MRSA §850, sub-§1, as enacted by PL 1999, c. 435, §1, is amended to read:

1. Required leave. An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:

- A. Prepare for and attend court proceedings;
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

Sec. 2. 26 MRSA §850, sub-§1-A is enacted to read:

1-A. Definitions. For purposes of this subchapter, the terms "daughter," "son," "parent" and "spouse" have the same meanings as those terms have under federal regulations adopted pursuant to 29 United States Code, Section 2654, as in effect on January 1, 2002. An employer may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.

Sec. 3. 26 MRSA §850, sub-§2, ¶A, as enacted by PL 1999, c. 435, §1, is amended to read:

- A. The employer would sustain undue hardship from the ~~victim's~~ employee's absence;