

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

standards. The administrator shall examine the reasonableness of standards during regular examinations and upon consumer complaint. At least 60 days but not more than 180 days prior to the maturity of the loan, the creditor must notify the consumer in writing of the maturity date and the amount due on the maturity date; ~~and. The 4-year limitation does not apply to a consumer credit transaction secured by a motor vehicle if the contract evidencing the transaction otherwise conforms to the requirements of this section and also permits the consumer to transfer the motor vehicle to the creditor in lieu of making the final payment without further liability, except that the contract may provide for the assessment against the consumer of one or more of the following:~~

- A. A reasonable disposition fee;
- B. Reasonable charges for excess mileage;
- C. Reasonable charges for excess wear and tear; and
- D. Reasonable charges for damage to the motor vehicle; and

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

Effective March 10, 2004.

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**CHAPTER 544**

**S.P. 609 - L.D. 1677**

**An Act To Amend the Laws Concerning Automobile Dealer Registration Plates**

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

**Whereas,** Public Law 2003, chapter 496 requires that a motor vehicle dealer be denied renewal of the dealer license if the dealer sold fewer than 4 motor vehicles in the previous license year; and

**Whereas,** because of the often low-volume annual sales of classic autos, motor vehicle dealers who sell only classic autos will be denied renewal of their dealer's license; and

**Whereas,** to ensure that motor vehicle dealers that sell only classic autos may continue to do business, it is imperative that this legislation take effect immediately; 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. 29-A MRSA §903, sub-§3,** as amended by PL 2003, c. 496, §1, is further amended to read:

**3. Plate reduction.** Upon renewal of a dealer license, the number of plates allowed a motor vehicle dealer who fails to sell, ~~through retail sales,~~ a minimum of one vehicle per month or 12 vehicles within a 12-month period must be reduced to one dealer plate, and the motor vehicle dealer may not be issued a dealer plate under section 1002, subsection 1, paragraph B. Upon a 2nd application for renewal of a dealer license, a motor vehicle dealer must be denied renewal if the Secretary of State determines that the dealer sold fewer than 4 vehicles, ~~through retail sales,~~ in the previous license year, at which time all dealer credentials issued previously must be returned to the Secretary of State.

A motor vehicle dealer who is denied a license renewal under this subsection may not reapply until the license has been expired at least one year.

A motor vehicle dealer who holds a vehicle auction business license under section 1051 is exempt from this subsection.

A motor vehicle dealer who engages primarily in the sale of classic vehicles, emergency vehicles or industrial or farm equipment is exempt from this subsection.

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

Effective March 10, 2004.

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**CHAPTER 545**

**H.P. 1227 - L.D. 1649**

**An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technical Education Centers and Regions**

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

**Sec. 1. 20-A MRSA §8301-A**, as corrected by RR 1991, c. 2, §61, is amended to read:

**§8301-A. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Affiliated unit.** "Affiliated unit" means a school administrative unit that is affiliated with another school administrative unit that operates ~~an applied technology~~ a center. An affiliated school administrative unit may have its secondary students served by ~~an applied technology~~ a center operated by a school administrative unit with which it is affiliated. An affiliated school administrative unit may also operate applied technology career and technical education satellite programs.

**2. Budget failure.** "Budget failure" means the failure of ~~an applied technology~~ a region, by August 1st of any fiscal year, to approve a budget for the ~~applied technology~~ region that is at least equal to the sum of the total allocations for applied technology career and technical education of the member school administrative units in the ~~applied technology~~ region.

**2-A. Career and technical education.** "Career and technical education" means a course or program of education designed to create or improve job-related skills that is part of a secondary school curriculum and approved by the commissioner according to this chapter. A school administrative unit shall make career and technical education available to persons residing in the school administrative unit who are eligible to receive free public secondary education.

**3. Center.** "Center" means an administrative entity established pursuant to this chapter that provides ~~applied technology career and technical~~ education to secondary students. Unless otherwise specifically provided for by this chapter, ~~an applied technology~~ a center is governed, operated and administered by a single school administrative unit. ~~An applied technology~~ A center shall make its programs available to serve secondary students from school administrative units with which it is affiliated. ~~An applied technology~~ A center may include within its administrative structure applied technology career and technical education satellite programs operated by school administrative units with which it is affiliated.

**4. Municipality.** "Municipality" has the same meaning as in section 15603, subsection 19.

**5. Parent.** "Parent" means a parent, as defined in section 1, subsection 20, with legal custody of a minor child.

**6. Region.** "Region" means a quasi-municipal corporation established by the Legislature to provide ~~applied technology career and technical~~ education to secondary students that is comprised of all the school administrative units within the geographical boundaries set forth for each ~~applied technology career and technical education~~ region in section 8451. ~~An applied technology~~ A region is governed by a cooperative board formed and operating in accordance with this chapter.

**7. Residence.** "Residence" means, with reference to a person's eligibility to receive vocational education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age or the legal residence of the person after the person becomes an emancipated minor. A federal reservation is considered part of the school administrative unit in which it is located.

**8. Satellite program.** "Satellite program" means a program providing applied technology career and technical education to secondary students that is operated, under section 8403 ~~8403-A~~, by a school administrative unit affiliated with ~~an applied technology~~ a center.

**9. State subsidy.** "State subsidy" has the same meaning as in section 15603, subsection 26.

**10. Unit.** "Unit" means a school administrative unit.

**11. Vocational education.** "~~Vocational education~~" means ~~a course or program of education designed to create or improve job related skills that is part of a secondary school curriculum and approved by the commissioner according to this chapter. A school administrative unit shall make vocational education available to persons residing in the school administrative unit who are eligible to receive free public secondary education.~~

**Sec. 2. Revision clause.** Wherever in the Maine Revised Statutes the words "Bureau of Applied Technology and Adult Learning" appear or reference is made to that bureau within the Department of Education, those words are amended to read or mean, as the case may be, "Bureau of Career and Technical Education and Adult Learning."

**Sec. 3. Revision clause.** Wherever in the Maine Revised Statutes the words "Division of Applied Technology Education" appear or reference is made to that division within the Department of Education, those words are amended to read or mean, as the case may be, "Division of Career and Technical Education."

**Sec. 4. Revision clause.** Wherever in the Maine Revised Statutes the words "applied technology education" appear, those words are amended to read and mean "career and technical education."

**Sec. 5. Revision clause.** Wherever in the Maine Revised Statutes the words "applied technology center," "applied technology region," "applied technology satellite," "applied technology program" or "applied technology course of study" appear or reference is made to any of those things, those words are amended to read or mean, as the case may be, "career and technical education center," "career and technical education region," "career and technical education satellite," "career and technical education program" or "career and technical education course of study," respectively.

**Sec. 6. Revision clause.** Wherever in the Maine Revised Statutes, Title 20-A the words "applied technology" appear when referring to an educational purpose and training for careers, those words are amended to read and mean "career and technical."

See title page for effective date.

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**CHAPTER 546**

**H.P. 1145 - L.D. 1563**

**An Act Regarding Standard Contracts for Assisted Living Services**

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

**Sec. 1. 22 MRSA §7862** is enacted to read:

**§7862. Contracts for assisted living services**

All contracts or agreements executed by providers of assisted living services under this chapter and a consumer or the legal representative of the consumer are subject to the requirements of this section.

**1. Required contract provisions.** Each contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the department by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain additional provisions as allowed under subsection 2.

**2. Other contract provisions.** In addition to the provisions required under subsection 1, each contract or agreement for assisted living services may contain provisions that do not violate a state law or rule or federal law or regulation. A contract or agreement must be consistent with the rules adopted by the

department applicable to the type of assisted living services provided.

**3. Rulemaking.** The commissioner shall adopt rules to implement this section. The rules must be developed in consultation with the long-term care ombudsman program established under section 5107-A, consumer representatives and providers of assisted living services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 547**

**H.P. 1282 - L.D. 1760**

**An Act To Amend the Random Drug Testing Laws**

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

**Sec. 1. 26 MRSA §683, sub-§2**, as amended by PL 2001, c. 556, §2, is further amended by amending the first paragraph to read:

**2. Written policy.** Before establishing any substance abuse testing program, an employer must develop or, as required in section 684, subsection 3, paragraph C, must appoint an employee committee to develop a written policy in compliance with this subchapter providing for, at a minimum:

**Sec. 2. 26 MRSA §684, sub-§3**, as amended by PL 2001, c. 706, §1, is further amended to read:

**3. Random or arbitrary testing of employees.** In addition to testing employees on a probable cause basis under subsection 2, an employer may require, request or suggest that an employee submit to a substance abuse test on a random or arbitrary basis if ~~at least one of the following conditions is met:~~

A. The employer and the employee have bargained for provisions in a collective bargaining agreement, either before or after the effective date of this subchapter, that provide for random or arbitrary testing of employees. A random or arbitrary testing program that would result from implementation of an employer's last best offer is not considered a provision bargained for in a collective bargaining agreement for purposes of this section; ~~or~~

B. The employee works in a position the nature of which would create an unreasonable threat to the health or safety of the public or the employee's ~~co-workers~~ coworkers if the employee