

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

- B. Answer inquiries, investigate and work toward resolution of complaints regarding the performance and services of the department and participate in conferences, meetings and studies that may improve the performance of the department;
- C. Provide services to persons to assist them in protecting their rights;
- D. Inform persons of the means of obtaining services from the department;
- E. Provide information and referral services;
- F. Analyze and provide opinions and recommendations to agencies, the Governor and the Legislature on state programs, rules, policies and laws;
- G. Determine what types of complaints and inquiries will be accepted for action by the program and adopt policies and procedures regarding communication with persons making inquiries or complaints and the department;
- H. Apply for and utilize grants, gifts and funds for the purpose of performing the duties of the program; and
- I. Collect and analyze records and data relevant to the duties and activities of the program and make reports as required by law or determined to be appropriate.

Sec. 2. 22 MRSA §4087-A, sub-§6, as enacted by PL 2001, c. 439, Pt. X, §5, is repealed and the following enacted in its place:

6. Confidentiality of records. Information held by or records or case-specific reports maintained by the program are confidential. Disclosure may be made as allowed or required in accordance with the provisions of section 4008, subsections 2 and 3. Unlawful dissemination is subject to the provisions of section 4008, subsection 4.

See title page for effective date.

CHAPTER 411

S.P. 144 - L.D. 446

An Act To Mandate Payment of Licensed Sign Language Interpreters for Driver Education Students

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

Sec. 1. 29-A MRSA §1352, sub-§1, as affected by PL 1995, c. 65, Pt. A, §153 and amended by

Pt. B, §14 and affected by Pt. C, §15, is further amended to read:

1. Motorcycle driver education required.

Notwithstanding any other provision of law, a motorcycle or motor-driven cycle instruction permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver education program and examination approved by the Secretary of State, except as provided in this subsection. ~~If a person is hearing impaired and a course is not readily available to that person, the Secretary of State may arrange for that person to complete a motorcycle driver education program using an electronic communications system. The program must meet the requirements of this section.~~

Sec. 2. 29-A MRSA §1354, sub-§5-A, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

5-A. License fees. ~~Except as provided in section 1355, license~~ License fees must be paid to the Secretary of State and deposited into the Highway Fund. The following fees apply.

- A. The fee for a driver education school license is \$125.
- B. The fee for a driver education teacher or instructor license is \$80.
- C. Each license issued pursuant to this section expires one year from the date of issuance. The fee for the renewal of a driver education school license is \$125. The fee for the renewal of a driver education teacher or instructor license is \$80.
- D. A noncommercial driver education school that offers driver education for course credit and does not charge a fee for driver education is exempt from the license fees required in this subsection. A driver education teacher employed by and providing driver education only in a school exempt from license fees in accordance with this paragraph is also exempt from license fees required in this subsection.

~~This subsection takes effect January 1, 1997.~~

Sec. 3. 29-A MRSA §1355, as enacted by PL 1995, c. 505, §16 and affected by §22, is repealed.

Sec. 4. 29-A MRSA §1357 is enacted to read:

§1357. Communication services for deaf and hard-of-hearing persons

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

A. "CART" means computer-assisted real-time transcription using specialized equipment to transcribe real-time word-for-word spoken English into written English that can be viewed on a computer screen or projected onto a large screen.

B. "CART provider" means a person who provides CART.

C. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and who must depend primarily upon visual communication.

D. "Hard-of-hearing person" means a person who has a hearing loss resulting in a functional loss, but not to the extent that the person must depend primarily upon visual communication.

E. "Licensed interpreter" means a person who provides sign language interpreting services and is licensed under Title 32, section 1524 or section 1524-B.

2. Licensed interpreter services or CART required for driver education. When a deaf or hard-of-hearing person is required to complete a driver education course and examination pursuant to section 1351 or 1352, the Secretary of State shall provide a licensed interpreter or CART provider to allow for completion of the driver education course and examination. Licensed interpreter services or CART provided under this section must be paid for by the Secretary of State.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF ADMINISTRATION - MOTOR VEHICLES 0077

Initiative: Allocates funds for the cost of providing certain services from licensed sign language interpreters.

| HIGHWAY FUND | 2005-06 | 2006-07 |
|--------------------|-----------|-----------|
| All Other | \$126,000 | \$168,000 |
| HIGHWAY FUND TOTAL | \$126,000 | \$168,000 |

See title page for effective date.

CHAPTER 412

S.P. 608 - L.D. 1642

An Act To Further the Transition to the New Department of Health and Human Services

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

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2003, c. 689, Pt. C, §3, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

- Superintendent of Financial Institutions;
- State Tax Assessor;
- Superintendent of Insurance;
- Executive Director of the Maine Consumer Choice Health Plan;
- ~~Associate Commissioner for Programs, Department of Behavioral and Developmental Services;~~
- ~~Associate Commissioner of Administration, Department of Behavioral and Developmental Services;~~
- ~~Associate Commissioner for Systems Operations, Department of Behavioral and Developmental Services;~~
- Deputy Commissioner, Department of Administrative and Financial Services;
- Associate Commissioner for Adult Services, Department of Corrections;
- Associate Commissioner for Juvenile Services, Department of Corrections;
- Public Advocate;
- ~~Director, Bureau of Medical Services, Department of Human Services;~~
- Deputy Commissioner of Integrated Services, Department of Health and Human Services;
- Deputy Commissioner of Health, Integrated Access and Strategy, Department of Health and Human Services;
- Chief Information Officer; and
- Associate Commissioner for Legislative and Program Services, Department of Corrections.