

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
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**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2015**

agency solely for the purpose of complying with section 1310, subsection 1-A.

**Sec. 4. 10 MRSA §1310, sub-§3**, as enacted by PL 2013, c. 228, §1, is amended to read:

**3. Persons not required to place security freeze.** The following persons are not required to place ~~on a consumer report~~ a security freeze pursuant to subsection 1 ~~or 1-A~~, except that any person that is not required to place a security freeze ~~on a consumer report~~ under the provisions of subsection 1 ~~or 1-A~~ is subject to a security freeze placed ~~on a consumer report~~ by another consumer reporting agency from which it obtains information:

A. A check services or fraud prevention services company that reports on incidents of fraud or issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers or similar methods of payment;

B. A deposit account information services company that issues reports regarding account closures due to fraud, overdrafts, automated teller machine abuse or similar negative information regarding a consumer to inquiring financial institutions for use only in reviewing that consumer's request for a deposit account at the inquiring financial institution; and

C. A consumer reporting agency that:

(1) Acts only to resell credit information by assembling and merging information contained in a database of one or more consumer reporting agencies; and

(2) Does not maintain a permanent database of credit information from which new consumer reports are produced.

See title page for effective date.

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## CHAPTER 140

### H.P. 380 - L.D. 556

#### **An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator**

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

**Sec. 1. 20-A MRSA §6304**, as enacted by PL 2007, c. 267, §1, is amended to read:

### **§6304. Automated external defibrillators and cardiopulmonary resuscitation**

School boards may place automated external defibrillators in occupied school buildings and at school athletic events. School personnel and members of the public may receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators in order to acquire the skills and confidence to respond to emergencies. In accordance with rules adopted by the department, public schools shall offer training to students on how to perform cardiopulmonary resuscitation and use automated external defibrillators. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Standards for instruction in cardiopulmonary resuscitation and automated external defibrillator use.** The Commissioner of Education shall establish, by rule, standards for instruction in cardiopulmonary resuscitation, or "CPR," and automated external defibrillator, or "AED," use pursuant to the Maine Revised Statutes, Title 20-A, section 6304. The commissioner shall base the standards for instruction in CPR and AED use on the programs established by the American Heart Association or the American Red Cross or another program that is nationally recognized and uses the most current national evidence-based emergency cardiovascular guidelines and incorporates psychomotor skills development into the instruction. The standards for instruction in AED use may not require the use of an AED but must include an explanation of AED use. A licensed teacher may not be required to be certified as a CPR or AED trainer or to facilitate, provide or oversee CPR or AED instruction. The rule must require that a course that results in CPR and AED certification must be taught by a certified CPR or AED instructor. The rule must be designed to ensure that the requirements of Title 20-A, section 6304 can be met by a public school without the public school's being required to expand or modify its activity so as to necessitate additional expenditures from local revenues.

See title page for effective date.

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## CHAPTER 141

### S.P. 426 - L.D. 1199

#### **An Act To Clarify the Laws Governing the Bureau of Rehabilitation Services**

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

**Sec. 1. 5 MRSA §1821**, as enacted by PL 1973, c. 198, is repealed.

**Sec. 2. 5 MRSA §1822**, as amended by PL 1995, c. 560, Pt. F, §4, is repealed.

**Sec. 3. 5 MRSA §1823**, as enacted by PL 1973, c. 198, is repealed.

**Sec. 4. 5 MRSA §1824**, as amended by PL 1993, c. 708, Pt. J, §4, is repealed.

**Sec. 5. 26 MRSA §1411-A, sub-§4**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**4. Gainful employment.** "Gainful employment" for a person who receives services from the Division for the Blind and Visually Impaired includes employment in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work, including work for which payment is in kind rather than in cash; supported employment; ~~sheltered employment; and home industries or other gainful homebound work~~ home-based employment. "Gainful employment" for a person who receives services from the Division of Vocational Rehabilitation includes employment in the competitive labor market; practice of a profession; self-employment; supported employment; and home-based employment.

**Sec. 6. 26 MRSA §1411-A, sub-§6, ¶C**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

C. Training services for people with disabilities, which ~~must~~ may include personal and vocational adjustment, on-the-job training and books and other training materials;

**Sec. 7. 26 MRSA §1411-C**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

#### **§1411-C. Authority**

The department is the designated and state agency established as the sole state agency to provide rehabilitation services, including but not limited to vocational rehabilitation services, and to provide evaluation and vocational services for purposes of the ~~Federal federal~~ Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal federal~~ Rehabilitation Act of 1973. The commissioner shall make those rules that the commissioner finds necessary and appropriate for the administration of a program of rehabilitation services and shall organize such a program within the department in a manner that is consistent with existing federal and state laws, rules and regulations.

**Sec. 8. 26 MRSA §1411-D, sub-§8**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**8. Eligibility and priority.** Shall Through the Bureau of Rehabilitation Services, Division of Vocational Rehabilitation and Division for the Blind and Visually Impaired, which are the designated state units under the federal Rehabilitation Act of 1973, shall

determine the eligibility of individuals for rehabilitation services or evaluation and vocational services and the priority for those services in accordance with rules established by the department; and

**Sec. 9. 26 MRSA §1411-D, sub-§9**, as amended by PL 2011, c. 348, §8, is further amended to read:

**9. Transitional services coordination.** Shall Through the Bureau of Rehabilitation Services, Division of Vocational Rehabilitation and Division for the Blind and Visually Impaired, which are the designated state units under the federal Rehabilitation Act of 1973, shall participate with school administrative units in transition planning for each student receiving special education services who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.

**Sec. 10. 26 MRSA §1411-E, sub-§1**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**1. Apply for assistance.** Apply for federal assistance under the ~~Federal federal~~ Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal federal~~ Rehabilitation Act of 1973, and to comply with conditions, not inconsistent with this article, that are required for such assistance; and

**Sec. 11. 26 MRSA §1411-F**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

#### **§1411-F. Receipt and disbursement of funds**

The Treasurer of State is the appropriate officer of the State to receive and administer federal grants for rehabilitation programs, as contemplated by the ~~Federal federal~~ Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal federal~~ Rehabilitation Act of 1973, and the State Controller shall authorize expenditures as approved by the department.

**Sec. 12. 26 MRSA §1411-H**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

#### **§1411-H. Maintenance not assignable**

The right of a ~~handicapped or disadvantaged individual~~ person with a disability to maintenance under this article is not transferable or assignable at law or in equity and none of the money paid or payable or rights existing under this article are subject to execution, levy, attachment, garnishment or other legal process or to the operation of bankruptcy or insolvency law.

**Sec. 13. 26 MRSA §1412-C**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**§1412-C. Bureau of Rehabilitation Services; Division of Vocational Rehabilitation**

The commissioner shall establish within the department the Bureau of Rehabilitation Services, ~~which, Within the bureau, the Division of Vocational Rehabilitation, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer that group of rehabilitation services to nonblind and nonvisually impaired individuals specifically related to the federal vocational rehabilitation programs.~~

**Sec. 14. 26 MRSA §1412-E**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**§1412-E. Rules**

The department is authorized to establish rules required for the proper administration of a vocational rehabilitation program under the ~~Federal federal~~ Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal federal~~ Rehabilitation Act of 1973. These rules must include procedures for ensuring access to records by the protection and advocacy agencies designated under Title 5, Part 24 pursuant to an investigation of alleged rights violations.

**Sec. 15. 26 MRSA §1413-C, first ¶**, as amended by PL 2009, c. 652, Pt. A, §40, is further amended to read:

Within the ~~Department of Labor, Bureau of Rehabilitation Services, Division for the Deaf, Hard of Hearing and Late Deafened~~ department, the Commission for the Deaf, Hard of Hearing and Late Deafened, as established under Title 5, section 12004-J, subsection 17, consists of ~~24 up to 23 members and 3 members at large~~ appointed by the Governor and representing equally consumers, professionals and the public. ~~Members serve 3-year terms and may serve multiple terms without limit.~~ Members are entitled to compensation in accordance with Title 5, chapter 379.

**Sec. 16. 26 MRSA §1418-C**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**§1418-C. Program established; Division for the Blind and Visually Impaired**

The division, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer services related to blind and visually impaired individuals. The division shall provide a program of services for ~~the blind persons~~, including prevention of blindness, locating of blind persons, vocational guidance and training of ~~the blind persons~~, placement of blind persons in employment, assistance to local schools in meeting the special needs of blind students, instruction of adult blind persons in their homes and other social services to ~~the blind persons~~.

See title page for effective date.

**CHAPTER 142  
H.P. 514 - L.D. 761****An Act To Authorize Free  
Samples of Liquor by a  
Restaurant**

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

**Sec. 1. 28-A MRSA §709, sub-§2, ¶¶J and K**, as enacted by PL 2011, c. 629, §15, are amended to read:

J. Providing samples authorized under section 1355-A, 1402, 1402-A or 1504; ~~or~~

K. Donations authorized under section 708-B; ~~or~~

**Sec. 2. 28-A MRSA §709, sub-§2, ¶L** is enacted to read:

L. Licensees offering complimentary samples of wine under section 1055.

**Sec. 3. 28-A MRSA §1055** is enacted to read:

**§1055. Liquor samples at restaurants**

**1. Liquor samples at restaurants.** A restaurant licensed by the bureau as a Class A restaurant or a Class A restaurant/lounge may offer complimentary samples of malt liquor, wine or spirits to a customer, subject to the following conditions:

A. A sample may not be given to a person under 21 years of age;

B. A person may not be provided more than 3 samples per day, and samples are subject to the following size limits:

(1) A sample of malt liquor may not exceed 3 ounces;

(2) A sample of wine may not exceed one ounce; and

(3) A sample of spirits may not exceed 1/2 of one ounce;

C. A person who is visibly intoxicated may not be served;

D. The sampling must be conducted during regular business hours of the Class A restaurant or Class A restaurant/lounge and must take place on the licensed premises only in areas of the Class A restaurant or Class A restaurant/lounge where liquor is normally served to customers;

E. Samples may be provided only by employees of the Class A restaurant or Class A restaurant/lounge;

F. Wine or malt liquor served as a sample must be purchased from a wholesale licensee; and