

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

under Title 26, chapter 5, subchapter V-A, whether based on tort or breach of contract or otherwise, arising out of participation in Alpine or downhill skiing or the use of a tramway associated with skiing shall be commenced within 2 years after the cause of action accrues.

Sec. 2. 26 MRSA § 488, 2nd, 3rd and 4th sentences, as enacted by PL 1977, c. 543, § 4, are amended to read:

Therefore, each skier ~~and each passenger~~ shall have the sole responsibility for knowing the range of his own ability to negotiate any slope or ski trail ~~or associated passenger tramway~~, and it shall be the duty of each skier ~~and passenger~~ to conduct himself within the limits of his own ability, to maintain control of his speed and course at all times while skiing, to heed all posted warnings and to refrain from acting in a manner which may cause or contribute to the injury of himself or others. Except as otherwise specifically provided in this subchapter, each skier ~~or passenger~~ shall be deemed to have assumed the risk of and legal responsibility for any injury to his person or property arising out of his participation in Alpine or downhill skiing ~~or the use of any passenger tramways associated therewith~~, unless the injury or death was actually caused by the negligent operation or maintenance of the ski area by the ski area operator, its agents or employees. ~~The~~ Except as provided in this section, the responsibility for collisions by any skier while actually skiing, with any person or object, shall be solely that of the skier or skiers involved in ~~such~~ collision and not that of the ski area operator. This section shall not prevent the maintenance of an action against a ski area operator for the negligent design, construction, operation or maintenance of a tramway.

Effective July 6, 1978

CHAPTER 609

AN ACT to Enable the Purchase and Administering of Barbiturates for the Euthanasia of Pets and Animals.

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

Whereas, the purchase and administering of barbiturates for the euthanasia of pets and animals is presently forbidden by law; and

Whereas, this legislation permits the purchase and administering of barbiturates when in accordance with rules and regulations promulgated by the Commissioner of Agriculture; and

Whereas, this change in the law is vitally necessary at the earliest possible time for the continued operation of approved animal shelters; 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 § 2207-A, sub-§ 1, as enacted by PL 1975, c. 499, § 30, is amended to read:

1. Physicians, dentists, veterinarians, drug jobbers, drug wholesalers, drug manufacturers ~~and~~, pharmacists and pharmacies registered under Title 32, section 2901 and approved animal shelters as provided in Title 7, section 3406, are authorized to deal professionally with dangerous substances.

Sec. 2. 22 MRSA § 2207-A, sub-§ 2, ¶ E is enacted to read:

E. In the case of approved animal shelters, in good faith to purchase, possess and administer barbiturates to euthanize injured, sick, homeless or unwanted pets and animals, provided that the purchase, possession and administration is in accordance with rules and regulations promulgated by the Commissioner of Agriculture and meets federal drug enforcement standards. These rules shall require that the barbiturates shall be stored in a safe, which shall be securely attached to the building in which it is located.

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

Effective February 17, 1978

CHAPTER 610

AN ACT Amending the Law Relating to Habitual Truants and School Dropouts.

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

Whereas, the Legislature has enacted Public Law 1977, chapter 499, "AN ACT Relating to Habitual Truants and School Dropouts;" and

Whereas, that Act requires educational personnel to follow fairly extensive and detailed procedures when it is discovered that a child is habitually truant; and