

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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The limits thereof shall not be extended nearer any improved land used for recreational purposes or dwelling house ~~or well, from which the water is used for domestic purposes~~ than ~~25 rods~~ 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, against the written protest of the owner made to ~~said~~ the officers at the time of the hearing on ~~said~~ the petition. Nor shall any person, corporation or association establish, locate or enlarge any cemetery or burying ground by selling or otherwise disposing of land so that the limits thereof shall be extended nearer any improved land used for recreational purposes or dwelling house ~~or well~~ than ~~25 rods~~ 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, against the written protest of the owner.

Effective September 18, 1981

CHAPTER 34

H. P. 10 — L. D. 5

AN ACT to Amend the Annual Timber Cut Report Requirement to Include Fuelwood under the Annual Timber Cut Report.

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

12 MRSA § 8603, first sentence, as enacted by PL 1979, c. 545, § 3, is amended to read:

Owners or operators of all primary wood-using sawmills and primary processors of veneer wood, cordwood, boltwood, pulpwood, posts, poles, piling ~~and~~, fence rails **and commercial processors of fuelwood who annually process more than 20 cords**, except for domestic use and not for sale or conversion into products for sale, shall render an annual report to the director during the month of January of each year of the amount of softwoods and hardwoods processed by species within the State by them during the preceding calendar year and showing the county or counties from which the wood was taken.

Effective September 18, 1981

CHAPTER 35

H. P. 41 — L. D. 54

AN ACT Relating to Immunization of Children Prior to Entering School.

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

Whereas, there has been an established health hazard because of a rubella outbreak in southern Maine; and

Whereas, the recurrence of this situation could be prevented by an immunization program extending through all grades of schools in Maine; and

Whereas, it is necessary to have the Department of Educational and Cultural Services and the Bureau of Health, Department of Human Services, prepare rules relating to immunization requirements, record keeping and procedures for reporting prior to the start of the school year; and

Whereas, these rules should be promulgated as soon as possible in order to expedite immunizations; 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. 20 MRSA § 1191, sub-§ 2, as enacted by PL 1977, c. 471, is amended to read:

2. Disease. "Disease" means poliomyelitis, diphtheria, pertussis, tetanus, measles, mumps and rubella.

Sec. 2. 20 MRSA § 1191, sub-§ 4, as enacted by PL 1977, c. 471, is amended to read:

4. School. "School" means and includes grades kindergarten through-6 12 in any public, private or parochial school in the State.

Sec. 3. 20 MRSA § 1192, sub-§ 4, as enacted by PL 1977, c. 471, is amended by adding a new sentence at the end to read:

Before the immunizing agent is administered, a female child of childbearing age and the person in parental relation to the child shall be provided a description of the risks and benefits of receiving rubella vaccine, and the risks which are related to becoming pregnant within 3 months of receiving rubella vaccine.

Sec. 4. 20 MRSA § 1193, sub-§ 2, ¶ E is enacted to read:

E. A female child of childbearing age is not required to be immunized against rubella, even though immunization of such children is strongly recommended.

Sec. 5. 20 MRSA § 1193, sub-§ 4, as enacted by PL 1977, c. 471, is amended by adding at the end a new sentence to read:

State and local health personnel shall have access to student immunization records in connection with an emergency as provided for by the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, United States Code Title 20, Section 1232g, (b), (1), (I) and regulations adopted thereto.

Sec. 6. 20 MRSA § 1195, sub-§ 1, as amended by PL 1977, c. 694, § 318, is further amended to read:

1. **Rules authorized.** The Commissioner of the Department of Educational and Cultural Services, or his designee, and the Director of the Bureau of Health, shall adopt and amend rules required for the effective implementation of the provisions and purposes of this subchapter, **including but not limited to, rules relating to immunization requirements, record keeping and procedures for reporting.** The rules adopted by the commissioner or his designee shall be in accordance with the provisions set forth in section 21.

Sec. 7. 20 MRSA § 1195, sub-§ 3 is enacted to read:

3. **Annual report of immunization status.** By December 15th of the school year, each school shall submit a summary report of the immunization status of the entering children to the Director of the Bureau of Health on forms prescribed by the director.

Sec. 8. 20 MRSA § 1196, as enacted by PL 1977, c. 471, is amended to read:

§ 1196. **Effective date**

Except as otherwise provided under this subchapter, by ~~August 1, 1978~~ **September 15, 1981** each child in or entering each school in the State shall have been immunized against each disease.

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

Effective February 27, 1981

CHAPTER 36

H. P. 142 — L. D. 168

AN ACT to Amend the Litter Control Law by Allowing the Judge More Discretion in Imposing Clean-up Penalties.

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