

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 188

H.P. 976 - L.D. 1399

AN ACT to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites.

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

38 MRSA §599, sub-§2, ¶C, as repealed and replaced by PL 1983, c. 504, §7, is amended to read:

C. Open burning of solid waste material at a municipal solid waste disposal site serving less than 1,000 persons shall, prior to January 1, 1989, only be prohibited where the Board of Environmental Protection, after investigation and hearing, shows that the continuance of open burning at a specific municipal site is in violation of air quality standards.

All municipalities that are open burning solid waste materials, other than brush and demolition debris, at their solid waste disposal site as of the effective date of this paragraph, shall submit an alternative solid waste disposal plan acceptable to the Board of Environmental Protection by July 1, 1986. These plans shall be implemented as soon as possible after approval by the board, but in no case later than January 1, 1989.

Effective September 19, 1985.

CHAPTER 189

H.P. 1006 - L.D. 1453

AN ACT to Exempt from Home Health Licensure Municipal Entities that Provide Only Nontherapeutic Preventive and Promotional Health Educational Services.

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

Whereas, legislation is urgently needed to exempt municipal agencies that are not acute home health care service providers or reimbursed as such, but will be so regulated; 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 §2142, sub-§3, as enacted by PL 1983, c. 570, is amended to read:

3. Home health care provider. "Home health care provider" means any business entity or subdivision thereof, whether public or private, proprietary or not for profit, which is engaged in providing acute, restorative, rehabilitative, maintenance, preventive or health promotion services through professional nursing or another therapeutic service, such as physical therapy, speech pathology, home health aides, nurse assistants, medical social work, nutritionist services or personal care services, either directly or through contractual agreement, in a client's place of residence. This term does not apply to any sole practitioner providing private duty nursing services or other restorative, rehabilitative, maintenance, preventive or health promotion services in a client's place of residence or to municipal entities providing health promotion services in a client's place of residence.

Sec. 2. 22 MRSA §2147, sub-§§10 and 11, as enacted by PL 1983, c. 570, are amended to read:

10. Facilities licensed pursuant to chapter 405. Hospitals, intermediate care facilities, skilled nursing facilities or other facilities licensed pursuant to chapter 405 when the services are provided to clients residing in those facilities; and

11. Licensed boarding-care facilities. Boarding-care facilities licensed pursuant to chapters 1663 and 1665 when the services are provided to clients residing in those facilities; and

Sec. 3. 22 MRSA §2147, sub-§12 is enacted to read:

12. Municipal entities. Municipal departments or agencies or other municipal entities in their provision of nontherapeutic preventive and promotional health educational services where persons providing those services are employed by the municipality.

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

Effective May 20, 1985.

CHAPTER 190

H.P. 512 - L.D. 717

AN ACT to Mandate Smoke Alarms in all New,
Converted or Restored Single-family
Dwellings.

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

25 MRSA §2464, sub-§2, as enacted by PL 1981, c. 399, §1, is amended to read:

2. Smoke detectors required. The owner shall install, or cause to be installed, not less than one approved smoke detector upon or near the ceiling in areas within, or giving access to, bedrooms in:

A. Any single-family dwelling, the construction of which is completed after the effective date of this section; and

B. Each apartment in any building of multifamily occupancy, other than any occupied by the owner of the building;

C. Any addition to or restoration of an existing single-family dwelling which adds at least one bedroom to the dwelling unit and the construction of which is completed after the effective date of this paragraph; and

D. Any conversion of a building to a single-family dwelling after the effective date of this paragraph.

Effective September 19, 1985.
