

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Whereas, the rules must be in place by August 1991 in order to be implemented by postsecondary institutions during the 1991-92 academic year; 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-A MRSA §6359, sub-§1, ¶¶A, C, D and F, as enacted by PL 1985, c. 771, §§2 and 7, are amended to read:

A. "Certificate of immunization" means a written statement from a physician, nurse or public health official who has administered an immunizing agent to a student, specifying the dosage administered and the date it was administered.

C. "Disease" means diphtheria, measles, mumps, rubella and tetanus.

D. "Immunizing agent" means a vaccine, antitoxin toxoid or other substances substance used to increase an individual's immunity to a disease.

F. "Public health official" means a local health officer, the Director of the Bureau of Health or any designated employee or agent of the Department of Human Services.

Sec. 2. 20-A MRSA §6359, sub-§1, ¶G-1 is enacted to read:

G-1. "School health provider" means a physician, physician's assistant, registered nurse or nurse practitioner licensed to practice by the State and appointed by the chief administrative officer to provide health care to the student population.

Sec. 3. 20-A MRSA §6359, sub-§3, ¶A, as enacted by PL 1985, c. 771, §§2 and 7, is amended to read:

A. The parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable.

Sec. 4. 20-A MRSA §6359, sub-§6, as enacted by PL 1985, c. 771, §§2 and 7, is amended to read:

6. Rules; requirements; reports. The Director of the Bureau of Health shall issue adopt rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements and medical exceptions to receiving vaccines or toxoids for each disease, school record keeping

and reporting requirements or guidelines and procedures for the exclusion of nonimmunized students from school.

Immunization requirements more stringent than the provisions of this subchapter may be adopted by a school board or by policy of a private school's governing board.

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

Effective May 16, 1991.

CHAPTER 147

S.P. 325 - L.D. 881

An Act to Amend the University of Maine System Charter

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

Whereas, establishing speed limits on the campuses of the University of Maine System by the Maine State Police and the Department of Transportation is a priority; and

Whereas, speed limits can not be set without a road survey and the road survey can not be completed in time for the 1991-92 academic year unless this Act is given emergency status; 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. 29 MRSA §1251, as amended by PL 1987, c. 607, is further amended by adding a new paragraph at the end to read:

Notwithstanding the provisions of Private and Special Law 1865, chapter 532, section 8-A, speed limits within the limits of the property owned by or under the control of the University of Maine System must be established by the Department of Transportation and the Maine State Police as provided in this section. The speed limits must be posted by the University of Maine System in accordance with written directions or policies of the Department of Transportation.

Sec. 2. P&SL 1865, c. 532, §4, as amended by PL 1985, c. 779, §§89 to 92, is further amended by adding at the end a new paragraph to read:

Each meeting of the board must include an opportunity for citizen input. Each citizen must be permitted to address the board for a period of time established by the board.

Sec. 3. P&SL 1865, c. 532, §8-A, last ¶, as enacted by PL 1971, c. 544, §142, is amended to read:

The trustees may make rules and regulations for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the ~~university~~ University of Maine System. ~~Such~~ The rules and regulations ~~shall~~ have the same force and effect as municipal ordinances and District Courts are authorized to impose fines not to exceed \$10 \$50 for each parking violation. The trustees, by resolution, may adopt the provisions of the Maine Revised Statutes, Title 30, section 2151, subsection 3, paragraph A Title 30-A, section 3009, relating to prima facie evidence, ~~and~~ the establishment of a waiver of court action by payment of specified fees and the establishment and policing of parking spaces for handicapped persons. Notwithstanding this paragraph, speed limits within the limits of the property owned by or under the control of the University of Maine System must be established by the Department of Transportation and the Maine State Police as provided in the Maine Revised Statutes, Title 29, section 1251 and the speed limits must be posted by the University of Maine System in accordance with written directions or policies of the Department of Transportation. The violation of any rules and regulations relating to the movement of vehicles is deemed to be a traffic infraction unless defined as a felony or misdemeanor under Title 29.

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

Effective May 16, 1991.

CHAPTER 148

S.P. 316 - L.D. 854

An Act to Clarify the Definition of Resident Trust

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

Sec. 1. 36 MRSA §5102, sub-§4, ¶¶B and C, as enacted by P&SL 1969, c. 154, §F, are amended to read:

B. A trust created by will of a decedent who at his death was domiciled in this State; ~~or~~

C. A trust created by, or consisting of property of, a person domiciled in this State; or

Sec. 2. 36 MRSA §5102, sub-§4, ¶D is enacted to read:

D. A trust registered in this State under the provisions of Title 18-A, section 7-101.

See title page for effective date.

CHAPTER 149

S.P. 385 - L.D. 1062

An Act to Modify the Maine Residents Property Tax Program

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

36 MRSA §6201, sub-§9, as amended by PL 1989, c. 871, §20, is further amended to read:

9. Income. "Income" means the sum of Maine adjusted gross income determined in accordance with Part 8, the amount of capital gains excluded from adjusted gross income, the absolute value of the amount of trade or business loss, net operating loss carry-over, capital loss, rental loss, farm loss, partnership or S Corporation loss included in adjusted gross income, alimony, inheritance, life insurance proceeds paid on death of insured, nontaxable lawsuit rewards, such as slander, libel and pain and suffering, excluding reimbursements such as medical and legal expenses associated with the case, support money, nontaxable strike benefits, the gross amount of any pension or annuity, including railroad retirement benefits, all payments received under the federal Social Security Act, state unemployment insurance laws, veterans' disability pensions, nontaxable interest received from the Federal Government or any of its instrumentalities, interest or dividends on obligations or securities of this State and its political subdivisions and authorities, workers' compensation and the gross amount of "loss of time" insurance, cash public assistance and relief, but not including relief granted under this chapter. Income does not include up to \$5,000 in life insurance proceeds or gifts from nongovernmental sources or surplus foods or other relief in kind supplied by a governmental agency.

See title page for effective date.

CHAPTER 150

H.P. 361 - L.D. 515

An Act to Expand Consumer Membership on the Board of Osteopathic Examination and Registration

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