MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

may not be more than 3 days before the date of admission to the hospital; and

B. ~~He~~ The physician, physician's assistant, certified psychiatric clinical nurse specialist, nurse practitioner or psychologist is of the opinion that the person is mentally ill and, because of ~~his~~ that illness, poses a likelihood of serious harm.

See title page for effective date.

CHAPTER 439

H.P. 1187 - L.D. 1686

An Act to Permit the Retail Sale of Smoked Alewives

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

Sec. 1. 22 MRSA §2173 is enacted to read:

§2173. Sale of smoked alewives

Smoked alewives offered for sale need not be free of viscera prior to processing. A person who sells or offers for sale alewives smoked with the viscera shall post a clearly legible sign at the point of display of the alewives that states, "This product is not fully cooked. Eating prior to fully cooking poses a health risk."

See title page for effective date.

CHAPTER 440

H.P. 729 - L.D. 993

An Act to Prohibit the Stocking of Alewives in Tripp Pond

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

Whereas, alewives are scheduled to be stocked in Tripp Pond before March, April and May, which is before the end of the 90-day period; and

Whereas, the stocking of alewives in Tripp Pond is devastating to the lake and the fish in the lake; 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. 12 MRSA §7775, sub-§1, as enacted by PL 1995, c. 121, §1, is amended to read:

1. Alewives. Alewives may not be stocked in Hogan Pond or Whitney Pond in the Town of Oxford or any waters that drain into or out of those ponds.

Sec. 2. 12 MRSA §7775, sub-§2 is enacted to read:

2. Prohibition on stocking alewives in Tripp Pond, Pond Brook and the Little Androscoggin River. Alewives may not be stocked in Tripp Pond in the Town of Poland or any waters that drain into that pond, Pond Brook in the Town of Oxford from its source at Hogan Pond and Whitney Pond to its junction with the Little Androscoggin River or in any waters of the Little Androscoggin River upstream of the Welchville Dam.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 118th Legislature.

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

Effective June 10, 1997.

CHAPTER 441

S.P. 344 - L.D. 1121

An Act to Enhance Parental Involvement in Developing Educational Programs for Students with Disabilities

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

Sec. 1. 20-A MRSA §7207-B, sub-§3-A is enacted to read:

3-A. Notice to local school units. Prior to filing a request for investigation of noncompliance pursuant to section 7206 or for a due process hearing pursuant to this section, the parent, surrogate parent or guardian first shall attempt to resolve the controversy through discussions with the local school administrative unit. The parent, surrogate parent or guardian is barred from recovering attorney's fees in any subsequent action or proceeding if it is determined that the parent, surrogate parent or guardian unreasonably protracted