

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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§ 1555. Limitation

This chapter shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this chapter shall be unenforceable. Nothing in this chapter shall diminish the powers granted by any general or special law to any governmental body to acquire by purchase, gift or eminent domain or otherwise property for public purposes.

Effective September 14, 1979

CHAPTER 390

S. P. 378 — L. D. 1158

AN ACT Relating to Appointment of Local Plumbing Inspectors in the Unorganized Townships.

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

22 MRSA § 42, sub-§ 3-B is enacted to read:

3-B. Inspection of plumbing. The department shall adopt rules and regulations providing for the inspection of plumbing facilities. In municipalities, the municipal officers shall provide for the appointment of one or more plumbing inspectors. In plantations, the assessors shall appoint plumbing inspectors. In the unorganized areas of the State, the department shall appoint plumbing inspectors.

The department may reimburse plumbing inspectors in the unorganized areas for expenses incurred in the performance of their duties.

Effective September 14, 1979

CHAPTER 391

S. P. 455 — L. D. 1385

AN ACT to Clarify the Consent Requirements for Adoptions.

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

19 MRSA § 532, as last amended by PL 1977, c. 515, § 1, is repealed and the following enacted in its place:

§ 532. Consent for adoptions

1. Consent required. Before any adoption is granted, written consent to the adoption must be given by the child, if he is at least 14 years old, and by each of his living parents, except as provided in subsection 2.

2. Consent not required. Consent to adoption shall not be required of the following:

A. A parent who has been adjudged, after notice and hearing, to:

- (1) Have willfully abandoned the child; or
- (2) Be unwilling or unable to undertake parental responsibility;

B. A father who is not required to give consent under section 532-C;

C. A parent of a child in the custody of the Department of Human Services under Title 22, section 3792, and placed for adoption after the effective date of this section, when the parent has also been adjudged, after notice and hearing, to be unwilling or unable to undertake parental responsibility;

D. The parents who have executed a surrender and release under section 532-A; or

E. A parent who has voluntarily terminated or who has had judicially transferred his parental rights and those rights have been transferred to a duly licensed public or private agency under the law of another state or country.

3. Consent when custody is transferred. When parental consent is not required under subsection 2, paragraph C, D or E, then the written consent of the person or agency having custody or guardianship, or to whom the child has been surrendered, must be given.

4. Consent given before a probate judge. Except as provided in subsection 5, consent shall be given in front of a judge of probate. Before consent is given, the judge shall fully explain the effect of that consent, and shall make a determination that the consent is freely and knowledgeably given.

5. Consent before a justice of the peace or notary public. Consent may be acknowledged before a justice of the peace or notary public, who is not an attorney nor an employee of an attorney for the adopting parents, if:

A. One of the adopting parents is a blood relative of the child;

B. The adopting parents have received the child from the Department of Human Services or from an adoption agency duly licensed in Maine;

C. The consent is being given by a putative father required to give consent under this section; or

D. An agency or person is giving consent as required under subsection 3.

Effective September 14, 1979

CHAPTER 392

H. P. 1340 — L. D. 1584

AN ACT to Increase the Self-imposed Tax on Blueberries to Support Research and Extension Work as to the Effects of Inflation, the Shortage of Fuel Oil and Promotional and Marketing Aspects to Keep Maine Blueberries Competitive in North America.

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

Whereas, inflation and the escalating costs of fuel oil used to burn the fields are causing unusual hardship to the blueberry industry and competition in the market is steadily increasing from blueberries produced in other areas; and

Whereas, legislation is urgently needed to increase the self-imposed blueberry tax to permit needed research and education to cope with these developments; 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. 36 MRSA § 4303, first sentence, as amended by PL 1977, c. 533, § 1, is further amended to read:

There is levied and imposed a tax at the rate of .23 mills per pound of fresh fruit on all blueberries grown, purchased, sold, handled or processed in this State.

Sec. 2. 36 MRSA § 4303-A, first sentence, as enacted by PL 1971, c. 425, § 1, is amended to read: