

# 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  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE  
3, SECTION 164, SUBSECTION 6.**

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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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:**

30 MRSA § 4601-A, sub-§ 2, ¶ C, as enacted by PL 1975, c. 522, § 1-A, is amended to read:

C. Any nursing home or related institution licensed or subject to license by the Department of Human Services pursuant to Title 22, section 1817, **except intermediate care facility group homes for the mentally retarded and persons with related conditions.**

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

Effective February 11, 1981

## CHAPTER 5

S. P. 24 — L. D. 21

### AN ACT to Revise the Land Surveyor Laws.

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

Sec. 1. 32 MRSA § 1661, as enacted by PL 1967, c. 423, § 1, is amended to read:

#### § 1661. Purpose

It shall be unlawful for any person to ~~offer to practice~~ or **offer to practice** land surveying in the State, as defined in this chapter, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a land surveyor, unless he has been duly registered as a land surveyor or exempted under this chapter. Admission to practice land surveying shall be determined upon the basis of personal qualifications.

Sec. 2. 32 MRSA § 1663, as amended by PL 1973, c. 625, § 214, is further amended to read:

#### § 1663. Other legally recognized professions not affected

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession ~~nor prevent any person who was duly registered as a professional engineer prior to October 7, 1967 from engaging in the practice of land surveying. Said registered professional engineer shall upon application and payment of fee be registered as a land surveyor under this chapter, provided application is made within 2 years after October 7, 1967.~~

Sec. 3. 32 MRSA § 1665, sub-§ 1-A, is enacted to read:

**1-A. Nonresident becoming resident.** A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 days in any calendar year the profession of land surveying, if he has filed with the board an application for a certificate of registration and has paid the fee required by this chapter. This exemption shall continue only for such time as the board requires for the consideration of the application for registration, provided the person is legally qualified to practice the profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter.

Sec. 4. 32 MRSA § 1666, first paragraph, as enacted by PL 1967, c. 423, § 1, is amended to read:

Any person who shall ~~offer to practice or~~ **offer to practice** land surveying in this State without being registered or exempted in accordance with this chapter, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate or registration or any person who shall violate any of the provisions of this chapter as they relate to the practice of land surveying shall be ~~guilty of a misdemeanor and shall be punished by a fine of not more than \$500, or by imprisonment for not more than 3 months, or by both referred to the Attorney General for action in Administrative Court in accordance with section 1688, as amended.~~

Sec. 5. 32 MRSA § 1676, first ¶, as enacted by PL 1967, c. 623, § 1, is amended by adding after the first sentence a new sentence to read:

**Rules shall be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, after personal written notice is delivered to each land surveyor then registered under this chapter and after public hearing.**

Sec. 6. 32 MRSA § 1679, first sentence, as enacted by PL 1967, c. 423, § 1, is amended to read:

Rosters, showing the names and places of business of all registered land

surveyors, shall be prepared by the secretary of the board during the month of January ~~of each year~~ in each even-numbered year.

Effective September 18, 1981

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## CHAPTER 6

H. P. 33 — L. D. 38

### AN ACT to Make Confidential Discussion of Settlement Made Prior to a Maine Human Rights Commission Determination.

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

5 MRSA § 4612, sub-§ 1, as repealed and replaced by PL 1977, c. 648, § 2, is amended by adding after the first sentence, the following new sentence:

Nothing said or done as part of those endeavors may be made public without the written consent of the parties to the proceeding nor used as evidence in any subsequent proceeding, civil or criminal.

Effective September 18, 1981

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## CHAPTER 7

S. P. 72 — L. D. 109

### AN ACT to Amend the Maine Nonprofit Corporation Act.

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

13-B MRSA § 716, is enacted to read:

#### § 716. Duties of directors and officers

The directors and officers of the corporation shall exercise their powers and discharge their duties in good faith with a view to the interests of the corporation and with that degree of diligence, care and skill which ordinarily prudent men would exercise under similar circumstances in like positions. In discharging their duties, directors and officers may in all cases rely upon the books and records of account as provided by section 715.

Effective September 18, 1981