

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 183

H.P. 1013 - L.D. 1461

AN ACT to Amend the Law Relating to the
Installation of Smoke, Heat or Fire
Detection Systems in Certain Hotels.

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

25 MRSA §2463, 3rd and 4th ¶¶, as repealed and replaced by PL 1977, c. 665, are amended to read:

The State Fire Marshal, or his designee, shall inspect all systems installed pursuant to this section and shall approve all systems which comply with this section, except that when the hotel is located in a municipality which has a municipal fire department or incorporated volunteer fire department, that department shall be responsible for the inspection and approval of the system, unless the State Fire Marshal agrees to undertake that responsibility.

The term "hotel" shall ~~include~~ includes buildings or groups of buildings under the same management in which there are more than 15 sleeping rooms for hire, ~~primarily used by transients who are lodged with or without meals,~~ whether designated as a hotel, inn, club, motel, apartment hotel or by any other name. ~~So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.~~

Effective September 19, 1985.

CHAPTER 184

S.P. 395 - L.D. 1105

AN ACT to Clarify the Laws Requiring
Certification of Seed Potatoes.

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

Whereas, the quality of the Maine potato sold in the market place is essential to maintain the economic viability of the potato industry in Maine; and

Whereas, the quality of the Maine potato sold is determined in large part by the quality of the seed; and

Whereas, certified seed potatoes must meet minimum standards for planting to insure quality and to promote the reduction of disease, thereby protecting farmers from the spread of potato diseases from field to field; and

Whereas, available evidence supports the contention that requiring the planting of certified seed has, in fact, contributed to the decrease in the appearance of bacterial ring rot; and

Whereas, the Department of Agriculture, Food and Rural Resources is responsible for enforcement of the certification program and requests these changes in law to strengthen their enforcement capability; 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:

7 MRSA §951-A, first ¶, as enacted by PL 1979, c. 532, §1, is amended to read:

No seed potato seed, the product of which is intended for sale, ~~shall~~ may be planted in the State in lots of one or more acres unless that seed meets the minimum disease standards of Maine certified seed potatoes as defined is certified in accordance with rules adopted by the commissioner. These rules may include without limitation requirements for filing reports with the commissioner and requirements for filing records to the commissioner or his designee, upon request, which demonstrate that the potatoes so planted have been properly certified. A person, firm or corporation that plants potatoes in violation of this section shall be subject to a ~~fine of \$20~~ civil penalty of not less than \$20 and not more than \$100 per acre for each acre or part of an acre planted in violation of this section; provided that failure to file complete and accurate reports or failure to pro-

vide complete and accurate records in accordance with the rules adopted by the commissioner shall be an additional violation resulting in a separate civil penalty of not less than \$200 nor more than \$1,000 for each such failure. The fine Any civil penalty collected under this section shall be payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt and may amend rules consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section. Prior to their adoption, these rules shall be reported to the Joint Standing Committee on Agriculture by January 15, 1980 for its review. In addition to the enforcement powers and penalties established in this section, the commissioner may issue subpoenas to any individual in order to compel delivery of any reports or records which are required under this section. These subpoenas shall be enforceable by any court of competent jurisdiction.

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

Effective May 20, 1985.

CHAPTER 185

S.P. 534 - L.D. 1435

AN ACT to Encourage Early Identification and Treatment of Impaired Physicians.

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

Sec. 1. 24 MRSA §2502, sub-§4-A is enacted to read:

4-A. Professional review committee. "Professional review committee" means a committee of physicians formed by a professional society for the purpose of identifying and working with physicians who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as such committee operates pursuant to protocols approved by the Board of Registration in Medicine.