

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 5. 20-A MRSA §9003, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§9003. State agents for federal programs

The following provisions shall apply to federal fire programs in the State.

1. Executive director; state agent. ~~The commissioner~~ executive director shall be the state agent to be contacted by the United States Fire Administration about matters dealing with the Federal Fire Prevention and Control Act of 1974, Public Law 93-498.

2. System; testing; certification. The ~~department~~ system shall be the state testing agency for the National Professional Qualification Board of the Joint Council of Fire Services Organizations. The ~~commissioner~~ executive director may award certificates to personnel of municipal and incorporated volunteer fire departments using competency standards established by the Joint Council of Fire Services Organizations.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		

Adult Education

Positions	(-2)	(-2)
Personal Services	\$(70,101)	\$(71,595)
All Other	(48,636)	(48,405)
Total	\$(118,737)	\$(120,000)

MAINE VOCATIONAL-TECHNICAL INSTITUTE SYSTEM

Maine Vocational-Technical Institutes — Board of Trustees

All Other	\$118,737	\$120,000
-----------	-----------	-----------

This allocation of funds, which have been deallocated from the Department of Educational and Cultural Services, shall be used to fund the Maine Fire and Education Training Program pursuant to the Maine Revised Statutes, Title 20-A, chapter 319.

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

Effective May 15, 1987.

CHAPTER 125

H.P. 1060 — L.D. 1435

AN ACT to Assure Geographical Balance on the Board of Environmental Protection and to Implement Staggered Board Terms.

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

Whereas, 6 members of the Board of Environmental Protection will be replaced in 1987 due to resignations or the expiration of their terms; and

Whereas, the effect of such substantial change is detrimental to the continuity of environmental policy over the long term; and

Whereas, it is the intent of the Legislature to establish a system of staggered terms for the board similar to that employed on other policy-making boards in order to avoid this problem; 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. 38 MRSA §361, first ¶, as amended by PL 1985, c. 746, §17, is further amended to read:

The Board of Environmental Protection, as established by Title 5, section 12004, subsection 5, and in this subchapter called the "board," shall consist of 10 members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over energy and natural resources and to confirmation by the Legislature. Members of the board shall be chosen to represent the broadest possible interest and experience which can be brought to bear in the implementation of this Title and all other laws which the board is charged with the duty of administering. At least 4 members shall be residents of the First Congressional District and at least 4 members shall be residents of the Second Congressional District. The boundaries of the congressional districts are defined in Title 21-A, chapter 15. The members shall be appointed for a term of 4 years staggered 4-year terms, except that a vacancy shall be filled for the unexpired portion of the term. No member may serve more than 2 consecutive 4-year terms. The Governor shall appoint one member to serve as chairman. Any member who has not been renominated by the Governor within 90 days of the expiration of his term shall not continue to serve on the board unless the Governor notifies the Legislature, in writing and within 90 days of the expiration of that member's term, of his finding that extension of that member's term is required to ensure fair consideration of specific major applications pending before the board. That member's term shall terminate upon final board decisions on the specific applications identified in the Governor's communication.

Sec. 2. Transition. In order to accomplish the Legislature's intent to establish staggered terms for the

members of the Board of Environmental Protection, the following provisions shall apply to the terms of members renominated in 1987 and to those persons nominated to replace members whose terms expire in 1987. One of these nominations shall be for an initial term of 2 years, one shall be for an initial term of 3 years and one shall be for a term of 4 years. The term of any member who has served more than 2 consecutive 4-year terms shall expire at the end of his current term.

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

Effective May 15, 1987.

CHAPTER 126

H.P. 1002 — L.D. 1348

AN ACT to Amend the Marriage Prohibitions Based on Consanguinity.

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

Sec. 1. 19 MRSA §31, as amended by PL 1985, c. 181, is repealed and the following enacted in its place:

§31. Marriage prohibited and permitted within certain degrees

The following prohibitions and permissions apply to marriages.

1. Prohibitions. No man may marry his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister, the daughter of his father's brother or sister or the daughter of his mother's brother or sister. No woman may marry her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother, mother's brother, the son of her father's brother or sister or the son of her mother's brother or sister.

2. Permissions. A man may marry the daughter of his father's brother or sister or the daughter of his mother's brother or sister, and a woman may marry the son of her father's brother or sister or the son of her mother's brother or sister, provided that the man or woman shall provide the physician's certificate of genetic counseling required by sections 61 and 62 prior to marriage.

Sec. 2. 19 MRSA §61, as amended by PL 1983, c. 686, §1, is further amended to read by adding after the first paragraph a new paragraph to read:

If the parties recording notice of their intentions to marry are related as described in section 31, subsection 2, the parties shall submit to the clerk at the time of recording their intentions to marry a certificate from a

physician stating that the parties have received genetic counseling from the physician. The physician making the certification required by this paragraph shall sign the certificate.

Sec. 3. 19 MRSA §62, as amended by PL 1983, c. 686, §2, is further amended to read:

§62. Certificate

On and after the 3rd day from the filing of notice of intentions of marriage, except as otherwise provided, the clerk shall deliver to the parties a certificate specifying the time when such intentions were entered with him. It shall be delivered to the minister or magistrate before he begins to solemnize the marriage, which shall be performed in the presence of at least 2 witnesses besides the clergyman or magistrate officiating. No such certificate may be issued to parties related as described in section 31, subsection 2, unless the clerk has received from the parties the physician's certificate of genetic counseling required by section 61. No such certificate may be issued to a male under 18 or to a female under 18 years of age, without the written consent of their parents, guardians or persons to whom a court has given custody of such minors first presented, if they have any living. In the absence of persons qualified to give consent, the Judge of Probate in the county where such the minors reside may, after notice and hearing, grant consent. When 2 licenses are required and when either or both applicants for a marriage license are under the ages specified in this section, the written consent shall be given for the issuance of both licenses and such the written consent shall be given in the presence of the clerk issuing the license or by acknowledgment under seal filed with such clerk. No certificate may be issued to a person under 16 years of age without the written consent of that minor's parents, guardians; or persons to whom a court has given custody of that minor first presented, if the minor has any living, and without that clerk, having notified the Judge of Probate in the county in which the minor resides of the filing of these intentions, and having received in writing the consent from the judge to issue the certificate. If no written consent from the judge has been received by the 10th day from the filing of notice of intentions of marriage, consent shall be deemed to have been received, and the clerk shall issue the certificate. The Judge of Probate may, in the interest of public welfare, order that no such certificate shall be issued. Any certificate is void if not used within 60 days from the day the intentions are filed in the office of the municipal clerks. Whoever contracts a marriage or makes false representations to procure the certificate provided for above or the solemnization of marriage contrary to this chapter shall forfeit \$100. The clerk of any town or his deputy who intentionally violates this section or falsely states the residence of either party named in the certificate shall forfeit \$20 for each offense.

Effective September 29, 1987.
