

MAINE STATE LEGISLATURE

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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

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Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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at the expense of endangered and threatened wildlife resources; and

Whereas, the summer tourist season runs from approximately Memorial Day to Labor Day; and

Whereas, it is important to have these provisions in effect before the tourist season begins; 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 §7001, sub-§13-B is enacted to read:

13-B. Harass. "Harass" means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns.

Sec. 2. 12 MRSA §7756, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Misuse of endangered or threatened species. A person is guilty, except as provided in subsection 2, of misuse of an endangered or threatened species if he that person does any of the following:

A. Exports any endangered or threatened species from the State;

B. Hunts, traps or possesses any endangered or threatened species within the State; ~~or~~

C. Possesses, processes, sells, offers for sale, delivers, carries, transports or ships, by any means whatsoever, any endangered or threatened species; or

D. Deliberately feeds, sets bait for or harasses any endangered or threatened species, except as allowed under subsection 2, paragraph A. A warning shall be issued for the first violation. The 2nd violation shall be punishable as a Class E crime.

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

Effective May 29, 1987.

CHAPTER 176

H.P. 331 — L.D. 430

AN ACT to Provide for a Self-sufficiency Trust of Funds for the Developmentally Disabled.

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

34-B MRSA c. 1, sub-c. II-A is enacted to read:

SUBCHAPTER II-A

FUNDS FOR THE DEVELOPMENTALLY DISABLED

§1231. Self-sufficiency trust fund

1. Trust established. There is created the Self-sufficiency Trust Fund. The State Treasurer, ex officio, shall be custodian of the trust fund and the comptroller shall direct payments from the trust fund upon vouchers properly certified by the Commissioner of Mental Health and Mental Retardation. The treasurer shall credit interest on the trust fund to the trust fund and the commissioner shall allocate that interest pro rata to the respective accounts of the named beneficiaries of the trust fund.

A. For the purposes of this section, the term "self-sufficiency trust" means a trust created by a nonprofit corporation which is a 501-C-3 organization under the United States Internal Revenue Code of 1954 and which was organized under the Nonprofit Corporation Act, Title 13-B, for the purpose of providing for the care or treatment of one or more developmentally disabled persons or persons otherwise eligible for department services.

2. Rules. The department shall adopt these rules and procedures under the Maine Administrative Procedure Act, Title 5, chapter 375, as may be necessary or useful for the administration of the trust fund.

§1232. Administration of fund

1. Naming beneficiaries. The Department of Mental Health and Mental Retardation may accept money from a self-sufficiency trust for deposit in the trust fund pursuant to an agreement with the trust naming one or more beneficiaries who are developmentally disabled persons or persons otherwise eligible for department services residing in this State and specifying the care or treatment to be provided for them. The department shall maintain a separate account in the trust fund for each named beneficiary.

2. Care and support of beneficiaries. The money in these accounts shall be spent by the department, pursuant to its rules, only to provide care and treatment for the named beneficiaries in accordance with the terms of the agreement.

3. Return of money. In the event that the director determines that the money in the account of a named beneficiary cannot be used for the care or treatment of the beneficiary in a manner consistent with the rules of the department and the agreement, or upon request of the self-sufficiency trust, the remaining money in that

account, together with any accumulated interest on that account, shall be promptly returned to the self-sufficiency trust which deposited the money in the trust fund.

4. Other benefits not affected. The receipt by a beneficiary of money from the trust fund, or of care or treatment provided with that money, shall not in any way reduce, impair or diminish the benefits to which the beneficiary is otherwise entitled by law.

§1233. Special fund in the State Treasury

The fund for the developmentally disabled is created as a special fund in the State Treasury. The director may accept money from any source for deposit into the fund. The money in the fund shall be used by the department, subject to an allocation for the purpose of providing for the care and treatment of low-income developmentally disabled persons, or low-income persons otherwise eligible for department services, as defined by the department.

Effective September 29, 1987.

CHAPTER 177

H.P. 299 — L.D. 385

AN ACT Pertaining to a Training Season for Bear Dogs.

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

12 MRSA §7861, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Open training season. Except as provided for in section 7331, it is lawful to train dogs on foxes, rabbits and raccoons from August 1st through the following April 30th. It is lawful for residents to train up to 4 dogs on bear from August 1st to August 31st except in Washington County and Hancock County.

Effective September 29, 1987.

CHAPTER 178

H.P. 1150 — L.D. 1565

AN ACT to Authorize the Creation of the Position and the Salary Range of an Executive Director of the Board of Registration in Medicine.

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

Sec. 1. 2 MRSA §6-C is enacted to read:

§6-C. Salary of Executive Director of the Board of Registration in Medicine

Notwithstanding any other provision of law, the salary of the Executive Director of the Board of Registration in Medicine shall be within salary range 89.

Sec. 2. 32 MRSA §3269, sub-§6, as enacted by PL 1971, c. 591, §1, is repealed and the following enacted in its place:

6. Salary and duties. Except as provided in subsections 15 and 16, the power to employ and prescribe the duties of other personnel as the board shall deem necessary. Except as prescribed in subsection 15, the appointment and compensation of that staff shall be subject to the Civil Service Law;

Sec. 3. 32 MRSA §3269, sub-§16 is enacted to read:

16. Executive director. The board may appoint an executive director who shall serve at the pleasure of the board and who shall assist the board in carrying out its administrative duties and responsibilities under this chapter. The salary range for the executive director shall be set by the board within the range established by Title 2, section 6-C.

Effective September 29, 1987.

CHAPTER 179

H.P. 1151 — L.D. 1566

AN ACT to Permit a Reconsideration of Parental Rights and Responsibilities Upon the Relocation of Children of Divorced or Separated Parents from this State to Another State.

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

Sec. 1. 19 MRSA §214, sub-§11, as enacted by PL 1983, c. 813, §1, is amended to read:

11. Modification or termination. Any order for parental rights and responsibilities with respect to a minor child may be modified or terminated as circumstances require upon the petition of one or both of the parents. The parties shall be referred to mediation as under subsection 4.

The relocation, or intended relocation, of a child resident in this State to another state by a parent, when the other parent is a resident in this State and there exists an award of shared or allocated parental rights and responsibilities concerning the child, is a substantial change in circumstances.

Sec. 2. 19 MRSA §581, sub-§10, as enacted by PL 1983, c. 813, §2, is amended to read: