

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

PUBLISHED BY THE REVISOR OF STATUTES
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PUBLIC LAWS

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Sec. 2. 32 MRSA §3269, sub-§6, as enacted by PL 1971, c. 591, §1, is repealed and the following enacted in its place: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

10. Modification or termination. An order for parental rights and responsibilities with respect to a child may, upon petition of either spouse, be modified or terminated as circumstances require. 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. 3. 19 MRSA §752, sub-§12, as enacted by PL 1983, c. 813, §5, is amended to read:

12. Modification of orders; compulsory process. Upon the motion of one or both of the parents; any person granted parental rights and responsibilities with respect to a child under this section; the Department of Human Services; or any blood relative of, or any person standing in loco parentis to, the minor child, the court may alter its order concerning parental rights and responsibilities with respect to a minor child as circumstances require. 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.

In execution of the powers given it under this Title, the court may employ any compulsory process which it deems proper, by execution attachment or other effectual form, on which costs shall be taxed as in other actions.

Effective September 29, 1987.

CHAPTER 180

H.P. 945 — L.D. 1268

AN ACT to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State.

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

Whereas, over 25% of the State's shellfish habitat is adversely impacted by domestic sewage, with 9,000 of the State's 49,000 acres of mussel and clam habitat completely closed to all harvesting of shellfish due to severe contamination from sewage pollution and another 3,000 acres partially closed; and

Whereas, another 1,400 acres are open only in the

winter when summer residences are unoccupied; and

Whereas, this closure represents an enormous loss to the State's economy; and

Whereas, effluent "overboard" waste discharges from single-family residences and groups of residences have resulted in a substantial amount of this shellfish habitat closure; and

Whereas, there are approximately 3,000 existing overboard discharges making it difficult for the Department of Environmental Protection to properly monitor them and ensure their compliance with license requirements; and

Whereas, permission to discharge sewage "overboard" into the State's rivers and coastal waters was originally granted to existing homeowners because their lots were inadequate for traditional in-ground septic treatment or there was no centralized municipal sewage treatment available to these existing homeowners to upgrade their untreated "straight pipes;" and

Whereas, in recent years, new overboard discharge permits have been granted, at a rate of approximately 300 per year, for new construction with no existing need, in some cases to landowners who have no immediate intention to build and for increasing amounts of effluent; and

Whereas, finding new methods of treating and reducing discharge of residential sewage into the State's coastal and freshwater areas is vital to the continued economic viability of traditional water-based industries and to economic growth from tourism; 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 §352, sub-§4, TABLE I, 22nd, 23rd and 24th lines, as repealed and replaced by PL 1985, c. 746, §14, are amended to read:

413, Waste Discharge license

A. Residential	5.00	45.00	15.00	30.00	10.00
B. Commercial	10.00	200.00	90.00	400.00	160.00

Sec. 2. 38 MRSA §414, sub-§2-A is enacted to read:

2-A. Relicensing. The relicensing of an existing licensed waste discharge prior to or after the expiration of the term of the existing license is subject to all of the requirements of this chapter. For the purposes of this chapter, the term "relicense" includes, without limitation, the terms, "renewal," "renew," "reissue" and "extend."