

# 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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TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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

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year or fraction thereof of the unexpired term of the license. The application shall be notarized and shall contain the following information:

Sec. 5. 22 MRSA §2017, first paragraph, as repealed and replaced by PL 1975, c. 218, is amended to read:

A license shall expire 3 years after the date of issuance unless renewed. Licenses may be renewed in the same manner and subject to the same conditions as the issuance of the original license and upon payment of a renewal application fee of ~~\$50~~ \$200 for the first category and \$60 for each additional category.

Sec. 6. 22 MRSA §2023, sub-§1, as repealed and replaced by PL 1975, c. 218, is amended to read:

1. Qualifications of directors and technical personnel. The qualifications of directors and technical personnel of medical laboratories;

Sec. 7. 22 MRSA §2024, as repealed and replaced by PL 1975, c. 218, is amended to read:

#### §2024. Inspection

The department is authorized to inspect the premises and operations of all medical laboratories, subject to licensure or any provisions under this Act.

Sec. 8. 22 MRSA §2025, as repealed and replaced by PL 1975, c. 218, is repealed and the following enacted in its place:

#### §2025. Performance evaluation

The department shall require the demonstration of proficiency in the performance of the tests offered by laboratories subject to licensure or the provisions of this paragraph through successful participation in a proficiency testing program acceptable to the department and the commission covering all categories or subcategories in which testing is offered. Evaluated copies of results shall be forwarded to the department.

Sec. 9. 22 MRSA §2026, first ¶, as amended by PL 1983, c. 812, §122, is further amended to read:

The Maine Medical Laboratory Commission, established by Title 5, section 12004, subsection 8, shall consist of ~~10~~ 11 members who are residents of the State. The commissioner of the department or a person appointed by him shall be a member and is hereby designated and shall serve as the chairman. The Maine Osteopathic Association and the Maine Medical Association shall each nominate one person, which nominees shall be appointed to the commission by the Governor. The remaining ~~7~~ 8 members shall be appointed by the Governor and ~~3~~ of these members shall be certified by the American Board of Pathology and one member shall be certified by the American Osteopathic Board of Pathology. If persons possessing such qualifications are unavailable or un-

able to serve, the Governor may substitute any allopathic physician licensed in the State in lieu of an individual certified by the American Board of Pathology and any osteopathic physician licensed by the State in lieu of the individual certified by the American Osteopathic Board of Pathology. ~~The remaining 3~~ Three members shall be public members who shall not derive any significant part of their income from the medical care industry. The remaining member shall be a technologist as defined in 42 Code of Federal Regulations, Chapter IV, Part 405.1315, Subpart M.

Sec. 10. 22 MRSA §2029, last paragraph, as repealed and replaced by PL 1975, c. 218, is amended to read:

No medical laboratory ~~shall~~ may perform examinations in the field of pathologic anatomy, including exfoliative cytology, unless the director or an employee of the laboratory is a diplomate of the American Board of Pathology certified in pathologic anatomy or the American Osteopathic Board of Pathology certified in pathologic anatomy, or unless he is a physician licensed to practice medicine in the State of ~~Maine~~ who possesses special qualifications acceptable to the department and the commission, or unless he is a dentist licensed in Maine and is certified by the American Board of Oral Pathology.

Sec. 11. 22 MRSA §2039, as repealed and replaced by PL 1975, c. 218, is amended to read:

#### §2039. Injunction

The operation or maintenance of an ~~unlicensed~~ a medical laboratory subject to licensure or any provisions of this Act, in violation of this Act, is declared a nuisance inimical to the public health, welfare and safety. The department, in the name of the people of the State of ~~Maine~~, through the Attorney General, may, in addition to other remedies provided, bring an action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such medical laboratory unless compliance with this Act has been obtained.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue accruing to the Public Health Laboratory to carry out the purposes of this Act.

|                                      | 1987-88 | 1988-89 |
|--------------------------------------|---------|---------|
| <u>HUMAN SERVICES, DEPARTMENT OF</u> |         |         |
| Public Health Laboratory             |         |         |
| All Other                            | \$1,600 | \$1,600 |
| Effective September 29, 1987.        |         |         |

## CHAPTER 212

H.P. 1189 — L.D. 1620

**AN ACT Pertaining to the Placing of Bear Bait.**

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

**Sec. 1.** 12 MRSA §7001, sub-§1-C is enacted to read:

1-C. Bear bait. "Bear bait" means any animal or plant or derivative of an animal or plant used to attract bear.

**Sec. 2.** 12 MRSA §7451, sub-§3 is enacted to read:

3. Placing of bear bait. Placing of bear bait shall be in conformity with the following provisions.

A. Bait may not be used to hunt black bear, unless:

(1) The bait is placed at least 50 yards from any travel way that is accessible by a conventional 2-wheel or 4-wheel drive vehicle;

(2) The stand, blind and bait area are tagged by a 2-inch by 4-inch tag with the name and address of the baiter;

(3) The bait is placed more than 500 yards from any dump or campground;

(4) The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or leasee;

(5) The bait is placed not more than 30 days before the opening day of the season;

(6) The bait areas will be cleaned up by November 10, as defined by the state litter laws; and

(7) The person hunting from any stand or blind of another person has permission of the owner of that stand or blind.

Effective September 29, 1987.

**CHAPTER 213**

H.P. 257 — L.D. 340

**AN ACT to Amend the Law to Allow Security Officers to be on Duty for Dances at Which Minors are Admitted.**

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

8 MRSA §161, first ¶, as repealed and replaced by PL 1967, c. 265, is amended to read:

No public dances at which minors are admitted shall may be held in any pavilion, hall or other buildings un-

less there shall be on hand at all times, when such dances are being held, an officer of the law or, if permitted under local regulation or ordinance, a private security guard licensed under Title 32, chapter 93, and unless there shall be in such pavilion, hall or other building separate toilets for men and women. This paragraph shall not apply to dances conducted by and for students in either public, private or state-owned school buildings or municipally-owned buildings.

Effective September 29, 1987.

**CHAPTER 214**

H.P. 517 — L.D. 690

**AN ACT to Require that Candidates' Petitions be Sworn.**

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

**Sec. 1.** 21-A MRSA §336, sub-§3 is enacted to read:

3. Residence and party declared. The consent must contain a declaration of the candidate's place of residence and party designation which the candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If any part of the declaration is found to be false by the Secretary of State prior to the date of the general election, the consent and the primary petition are void, pursuant to challenge procedures in section 337.

**Sec. 2.** 21-A MRSA §355, sub-§3 is enacted to read:

3. Residence and party declared. The consent must contain a declaration of the candidate's place of residence which the candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If any part of the declaration is found to be false by the Secretary of State prior to the date of the general election, the consent and the nomination petition are void, pursuant to challenge procedures in section 356.

Effective September 29, 1987.

**CHAPTER 215**

H.P. 626 — L.D. 849

**AN ACT to Limit the Penalty a Landlord can Charge a Tenant for Late Payment of Rent.**

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