

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
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

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Department of Inland Fisheries and Wildlife to waters of the State for the purpose of restocking, including the elimination of undesirable species; or

B. The treatment of public water supplies by the application of copper sulfate or copper sulfate compounds where those water supplies are closed to swimming and fishing.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect at the close of the First Regular Session of the 113th Legislature or July 1, 1987, whichever comes first.

Effective June 30, 1987.

CHAPTER 236

S.P. 542 — L.D. 1639

AN ACT to Allow Farm Wineries to Pay Taxes Twice a Month.

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

28-A MRSA §1652, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Until July 1, 1989, the excise tax imposed on wine produced by a licensed Maine farm winery, is 5¢ per gallon on the first 10,000 gallons of wine produced in one year; 10¢ per gallon on all wine produced in excess of 10,000 gallons, but not in excess of 25,000 gallons; and 20¢ per gallon on all wine produced in excess of 25,000 gallons. The full amount of excise tax on table wine produced by a Maine farm winery is due semi-monthly.

Effective September 29, 1987.

CHAPTER 237

H.P. 806 — L.D. 1080

AN ACT Concerning Interstate or Intrastate Operating Permits.

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

29 MRSA §2703, as amended by PL 1983, c. 818, §29, is further amended by adding at the end a new paragraph to read:

Only one operating permit interstate or intrastate shall be required.

Effective September 29, 1987.

CHAPTER 238

S.P. 475 — L.D. 1438

AN ACT to Improve Public Lands' Camp Lot Management.

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

Sec. 1. 30 MRSA §4162, sub-§9, as enacted by PL 1981, c. 396, §1, is repealed and the following enacted in its place:

9. Lease rates. The annual fee for camp leases under subsection 4 shall not exceed 10% of the fair market value of the land, as determined once during each 5-year lease term by the State Tax Assessor. Notwithstanding this subsection, there shall be a minimum annual camp lease fee of \$150.

Sec. 2. 30 MRSA §4163, 3rd¶, as repealed and replaced by PL 1985, c. 299, §4, is repealed.

Effective September 29, 1987.

CHAPTER 239

H.P. 1180 — L.D. 1609

AN ACT to Amend the Postgraduate Residency Requirements for Certain Physicians.

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

Whereas, Maine requires 2 years of postgraduate training for registration with the Board of Registration in Medicine; and

Whereas, most states only require one year of postgraduate training; and

Whereas, this requirement is currently preventing doctors from practicing medicine in this State; 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:

32 MRSA §3279, sub-§5, as repealed and replaced by PL 1983, c. 741, §8, is amended to read:

5. Contract students. Any applicant who is qualified

under section 3271, subsection 1, who received his medical education as a contract student as provided in Title 20-A, chapter 421, and who agrees to practice in a primary care or other specialized area as defined in Title 20-A, section 11803, subsection 2, or an underserved area as defined in Title 20-A, section 11802, shall be deemed to have completed the postgraduate training requirements of section 3271, subsection 2, upon satisfactory completion of at least 12 months in a graduate educational program approved as specified in section 3271. The board may make the reregistration of an individual for 4 years after his licensure under this subsection contingent on his continuing to practice in an underserved area.

This subsection shall apply only to persons entering into a contract under Title 20-A, chapter 421, on or before December 31, 1984.

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

Effective June 8, 1987.

CHAPTER 240

S.P. 547 — L.D. 1652

AN ACT to Amend the Civil Service Law.

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

Whereas, it is essential for departments to be able to hire persons for intermittent positions, particularly before the summer season begins; and

Whereas, the definition of intermittent employee needs to be changed with respect to the limitation on the hours for intermittent position from a weekly basis to an annual basis; and

Whereas, the use of recruitment and retention stipends are necessary to attract and retain employees in certain positions; and

Whereas, the law authorizing these stipends statutorily "sunset" on July 1, 1987; 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. 5 MRSA §634, sub-§3, as enacted by PL 1985, c. 720, is repealed.

Sec. 2. 5 MRSA §7042, sub-§7, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

7. Study acting capacity positions. Study acting capacity positions with the purpose of proposing recommendations that provide status, including, but not limited to, experience, pay step increases, application for the position upon the termination of the acting capacity status of the position, fringe benefits and any other factors deemed relevant by the Policy Review Board; study the feasibility of appropriate alternatives to temporary service contract employment, including the establishment of an administrative support services pool, made up of classified employees, to be utilized to assist agencies and departments with temporary absences or excessive seasonal workloads and to abolish the use of temporary service contracts;

Sec. 3. 5 MRSA §7051, sub-§5, ¶¶A and B are enacted to read:

A. Probationary employees shall be reviewed at the end of their 3rd month of employment by their supervisors. The supervisor and the employee shall mutually discuss the job tasks and the performance of the employee, including any necessary improvements.

B. Probationary employees shall be included in the payroll of the department in which they have been hired at the time of the commencement of their duties. Probationary employees shall be compensated in the same manner as permanent full-time employees, provided they have been hired in accordance with all applicable laws and procedures.

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

Effective June 8, 1987.

CHAPTER 241

H.P. 1211 — L.D. 1653

AN ACT Authorizing the Use of Gill Nets by Department of Inland Fisheries and Wildlife Personnel for Scientific Purposes.

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

Whereas, the 90-day period will not terminate until well through the next biological field season; and

Whereas, the current ban on the use of gill nets will have significant adverse impact on biological efforts to evaluate and assess the State's inland fishery resources; and

Whereas, the inland fishery resources in the State