

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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5. Mobile nonambulatory. "Mobile nonambulatory," as applied to a resident of a boarding care facility, means being able to transfer independently, ~~but unable to walk or unable to transfer without assistance, but able to move from place to place with the use of a device, such as a walker, crutches, wheelchair or wheeled platform, as certified by a physician or psychologist and able to evacuate a facility in less than 2 1/2 minutes with the assistance of another person throughout the evacuation procedure.~~

Sec. 2. 22 MRSA §7901-A, sub-§§6 and 7, as enacted by PL 1985, c. 770, §6, are repealed.

Sec. 3. 22 MRSA §7904-A, sub-§5, as enacted by PL 1985, c. 770, §10, is amended to read:

5. Requirements for boarding homes with 6 or fewer beds. The department may permit any boarding home having 6 or fewer ambulatory residents who can evacuate the facility without the assistance of another person in 2 or less minutes to comply with the one-family and 2-family dwelling requirements of the Life Safety Code adopted by the State Fire Marshall ~~provided the residents are certified annually by a physician or a psychologist as ambulatory and capable of following directions and taking appropriate action for self-preservation under emergency conditions~~ Marshal.

Sec. 4. 22 MRSA §7904-A, sub-§6, as enacted by PL 1985, c. 770, §10, is amended to read:

6. Adult foster homes with one to 4 ambulatory residents. Adult foster homes having one to 4 ambulatory residents who can evacuate the facility without the assistance of another person in 2 or less minutes shall comply with the one-family and 2-family dwelling requirements of the Life Safety Code adopted by the State Fire Marshal.

Effective September 29, 1987.

CHAPTER 305

H.P. 1158 — L.D. 1584

AN ACT to Require Rulemaking by the Department of Mental Health and Mental Retardation Regarding Administration of Cardiopulmonary Resuscitation in State Institutions.

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

34-B MRSA §1436 is enacted to read:

§1436. Rules regarding cardiopulmonary resuscitation

The department shall promulgate rules regarding the use of cardiopulmonary resuscitation in state institutions, pursuant to the Maine Administrative Procedure Act, Title 5, section 8053.

Effective September 29, 1987.

CHAPTER 306

S.P. 575 — L.D. 1716

AN ACT to Expedite the Process of Resolving Disputes Involving the Accuracy of Information in Consumer Reports.

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

Sec. 1. 10 MRSA §1316, sub-§2, ¶B, as amended by PL 1985, c. 140, §1, is repealed and the following enacted in its place:

B. By telephone, if he presents proper identification, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer; or

Sec. 2. 10 MRSA §1317, sub-§2, as amended by PL 1977, c. 677, §7, is further amended to read:

2. Reinvestigation by consumer reporting agency. If a consumer disputes any item of information contained in his file on the ground that it is inaccurate and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall promptly reinvestigate and record the current status of such information within 10 business days of notification of the dispute by the consumer, unless it has reasonable grounds to believe that the dispute by the consumer is frivolous, and it shall promptly then immediately notify the consumer of the result of its investigation and his rights pursuant to subsections 4, 5 and 6. The presence of contradictory information in a consumer's file shall not, in and of itself, constitute reasonable grounds for believing the dispute is frivolous.

Effective September 29, 1987.

CHAPTER 307

S.P. 323 — L.D. 951

AN ACT Authorizing Restitution in Civil Penalty Actions.

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

Sec. 1. 5 MRSA §205-A is enacted to read:

§205-A. Short title

This chapter will be known as and may be cited as the Maine Unfair Trade Practices Act.

Sec. 2. 5 MRSA §209, as amended by PL 1981, c. 339, is further amended by adding at the end a new paragraph to read:

In any action by the Attorney General brought against the defendant for violating the terms of an injunction issued under this section, the court may make such orders or judgments as may be necessary to restore to any persons who have suffered any ascertainable loss by reason of such conduct found to be in violation of an injunction, any money or property, real or personal, which may have been acquired by means of such conduct.

Effective September 29, 1987.

CHAPTER 308

S.P. 452 — L.D. 1379

AN ACT to Clarify the Department of Conservation Laws.

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

Sec. 1. 12 MRSA §543, sub-§2, ¶B, as amended by PL 1985, c. 785, Pt. B, §59, is repealed.

Sec. 2. 12 MRSA §553, sub-§3, ¶B, as amended by PL 1985, c. 785, Pt. B, §60, is repealed.

Sec. 3. 12 MRSA §602, sub-§10, as amended by PL 1973, c. 460, §19, is repealed.

Sec. 4. 12 MRSA §602, sub-§10-A is enacted to read:

10-A. Accept gifts. To accept gifts and bequests of money or other personal property to be used in advancing the recreational and conservation interests in state parks and outdoor recreation;

Sec. 5. 12 MRSA §685, as amended by PL 1979, c. 541, Pt. A, §128, is further amended to read:

§685. Commission budget, financing and executive director

The Commissioner of Conservation shall prepare a biennial budget and shall submit to the Legislature requests for appropriations sufficient to carry out its assigned tasks. The commission may accept contributions of any type from any source to assist it in carrying out its assigned tasks, and make such requirements in respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving such funds, federal or otherwise. The commission shall give public notice of all contributions, in the state paper, stating the source, the amount and the purpose of such contributions. The commission may contract with municipal, State and Federal Governments or their agencies to assist in the carrying

out of any of its assigned tasks. The Commissioner of Conservation, with the consent of a majority of the commission, shall appoint a director who shall be the principal administrative, operational and executive employee of the commission. The director shall attend all meetings of the commission and be permitted to participate fully but shall not be a voting member of the commission. ~~The director with the approval of the Commissioner of Conservation may hire whatever competent professional personnel and other staff he deems necessary and he may obtain office space, goods and services as required.~~

Sec. 6. 12 MRSA §5012, 2nd and 3rd ¶¶, as amended by PL 1983, c. 819, Pt. A, §16, are further amended to read:

The commissioner shall have the power to appoint a director of administrative services, a deputy commissioner and bureau heads and other staff of the department, subject to the Civil Service Law, and prescribe their duties as shall be necessary for the proper performance of the duties of the department.

The director of administrative services and, the deputy commissioner and bureau heads shall serve at the pleasure of the commissioner, except that dismissal of the Executive Director of the Maine Land Use Regulation Commission shall require the consent of a majority of the members of that commission.

Sec. 7. 12 MRSA §5012, 4th ¶, as amended by PL 1975, c. 771, §157, is further amended to read:

The commissioner may, subject to the approval of the Governor, apply for and accept on behalf of the State any funds, other personal or real property, including grants, bequests, gifts or contributions from any person, corporation or government, including the Government of the United States. Such funds shall be deposited in a separate account with the Treasurer of State and received by him on behalf of the State received by the Treasurer of State on behalf of the State and deposited in an appropriate new or existing account in the department. All such funds may, subject to the rules and regulations promulgated by the Governor, be expended by the Commissioner of Conservation.

Sec. 8. 12 MRSA §5012, 5th ¶, as enacted by PL 1977, c. 360, §19, is amended to read:

The commissioner may, on behalf of the department, enter into such agreements with any person, corporation or state and local agencies and authorities or local government agency or authority as will promote the objectives of the department.

Sec. 9. 12 MRSA §8003, sub-§3, ¶B, as amended by PL 1985, c. 785, Pt. B, §73, is repealed.

Sec. 10. 12 MRSA §8003, sub-§3, ¶M, as amended by PL 1983, c. 819, Pt. A, §35, is further amended to read: