

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

OF THE

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and housing resources. The therapeutic residence program shall be staffed by individuals trained in mental health treatment and proficient in deaf communication.

2. Report. The Bureau of Mental Health shall prepare a biennial report which describes accommodations and services available and identifies additional service needs and a plan to address these needs. The Bureau Director shall include representatives from deaf communities, families and public and private service agencies in the preparation of the report. The report shall be submitted to the joint standing committee of the Legislature having jurisdiction over human resources by January 15th of every even-numbered year.

Effective September 29, 1987.

CHAPTER 332

H.P. 270 — L.D. 353

AN ACT to Prohibit Smoking in Public Areas of Publicly Owned Buildings.

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

22 MRSA §1578-A is enacted to read:

§1578-A. Smoking in publicly owned buildings

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Public area" means any area in which members of the public are allowed.

B. "Publicly owned buildings" means any building owned, leased to or occupied by any state, local or county government or their subdivisions.

C. "Smoking" includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off smoke or containing any substance giving off smoke.

2. Prohibition. Notwithstanding section 1580-A, no person may smoke tobacco in any public area of any publicly owned building.

3. Exceptions. The following are exceptions to subsection 2.

A. For any portion of publicly owned buildings which are used exclusively for nonpublic purposes or leased by private organizations, corporations or entities, except as provided in paragraph B, this section does not apply.

B. For any enclosed indoor restaurant or cafeteria or other enclosed indoor area which serves food for consumption on the premises of the publicly owned building, a no smoking area reasonably calculated to address the needs of the nonsmoking public shall be made available. In addition, a sign indicating the policy on seating smokers and nonsmokers shall be prominently displayed at or near the entrance. A sign need not be displayed if a host or hostess seats patrons and indicates verbally at the time of seating the policy of the eating establishment.

C. For civic auditoriums, as defined in Title 28, section 2, smoking may be allowed in the hallways and lobby areas as long as a no smoking area is maintained between the main entrance to the building and one or more doors to the auditorium or area where performances or other events occur.

D. For public proceedings held in publicly owned buildings, section 1578 shall apply.

4. Public employees. If public employees' rights provided in collective bargaining agreements are affected by this section, the employees shall have the right to reopen negotiations for the purpose of bargaining for smoking areas in nonpublic areas of publicly owned buildings.

Effective September 29, 1987.

CHAPTER 333

S.P. 572 — L.D. 1707

AN ACT to Clarify the Organization of the Maine Sardine Council.

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

Whereas, the Maine Sardine Council has business meetings scheduled for the summer months this year; and

Whereas, because of seasonal demands in the sardine industry, a quorum is often difficult to attain during the summer months; and

Whereas, this bill will alleviate the difficulty of the council in attaining a quorum so that business may be conducted; 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. 10 MRSA §1703 is repealed.

Sec. 2. 36 MRSA §4693, as amended by PL 1985, c. 785, Pt. B, §173, is repealed and the following enacted in its place:

§4693. Sardine Council

1. Council established. The Maine Sardine Council, as established by Title 5, section 12004, subsection 9, shall consist of not more than 9 nor less than 5 members to be appointed by the Commissioner of Marine Resources. Fifty-one percent of the members of the council shall constitute a quorum and the affirmative vote of at least 51% of the members shall be necessary for the transaction of all business and the carrying out of the duties of the council. The members shall be sardine packers, operating within the State, who have been actively engaged in packing sardines for not less than 2 years and each shall be so actively engaged during his continuance in office. A person shall be considered actively engaged in packing sardines if he has derived, during the period, a substantial portion of his income from packing sardines, or has been the director or manager of an entity that derives a substantial portion of its income from packing sardines.

2. Alternates. Each council member may designate one alternate to represent him as a voting council member during any council meeting which that member can not attend. Each alternate council member shall be appointed by the Commissioner of Marine Resources. At no time may both a regular council member and that member's designated alternate vote on any matter which may be before the council during any meeting.

3. Appointments. Regular council member appointments and alternate council member appointments shall be for a term of 5 years and each member shall serve until his successor is duly appointed and qualified. In the case of a vacancy caused by death, resignation or otherwise, the vacancy shall be filled promptly by the Commissioner of Marine Resources for the unexpired period of the term.

4. Compensation. The members of the council shall be compensated according to the provisions of Title 5, chapter 379. Each council member's designated alternate shall also be reimbursed for expenses incurred in the performance of their duties, but at no time may a regular council member and that member's designated alternate be reimbursed for expenses incurred for attendance at the same meeting.

5. Executive director; staff. The council, in concurrence with the Commissioner of Marine Resources, may select and employ an executive director-advertising and merchandising manager to administer the advertising, merchandising, research and development program and fix his salary. The council may consult with the Commissioner of Agriculture, Food and Rural Resources consistent with Title 32, chapter 61. The executive director,

with the consent of the council, may engage, subject to the Civil Service Law, sufficient clerical personnel and other employees for the efficient performance of his duties.

6. Proceedings. Administrative proceedings of the council shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. Meetings and records of the council are subject to Title 1, chapter 13, subchapter 1, except all council records containing tax records filed in accordance with section 4697, including individual plant pack data; quality control information and inspection records compiled pursuant to section 4699, subsection 2, paragraph C, and Title 32, sections 4155, 4156 and 4157-A; and any other proprietary information obtained from individual processing plants, including information concerning packing technology, shall be confidential.

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

Effective June 17, 1987.

CHAPTER 334

S.P. 492 — L.D. 1500

AN ACT to Amend the Law Concerning Activation of State Military Forces by the Governor in Human Health Emergencies.

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

37-B MRSA §183, sub-§1, as amended by PL 1983, c. 594, §8, is further amended to read:

1. Activation of state military forces. In the event of illness or, injury, missing persons or loss of life, creating an emergency which requires specialized personnel or equipment of the state military forces to prevent human suffering, increased health risk or loss of life, the Governor, or his designee, may order into active service of the State or in aid of any civil authority the necessary personnel and equipment of the state military forces. Human health emergencies may include medical evacuation and search and rescue under Title 6, section 303 and Title 12, section 7035. Any person ordered into active service of the State, for the purposes of this subsection, shall be considered a state employee for purposes of the Maine Tort Claims Act and his liability shall be limited by that Act.

Effective September 29, 1987.

CHAPTER 335

S.P. 515 — L.D. 1558