

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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D. Activities and developments related to timber harvesting, mining or extraction of sand and gravel; and

E. Any recreational management activity conducted or approved by the State.

3. New hydroelectric dams. No person may develop new hydroelectric dams on the St. Croix River from Grand Falls to the north end of Wingdam Island without first:

A. Having performed a feasibility study, by a qualified consultant, approved by the Governor to examine the alternative potentials for hydropower development downstream from Grand Falls and having made the findings available to the State for review;

B. Having consulted with the office of the Governor or other agency of the State, designated by the Governor, regarding the feasibility of this downstream development;

C. Having determined that there exists no economically feasible site downstream from Grand Falls; and

D. Having consulted with the St. Croix International Waterway Commission.

If the State disagrees with any of the assumptions, findings or conclusions of the economic feasibility study, the comments of the State shall be considered and responded to by the consultant. These comments and the responses of the consultant shall be noted in the final report of the economic feasibility study.

4. Review. The State Planning Office shall review the status of hydropower development on the St. Croix River and shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources by January 1, 1993 and every 5 years thereafter. The report shall include any recommendations for changes in the provisions of this section together with the justification for the changes. If the St. Croix River is included in any legislative Act or regulation which directly or indirectly has as its effect the essential prohibition of construction of new dams or development or redevelopment of existing dams on the St. Croix River, this section shall be repealed on the effective date of that Act or regulation.

Effective August 4, 1988.

## CHAPTER 636

H.P. 1839 — L.D. 2517

### AN ACT to Increase Work Incentive in the Unemployment Insurance Partial Benefit Structure.

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

Sec. 1. 26 MRSA §1191, sub-§3, as repealed and replaced by PL 1985, c. 737, Pt. A, §71, is repealed and the following enacted in its place:

3. Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed in any week shall be paid a partial benefit for that week. The partial benefit shall be equal to the weekly benefit amount less the individual's weekly earnings in excess of \$25. Any amount received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances or any amounts received as a volunteer fireman or as elected members of the Legislature, shall not be considered wages for the purpose of this subsection.

Sec. 2. Report. The Department of Labor shall report to the joint standing committee of the Legislature having jurisdiction over labor on the effects of increasing the dollar exemption for partial unemployment benefits. This report shall be due by March 15, 1990. It shall include, but not be limited to:

1. The following data for 1987 to 1989:

A. The total number of unemployment insurance recipients;

B. The total number of partial claim recipients identified as job-attached and nonjob-attached to the extent possible; and

C. The unemployment rate;

2. Average earnings of partial benefit recipients;

3. A comparison by state of partial benefit provisions;

4. The over-all annual cost of a \$25-earnings versus a \$10-earnings deduction for partial benefits; and

5. An analysis of the distribution of partial payments by total unemployment weekly benefit amount.

Effective August 4, 1988.

## CHAPTER 637

H.P. 1840 — L.D. 2518

### AN ACT to Amend the Law Concerning Alternate Voting Procedures for School Budget Approval.

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

Whereas, the current language prescribed by law for a School Administrative District to either establish or reconsider an alternative school budget approval voting procedure is ambiguous in that it does not describe the alternatives; and

Whereas, that language may cause confusion among voters and create hardship among School Administrative Districts which are permitted to petition for reconsideration of the alternative voting procedure only every 3 years; and

Whereas, districts wishing to vote to reconsider the alternative voting procedure must do so before the passage of 90 days from the end of the session in order for a new procedure to be effective for approval of this year's school budget; 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. 20-A MRSA §1305, first ¶, as amended by PL 1983, c. 639, §1, is further amended to read:

If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the board of directors shall cause the following article to be voted on by the voters of the member municipalities.

"Shall School Administrative District No..... require that the voting at future district budget meetings and special district budget meetings be done by referendum within each member municipality of the district instead of using the district meeting procedure?"

Yes      No      "

Sec. 2. 20-A MRSA §1305, sub-§4, as enacted by PL 1983, c. 639, §2, is repealed and the following enacted in its place:

4. Reconsideration of alternative voting procedure. If a School Administrative District has adopted the alternative voting procedure in accordance with this section, then the board of directors may submit the following article to the voters not more than once every 3 years, to determine if the district will change its voting process to the process set out in sections 1303 and 1304.

"Shall School Administrative District No. change its voting procedure so that future district budget meetings and special district budget meetings use the district meeting procedure instead of the alternative voting procedure which is voting by referendum within each member municipality of the district?"

Yes                      No"

A. The process for reconsideration may be initiated

either by the board of directors or by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district.

B. The procedure for voting on the article and for carrying out the election shall be as set forth in this section.

C. If the article passes, then future district budgets will be adopted in accordance with sections 1303 and 1304; if the article fails to pass, then the alternative voting procedure will continue to be the process for adopting budgets in the district.

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

Effective March 23, 1988.

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## CHAPTER 638

H.P. 1841 — L.D. 2519

### AN ACT to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants.

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

Sec. 1. 32 MRSA §83, sub-§§14-A and 18-A are enacted to read:

14-A. Health care practitioner. "Health care practitioner" has the meaning set forth in Title 24, section 2502, subsection 1-A.

18-A. Physician. "Physician" has the meaning set forth in Title 24, section 2502, subsection 3.

Sec. 2. 32 MRSA §93-A is enacted to read:

§93-A. Immunity for supervision and training

1. Emergency medical treatment supervision. No physician functioning within the medical control system established by the regional medical director and practicing in a hospital to or from which patients are transported under section 86 or health care practitioner under such a physician's supervision who gives oral or written instructions to a basic emergency medical services person or an advanced emergency medical technician for the provision of emergency medical treatment outside the hospital may be civilly liable for negligence as a result of issuing the instructions, if the instructions were in accordance with the protocol for the patient's reported condition. For the purpose of aiding in establishing the use of a protocol that will permit the immunity provided in this subsection: