

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.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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Sec. 2. 20-A MRSA §1305, sub-§4, as enacted by PL 1983, c. 639, §2, is repealed and the following enacted in its place: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

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:

A. The basic emergency medical services person or advanced emergency medical technician to whom the instructions are given shall document those instructions on the state ambulance run record; and

B. The physician or health care practitioner giving the instructions shall maintain a medical control log documenting those instructions at the time they were given and shall sign the log.

The immunity provided in this subsection extends to the hospital in which the physician described in this subsection is practicing or the health care practitioner described in this subsection is being supervised.

2. Emergency medical services persons' training. Except as otherwise provided in this subsection, no hospital, physician or health care practitioner providing an emergency medical services course, refresher course or continuing education course approved by the Office of Emergency Medical Services may be vicariously liable for the civil liability of a person enrolled in the course to a person receiving emergency medical treatment during the course.

The immunity provided by this subsection does not apply if the person enrolled in the course is an employee of the hospital, physician or health care practitioner seeking immunity under this subsection.

Sec. 3. Application. This Act applies to causes of action that accrue on or after the effective date of this Act.

Effective August 4, 1988.

CHAPTER 639

H.P. 1847 — L.D. 2529

AN ACT Relating to the Time Limit for Delivering the Warrant or Process by Which a Prisoner is Detained.

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

14 MRSA §5532 is repealed and the following enacted in its place:

§5532. Neglect of officer to deliver copy of precept

An officer forfeits \$200 to a prisoner if the officer refuses or neglects, within the time period provided in subsection 1 or 2, to deliver a true and attested copy of the warrant or process by which the officer detains a prisoner to any person who demands it and tenders the fee for the copy.

1. Sentenced prisoners. In the case of sentenced prisoners, the copy of the warrant or process must be

delivered within 3 business days of the demand. As used in this subsection, "business day" has the same meaning as found in Title 21-A, section 1, subsection 4.

2. Other prisoners. In the case of any prisoner other than a sentenced prisoner, the copy of the warrant or process must be delivered within 4 hours of the demand.

Effective August 4, 1988.

CHAPTER 640

H.P. 1848 — L.D. 2530

AN ACT to Ensure the Safe Siting of Gravel Excavation.

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

30 MRSA §3556 is enacted to read:

§3556. Small borrow pits

1. Jurisdiction. Any municipality which elects to regulate the siting, construction or operation of borrow pits not otherwise within the jurisdiction of the Department of Environmental Protection, pursuant to Title 38, chapter 3, subchapter I, article 6, shall adopt, as part of its ordinance, the following requirements.

A. The average slope of any cut bank measured from a point located 10 feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition.

B. The top of the cut bank of the borrow pit shall, at no time, be closer than 10 feet from the property boundary of any abutting landowner.

2. Minimum. Any municipality which elects to regulate the siting, construction or operation of borrow pits not otherwise within the jurisdiction of the Department of Environmental Protection, pursuant to Title 38, chapter 3, subchapter I, article 6, may adopt standards which exceed the requirements of subsection 1.

3. No municipal ordinance in force. The owner of a borrow pit not otherwise within the jurisdiction of the Department of Environmental Protection, pursuant to Title 38, chapter 3, subchapter I, article 6, and not subject to a municipal ordinance consistent with the requirements of subsection 1 is subject to the following provisions.

A. The owner shall comply with the provisions of subsection 1, paragraphs A and B.

B. Any abutting landowner may request the municipal officers to provide an inspection of the borrow pit in order to ascertain compliance with this subsection.