

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
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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14 MRSA §5532 is repealed and the following enacted in its place: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