

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

C. Upon request of any abutting landowner, the municipal officers shall conduct an inspection of the borrow pit. The municipal officers may request the Department of Transportation, Bureau of Project Development, Construction Division, to conduct an inspection of the borrow pit in lieu of the municipal inspection.

D. The Construction Division shall conduct an inspection of the borrow pit in question when requested to do so by the municipal officers and shall report its findings to the municipal officers, the abutting landowner initiating the request and the owner of the borrow pit. The division shall make its measurements from the property line designated by the abutting property owner initiating the request. The liability of the department and its personnel for any activities connected with such inspections shall be governed by the provisions of Title 14, chapter 741.

E. If the borrow pit is in violation of the provisions of this subsection, the owner is liable for the cost of the inspection. If the borrow pit is not in violation of the provisions of this subsection, the abutting landowner initiating the request is liable for the cost of the inspection.

F. Upon notification of any violation under this subsection, the owner of the borrow pit shall bring the borrow pit into compliance with the provisions of this subsection within 60 days. The municipal officers may require a shorter compliance period if they find that the violation poses an imminent danger to public safety or private property.

4. Civil penalty. Any person who violates the provisions of subsection 3 is subject to a civil penalty not to exceed \$50 per day for every day elapsing after the expiration of the compliance schedule established under subsection 3, payable to the municipality in which the borrow pit is located, to be recovered in a civil action brought by the municipality.

Effective August 4, 1988.

CHAPTER 641

H.P. 1795 — L.D. 2459

AN ACT to Clarify the Unemployment Compensation Appeals Process.

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

Sec. 1. 26 MRSA §1081, sub-§1, as amended by PL 1983, c. 351, §6, is further amended to read:

1. Commission. The Maine Unemployment Insurance Commission, as heretofore created, shall consist of 3 members, one of whom shall be a representative of labor,

one of whom shall be a representative of employers, and one of whom shall be a representative of the general public who shall be impartial and an attorney admitted to the practice of law in the State and shall be the chairman of the commission. Except as provided in this subsection, the 3 members and their successors shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor and to confirmation by the Senate, to hold office for a term of 6 years or until a successor has been duly appointed and qualified confirmed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his a predecessor was appointed shall be appointed for the remainder of the term. During his a term of membership on the commission, a member shall not engage in any other business, vocation or employment, nor serve as an officer or committee member of any political organization.

Sec. 2. 26 MRSA §1081, sub-§3 as amended by PL 1983, c. 351, §7, is further amended to read:

3. Quorum. Any 2 members of the commission shall constitute a quorum. Whenever the commission hears any case involving a disputed claim for benefits under this chapter and Title 36, chapter 831, the chairman shall act alone in the absence or disqualification of any other member, provided that in the event of illness or extended absence on the part of the chairman or in the event of a vacancy in that position, the remaining members may act on appeals, and conduct hearings, and render a decision decisions, provided both members agree. Except as otherwise provided, no vacancy shall may impair the right of the remaining members to exercise all of the powers of the commission. Any action, decision, order, rule or recommendation which is required by law to be made by the Maine Unemployment Insurance Commission shall not be made until the commission has held a meeting in the regular course of its business for which all members have been provided with reasonable notice of the meeting and its agenda.

Sec. 3. 26 MRSA §1082, sub-§4-A is enacted to read:

4-A. Division of Administrative Hearings. There is established within the Department of Labor the Division of Administrative Hearings to hear and decide appeals from decisions of the deputy as provided by this chapter and any other appeals as the commission or commissioner may require.

A. The division shall be under the direction of the chief administrative hearing officer appointed by the commissioner and subject to the Civil Service Law. The chief administrative hearing officer must be an attorney admitted to practice law in the State.

B. The chief administrative hearing officer shall administer the office, supervise and assign cases to the administrative hearing officers, and preside at hearings as necessary.