

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

§2596. Review committee member immunity

Any physician licensed under this chapter who is a member of a utilization review committee or a peer review committee that is a requirement of accreditation by the American Osteopathic Association or is established and operated under the auspices of the physician's respective state or county professional society or the Board of Osteopathic Examinations and Registration is immune from civil liability for undertaking or failing to undertake any act within the scope of the function of the committee.

Sec. 10. 32 MRSA §3293, as repealed and replaced by PL 1975, c. 83, §2, is repealed and the following enacted in its place:

§3293. Review committee member immunity

Any physician licensed under this chapter who is a member of a utilization review committee, medical review committee, surgical review committee, peer review committee or disciplinary committee that is a requirement of accreditation by the Joint Commission on Accreditation of Hospitals or is established and operated under the auspices of the physician's respective state or county professional society or the Board of Registration in Medicine is immune from civil liability for undertaking or failing to undertake any act within the scope of the function of the committee.

Sec. 11. 32 MRSA §3296, as enacted by PL 1975, c. 137, §2, is amended to read:

§3296. Records of proceedings of medical staff review committees confidential

All proceedings and records of proceedings concerning medical staff reviews and, hospital reviews and other reviews of medical care conducted by committees of physicians and other health care personnel on behalf of hospitals located within the State or on behalf of individual physicians, when such the reviews are required by state or federal law, rule or regulations or as a condition of accreditation by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association Committee on Hospital Accreditation or are conducted under the auspices of the state or county professional society to which the physician belongs, are confidential and shall be exempt from discovery without a showing of good cause.

Sec. 12. 32 MRSA §3555 is enacted to read:

§3555. Review committee immunity

Any member of a peer review committee of a state association composed of podiatrists licensed under this chapter, any staff member of such an association assisting a peer review committee and any witness or consultant appearing before or presenting information to the peer review committee is immune from civil liability for,

without malice, undertaking or failing to undertake any act within the scope of the function of the committee.

Sec. 13. 32 MRSA §3819 is enacted to read:

§3819. Review committee immunity

Any member of a peer review committee of a state association composed of psychologists licensed under this chapter, any staff member of such an association assisting a peer review committee and any witness or consultant appearing before or presenting information to the peer review committee is immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee.

Sec. 14. Effective date. Section 6 of this Act shall take effect on August 1, 1988.

Sec. 15. Application. Except for section 6, this Act applies to causes of action that accrue on or after the effective date of this Act. Section 6 applies to contingent fee agreements entered into on or after August 1, 1988.

Effective August 4, 1988, except as otherwise indicated.

CHAPTER 647

S.P. 888 — L.D. 2300

AN ACT to Capture Sales Tax Revenues on Manufactured Housing Purchased Outside the State.

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

Sec. 1. 30 MRSA §4965, sub-§3 is enacted to read:

3. Certification of payment of sales tax. No municipality may allow the construction or location of any form of new manufactured housing, as defined in subsection 1, within the municipality by any person other than a dealer licensed by the State with a sales tax certificate, without a valid bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the firm, corporation or person who sold or provided the manufactured housing to the buyer siting this housing in the municipality. If no such valid bill of sale is presented, the applicant for a building permit must present evidence of certification of payment of the sales tax in accordance with Title 36, section 1760, subsection 40, and section 1952-B.

A. In municipalities which require any type of permit for manufactured housing, the permit shall not be deemed approved or valid until payment of the sales tax has been certified.

Sec. 2. 30 MRSA §5622, sub-§1, ¶¶ A and B, as enacted by PL 1977, c. 390, §4, are amended to read:

A. Regulating the design, construction materials and construction of new buildings and additions to and alterations of existing buildings; regulating the alteration, demolition, maintenance, repair, use, change of use, safety features, light, ventilation and sanitation facilities of all buildings; regulating the installation, alteration, maintenance, repair and use of all equipment in or connected to all buildings; and requiring permits and establishing reasonable permit fees for all of the operations mentioned in this paragraph; and

B. Establishing adequate standards for all features of means of egress, fire protection, fire prevention, accident prevention and structural safety of buildings which are used occasionally or regularly for public assembly; compelling the owners to make improvements to bring such buildings up to the established standards; requiring the owner or lessee of a building used for public assembly which is regulated by an ordinance authorized by this section and operated with the intent of financial gain to obtain a permit for which a fee may be imposed commensurate with its size or capacity; and requiring the owner or lessee of such a building to file a plan of it showing all safety features as a condition precedent to the issue of a permit or the further use of one already issued.

(1) The building inspector shall send a written order to the owner or lessee of a building used for public assembly requiring any conditions which exist in violation of an ordinance to be corrected within 30 days after the order is sent.

(2) After the expiration of the 30-day period, the owner or lessee is liable for all injury caused by his failure to do so, and the building inspector shall order the building vacated.

(3) "Building used for public assembly" means a room or space in or on any structure which is used for the gathering of 100 or more persons for any purpose, and includes any room or space on the same level, above or below, which has a common entrance; and

Sec. 3. 30 MRSA §5622, sub-§1, ¶C is enacted to read:

C. Requiring persons, firms, corporations or any other organizations other than a dealer licensed by the State with a sales tax certificate issued by the State Tax Assessor which intend to construct or site new manufactured housing, as defined in section 4965, subsection 1, in the plantation without a valid bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the firm, corporation or person who sold or provided the manufactured housing to the buyer siting this housing in the plantation. Any person without such valid bill of sale must produce certification of payment of the sales tax in accordance with Title 36, section 1760, subsection 40, and section 1952-B.

In any plantation for which a permit for manufactured housing is required, the permit shall not be deemed approved or valid until payment of the sales tax has been certified with the assessors or the Maine Land Use Regulation Commission.

Sec. 4. 36 MRSA §1952-B is enacted to read:

§1952-B. Manufactured housing

The tax imposed by chapters 211 to 225 on the sale or use of any type of manufactured housing, as defined in Title 30, section 4965, subsection 1, shall, except where the dealer has collected the tax in full, be paid by the purchaser to the State Tax Assessor. The State Tax Assessor shall provide a tax receipt to the purchaser which, upon request by the municipal officials, assessors of a plantation or the Maine Land Use Regulation Commission, shall be made available by the purchaser to certify that the tax imposed by chapters 211 to 225 has been paid, pursuant to Title 30, section 4965, subsection 3 or Title 30, section 5622, subsection 1, paragraph C.

A valid bill of sale from a dealer showing that the tax has been collected in full shall serve to certify that the tax imposed by chapters 211 to 225 has been paid, pursuant to Title 30, section 4965, subsection 3, or Title 30, section 5622, subsection 1, paragraph C, in lieu of a tax receipt provided by the State Tax Assessor.

Effective August 4, 1988.

CHAPTER 648

H.P. 1760 — L.D. 2409

AN ACT to Waive Filing Fees for the State in Asset Forfeiture Proceedings.

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

Whereas, the laws pertaining to asset forfeiture in criminal drug cases serve as a deterrent to drug trafficking; and

Whereas, the asset forfeiture provisions also provide a financial benefit to the State and its political subdivisions by requiring that all money instruments, conveyances, real property and other property used in drug trafficking be subject to forfeiture by the State; and

Whereas, the Maine Rules of Civil Procedure, Rule 54A, requires a \$100 filing fee for any civil action brought in the Superior Court; and

Whereas, neither the Department of the Attorney General nor the district attorneys' offices have specific funds allocated in their budgets for the filing of asset forfeiture petitions in the Superior Court; and