

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 56

H.P. 171 - L.D. 236

**An Act to Amend the Law Governing
Disposition of the Bodies of Persons Who
Die in State Correctional Facilities**

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

22 MRSA §2883, as amended by PL 1981, c. 493, §2, is further amended to read:

§2883. Deaths in almshouses, prisons and institutions

All public officers, agents and servants of any and every county and municipality, and of any and every almshouse, prison, morgue, hospital or any other public institution having charge or control over dead human bodies required to be buried at the public expense are required to notify immediately the ~~said~~ board of distribution, or ~~such~~ the person or persons as may from time to time be designated by ~~said~~ the board, or its duly authorized officer or agent, whenever any ~~such~~ body or bodies come into ~~his~~ or their possession, charge or control, and shall, without fee or reward, deliver ~~such~~ the body or bodies to ~~said~~ the board or its duly authorized officer or agent, and permit and suffer the ~~said~~ board or its agents, or the physicians and surgeons from time to time designated by it or them, who comply with this chapter, to take and remove any and all ~~such~~ bodies to be used within the State for the advancement of medical education. No ~~such~~ notice need be given and no ~~such~~ body shall be delivered if any person, satisfying the authorities in charge of ~~said~~ the body that ~~he or she~~ the person is a member of the family or next of kin to the deceased, shall claim the body for burial, but it shall be surrendered to ~~him or her~~ the person for interment, and no notice ~~shall~~ may be given and no body delivered to ~~said~~ the board or its agents if ~~such~~ the deceased person was a traveler and not a vagabond, who died suddenly, in which case the ~~said~~ body shall be buried. No notice may be given and no body delivered to the board or its agents by the Department of Corrections if, at its option, the department assumes responsibility for the expenses of burial. The option may be exercised by the Department of Corrections regardless of whether the body is claimed by a member of the family or next of kin, but in such a case it may only be exercised with the agreement of the person making the claim. The superintendents and medical staffs of the Augusta Mental Health Institute, the Bangor Mental Health Institute and Pineland Center, having charge or control over dead human bodies required to be buried at public expense, when no person satisfies the superintendent of either hospital for the mentally ill or the Pineland Center, and the Department of Mental Health and ~~Corrections~~ Mental Retardation that ~~he or she~~ the person is a member of the family of, or has some family connection or is next of kin to the deceased, and wishes to claim the body for burial, may for the advancement of science hold an autopsy and examine the body of ~~such~~ the deceased person, notwithstanding any provisions of this chapter.

Notwithstanding the availability of lump sum death benefits under the ~~Federal~~ United States Social Security Act,

the term "buried at public expense" as written in this section shall be deemed to include the unclaimed dead bodies of all indigent persons otherwise within the intendment of this section.

See title page for effective date.

CHAPTER 57

S.P. 140 - L.D. 260

An Act Concerning Seafood Market Development

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

Sec. 1. 12 MRSA §6021-A is enacted to read:

§6021-A. Marine Products Marketing Program

The Marine Products Marketing Program is established to encourage, promote and provide for direct participation of Maine seafood producers in joint public and private market development programs. The commissioner may enter into agreements or cooperative arrangements with any person for the purpose of advertising and increasing the sale and consumption of seafood products. The commissioner may receive, administer and disburse any funds or contributions from these persons, either independently or in conjunction with state funds allocated to the purpose, provided that funds so contributed shall be used only for the purposes of market development programs.

Sec. 2. 12 MRSA §6101, sub-§§1 to 3, as enacted by PL 1977, c. 661, §5, are amended to read:

1. Purpose. The purpose of this section shall be to increase the availability of fish fishery product inspection services to Maine processors and packers in order to improve the marketing of fish fishery products.

2. Program. The department shall be the state agency which shall be responsible for cooperating with the Federal Government in developing and administering a voluntary fish fishery product inspection program.

3. Regulations. The commissioner may adopt or amend regulations not inconsistent with the National Shellfish Sanitation Program and National Marine Fisheries Services regulations for the voluntary inspection of fishery products.

Sec. 3. 12 MRSA §6103, as enacted by PL 1981, c. 705, Pt. C, §2, is amended to read:

§6103. Implementation of fishery product or shellfish inspection programs

The Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Marine Resources shall

cooperate in implementing any fish fishery product or shellfish inspection programs.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1989-90	1990-91
MARINE RESOURCES, DEPARTMENT OF		
Seafood Market Development		
All Other	\$1,500	\$5,000
Provides funds for anticipated advertising and promotional expenses of the Marine Products Marketing Program.		

See title page for effective date.

CHAPTER 58

S.P. 143 - L.D. 263

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment, Establish a Consumer Assistance Specialist Position and Make Certain Other Changes

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, the Public Utilities Commission requires additional funds in fiscal years 1989-90 and 1990-91 for ongoing services to ensure reliable service at just and reasonable rates for state ratepayers; and

Whereas, these funds must be assessed by May 1, 1989 to be available in fiscal year 1989-90; 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. 35-A MRSA §116, sub-§1, as amended by PL 1987, c. 631, §4, is further amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility and ferry subject to regulation by the commission shall be subject to an assess-

ment of not more than .25% on its intrastate gross operating revenues to produce no more than ~~\$2,386,000~~ \$2,696,000 in revenues annually beginning in the ~~1988-89~~ 1989-90 fiscal year and not more than \$2,910,000 in revenues annually beginning in the 1990-91 fiscal year. The commission shall determine the assessments annually prior to May 1st and ~~shall~~ assess each utility for its pro rata share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

A. The assessments charged to utilities under this section are just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety shall not be subject to any assessment.

D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

E. The commission may exempt utilities with annual intrastate gross operating revenues under \$50,000 from assessments under this section.

Sec. 2. 35-A MRSA §116, sub-§4, as amended by PL 1987, c. 631, §5, is further amended to read:

4. Use of funds. The Public Utilities Commission may use the revenues provided in accordance with this section to fund ~~45~~ 47 employees and 2 seasonal legal researchers and to defray the costs incurred by the commission pursuant to this Title, including administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer this Title.

Sec. 3. Allocation of Public Utilities Commission Regulatory Fund. Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal years ending June 30, 1990 and June 30, 1991 and shall be segregated, apportioned and disbursed as designated in the following schedule:

	1989-90	1990-91
PUBLIC UTILITIES COMMISSION		
Regulatory Fund - Public Utilities Commission		
Positions		(2)
Personal Services	\$31,000	\$34,000
All Other	277,000	490,000
Capital Expenditures		2,000