

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

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

28-A MRSA §1061, sub-§4, ¶A, as repealed and replaced by PL 1987, c. 623, §14, is amended to read:

A. The number of rooms required is based on the population of the municipality in which the hotel is located.

(1) If the hotel is located in a municipality of 3,000 or less population, the hotel must have at least ~~14~~ 12 adequate sleeping rooms.

(2) If the hotel is located in a municipality of more than 3,000 but not more than 7,500 population, the hotel must have at least 20 adequate sleeping rooms.

(3) If the hotel is located in a municipality of 7,500 or more population, the hotel must have at least 30 adequate sleeping rooms.

See title page for effective date.

CHAPTER 140

S.P. 218 - L.D. 534

An Act Regarding Alcohol Credit Sales

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

28-A MRSA §705, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Credit may be extended:

(1) By a hotel or club to bona fide registered guests or members; ~~and~~

(2) By a hotel or Class A restaurant to the holder of a credit card which authorizes the holder to charge goods or credits: and

(3) By a hotel or Class A restaurant to the host of a private, prearranged function without a credit card.

See title page for effective date.

CHAPTER 141

S.P. 254 - L.D. 644

An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies

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

Sec. 1. 24 MRSA §2303-C, sub-§3, as enacted by PL 1985, c. 516, §2, is amended to read:

3. Reports to the Superintendent of Insurance. Every nonprofit hospital or medical service organization subject to this section shall report its experience for each calendar year ~~beginning with 1986~~ to the Superintendent of Insurance not later than April 30th of the following year. The report shall be in a form prescribed by the superintendent and shall include the amount of claims paid in this State for the services required by this section and the total amount of claims paid in this State for group health care contracts. The superintendent shall compile this data for all nonprofit hospital or medical service organizations in an annual report.

Sec. 2. 24 MRSA §2303-C, sub-§4, as enacted by PL 1985, c. 516, §2, is repealed.

Sec. 3. 24-A MRSA §2748, sub-§3, as enacted by PL 1985, c. 516, §3, is amended to read:

3. Reports to the Superintendent of Insurance. Every insurer subject to this section shall report its experience for each calendar year ~~beginning with 1986~~ to the Superintendent of Insurance not later than April 30th of the following year. The report shall be in a form prescribed by the superintendent and shall include the amount of claims paid in this State for the services required by this section and the total amount of claims paid in this State for health care contracts. The superintendent shall compile this data for all insurers in an annual report.

Sec. 4. 24-A MRSA §2748, sub-§4, as enacted by PL 1985, c. 516, §3, is repealed.

Sec. 5. 24-A MRSA §2840-A, sub-§3, as enacted by PL 1985, c. 516, §5, is amended to read:

3. Reports to the Superintendent of Insurance. Every insurer subject to this section shall report its experience for each calendar year ~~beginning with 1986~~ to the Superintendent of Insurance not later than April 30th of the following year. The report shall be in a form prescribed by the superintendent and shall include the amount of claims paid in this State for the services required by this section and the total amount of claims paid in this State for health care contracts. The superintendent shall compile this data for all insurers in an annual report.

Sec. 6. 24-A MRSA §2840-A, sub-§4, as enacted by PL 1985, c. 516, §5, is repealed.

See title page for effective date.

CHAPTER 142

H.P. 584 - L.D. 788

An Act to Strengthen the Licensing Requirements for Foresters

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

32 MRSA §5012, as amended by PL 1987, c. 395, Pt. A, §184, is repealed and the following enacted in its place:

§5012. General requirements for licensure

The minimum qualifications and requirements for licensure as a licensed professional forester shall be as follows:

1. Education. Graduation from a curriculum in forestry of 4 years or more in a school or college approved by the board or graduation from a postgraduate curriculum in forestry leading to a degree higher than a bachelor's degree in a school or college approved by the board. Applicants who have not graduated from such a curriculum may substitute 2 years of experience in forestry work of a character satisfactory to the board, including the internship specified in subsection 2, for each year of the undergraduate requirement of this section;

2. Internship. Beginning January 1, 1990, completion of a 2-year period as an intern under the guidance of a licensed forester. The internship shall occur after completion of at least 3 years of the approved curriculum as specified in subsection 1 and may be substituted for one year of the educational requirement. An internship shall not be required for applicants who have graduated from an approved 4-year curriculum and have completed at least 2 years of experience in forestry work of a character satisfactory to the board. Interns shall register with the board before beginning their internship periods. The board shall specify by rule the guidelines for this internship period; and

3. Examination. Beginning January 1, 1991, successful completion, at any time, of a written examination, the content of which shall be determined by the board. Examinations shall be given at least twice each year. The board shall set a fee for the examination sufficient only to cover costs related to it. In some circumstances, as determined by the board, an oral examination may be substituted for the written examination. Persons who are licensed on January 1, 1991, shall not be required to complete an examination as a condition for continuing licensure.

See title page for effective date.

CHAPTER 143

S.P. 304 - L.D. 802

An Act Regulating Activities Adjacent to Great Ponds

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

38 MRSA §438-A, sub-§4, as enacted by PL 1987, c. 815, §§5 and 11, is amended to read:

4. Failure to adopt ordinances. If a municipality fails to adopt ordinances as required under this article or if the board determines that an ordinance which a municipality has adopted does not satisfy the requirements and purposes under this article, the board, acting in accordance with Title 5, chapter 375, subchapter II, shall adopt suitable ordinances, or suitable provisions of ordinances, on behalf of the municipality. Notwithstanding subsections 2 and 3, if the board determines that special water quality considerations on a great pond warrant more restrictive standards than those contained in the minimum guidelines, the board may adopt the additional standards for all municipalities outside the jurisdiction of the Maine Land Use Regulation Commission which abut those waters. Following adoption by the board, these ordinances or provisions shall be effective and binding within the municipality and shall be administered and enforced by that municipality.

See title page for effective date.

CHAPTER 144

H.P. 665 - L.D. 907

An Act to Clarify the Establishment of Air Quality Standards and Emission Standards

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

Sec. 1. 38 MRSA §584, as amended by PL 1987, c. 878, §1, is further amended to read:

§584. Establishment of ambient air quality standards

The board shall establish and may amend may recommend to the Legislature reasonable standards, in this chapter called "ambient air quality standards," within a reasonable air quality region regulating and limiting the amount and types of air contaminants which may exist in the ambient air of ~~such~~ the region. ~~Such~~ The standards shall be designed to preserve or enhance the quality of ambient air within ~~such~~ the region and to prevent air pollution. The board shall determine by rule the extent to which those standards apply within those areas to which the public does not have general access.

Prior to ~~the establishment or amendment of~~ recommending ambient air quality standards, the board shall offer an opportunity for a public hearing and shall give public notice of its intent to ~~establish~~ recommend standards for the region in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

The board shall solicit and consider all available information concerning the existing quality of the ambient air within the region; the recreational, industrial and residential uses of land within the region; the effects of existing air contaminants and air pollution upon the uses; the availability and effectiveness of air pollution control apparatus designed to control and reduce the existing air contaminants and air