

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 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
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 151

H.P. 236 - L.D. 348

An Act to Permit Notice of Injury for Workers' Compensation Purposes to Be Given to First-aid Station Personnel

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

39 MRSA §63, 2nd ¶, as amended by PL 1987, c. 103, §1, is further amended to read:

Such notice shall be given to the employer, or to one employer if there are more employers than one; or, if the employer is a corporation, to any official thereof; or to any employee designated by the employer as one to whom reports of accidents to employees should be made. It may be given to the general superintendent or to the foreman in charge of the particular work being done by the employee at the time of the injury. Notice may be given to any doctor, nurse or other emergency medical personnel employed by the employer for the treatment of employee injuries and on duty at the work site. If the employee is self-employed, notice shall be given to the insurance carrier or to the insurance carrier's agent or agency with which the employer normally does business.

See title page for effective date.

CHAPTER 152

S.P. 168 - L.D. 325

An Act to Increase the Compensation of the Board of Dental Examiners and Secretary-Treasurer of the Board

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

Sec. 1. 5 MRSA §12004-A, sub-§10, as enacted by PL 1987, c. 786, §5, is amended to read:

10. Board of Dental Examiners ~~\$35/Day~~ legislative per diem secretary-treasurer, as determined by board 32 MRSA ~~§1071~~ §1072

Sec. 2. 32 MRSA §1071, first ¶, as amended by PL 1983, c. 812, §200, is further amended to read:

The Board of Dental Examiners, established by Title 5, section ~~42004~~ 12004-A, subsection ~~4~~ 10, and in this chapter called the "board," shall consist of 7 members, appointed by the Governor as follows: ~~Five~~ five members of the dental profession, one dental hygienist and one representative of the public.

Sec. 3. 32 MRSA §1072, 2nd ¶, as amended by PL 1975, c. 484, §2, is further amended to read:

The secretary-treasurer shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law. The ~~secretary~~ secretary-treasurer shall receive an annual salary to be fixed by the board ~~not to exceed \$2,500~~, which shall be received by ~~him~~ the secretary-treasurer in lieu of a per diem compensation. ~~The secretary~~ secretary-treasurer shall be paid ~~his~~ necessary expenses incurred in the discharge of ~~his~~ the secretary-treasurer's official duties, including clerical and stenographic assistance, printing and postage. ~~Such~~ The salary and allowance for expenses shall be certified by the president of the board.

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

	1989-90	1990-91
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Dental Examiners		
Personal Services	\$6,495	\$8,660
Provides funds for increases in board members' per diems and the secretary-treasurer's salary.		

See title page for effective date.

CHAPTER 153

S.P. 167 - L.D. 324

An Act to Prohibit Persons Who have Violated the Animal Cruelty Laws from Participating in Pulling Events

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

Whereas, it is the intent of the Legislature that the new requirements for pulling events apply to this coming season's events; and

Whereas, the season will start before the 90-day period has elapsed; 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:

7 MRSA §75, sub-§1, as repealed and replaced by PL 1987, c. 849, §2, is amended to read:

1. Permits. No person, firm, corporation or unincorporated society or association may conduct any public or private pulling event between animals or pairs of animals within the State without a permit from the commissioner. The commissioner shall charge a permit fee of \$10 per pull day, up to a maximum of \$50 for pulls held on consecutive days at the same location. All revenue derived from the permit fees shall be deposited in the General Fund.

Application for such a permit shall be made in writing to the commissioner at least 10 days prior to the date on which such event is contemplated, and shall give the name of the person, firm, corporation or unincorporated society or association holding such event and the date and place the event is to be held, provided that one application and one permit may include one or more separate events when so specified. Permits granted under this section shall not be transferable.

Any person, firm, corporation or unincorporated association or society which conducts or causes to be conducted any public or private pulling event between animals or pairs of animals within the State, without a permit from the commissioner, shall be guilty of a Class E crime.

No person, firm, corporation or unincorporated association or society required to be licensed under this section to conduct a pulling event may allow, after having received notice from the Department of Agriculture, Food and Rural Resources, any person, firm, corporation or unincorporated association or society which has been convicted within 5 years of violation of Title 17, section 1031, or which has been adjudicated within 5 years to have committed a civil violation of section 4011, to participate as an owner, handler or in any other capacity, directly or indirectly, in any pulling event. A violation of this provision shall be grounds, upon compliance with appropriate provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, for revocation or non-renewal of any license issued under this section.

Any person, firm, corporation or unincorporated association or society which, within the previous 5 years, has been convicted of a violation of Title 17, section 1031 or has been adjudicated to have committed a civil violation of section 4011, and which participates, as an animal owner, handler or in any other capacity, directly or indirectly, in any pulling event required to be licensed pursuant to this section, is guilty of a Class E crime.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 19, 1989.

CHAPTER 154

H.P. 200 - L.D. 280

An Act to Allow Raffling of Livestock by Charitable Organizations for Charitable Purposes

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

Sec. 1. 7 MRSA §3972, sub-§4 is enacted to read:

4. Exception. Notwithstanding subsection 1, paragraph C, livestock may be raffled by charitable organizations licensed under Title 17, section 332, subsection 6 for fund-raising purposes. For the purposes of this section, "livestock" means farm animals, including, but not limited to, cows, sheep, goats, swine and fowl and "charitable organization" has the same meaning as defined in Title 9, section 5003, subsection 1. Proceeds from a raffle under this subsection must be used for charitable purposes.

The animal shall be awarded in freezer-ready form.

Sec. 2. 17 MRSA §332, sub-§6 is enacted to read:

6. Charitable organizations; livestock raffling. A license is required before a charitable organization may raffle livestock for fund-raising purposes under Title 7, section 3972, subsection 4. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee shall make forms available for charitable organizations to apply for licenses for one or 3-year periods. If the commissioner or the commissioner's designee is satisfied that the charitable organization has not violated or will not violate the restrictions of Title 7, section 3972, a license shall be issued.

See title page for effective date.

CHAPTER 155

S.P. 136 - L.D. 221

An Act to Revise the Particulate Matter Air Quality Standard

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

Sec. 1. 38 MRSA §584-A, sub-§1, as amended by PL 1979, c. 381, §6-A, is repealed and the following enacted in its place:

1. Particulate matter. In regard to particulate matter:

A. The level of the 24-hour particulate matter ambient air quality standard is 150 micrograms per cubic meter, as measured in the ambient air as PM₁₀ based