

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
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PUBLISHED BY THE REVISOR OF STATUTES
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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 274

S.P. 500 - L.D. 1374

An Act to Clarify Reporting Requirements for Induced and Spontaneous Abortions

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

Sec. 1. 22 MRSA §1596, as amended by PL 1979, c. 363, §§1 to 4, is repealed and the following enacted in its place:

§1596. Abortion and miscarriage data

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical, or the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus, regardless of the length of gestation.

B. "Miscarriage" means an interruption of a pregnancy other than as provided in paragraph A of a fetus of less than 20 weeks gestation.

2. Abortion reports. A report of each abortion performed shall be made to the Department of Human Services on forms prescribed by the department. These report forms shall not identify the patient by name or otherwise and shall contain only the information requested on the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, dated January 1978, or any more recent revision of a standard report form.

The form containing that information and data shall be prepared and signed by the attending physician and transmitted to the department not later than 10 days following the end of the month in which the abortion is performed.

A physician who reports data on an abortion pursuant to this section shall be immune from any criminal liability for that abortion under section 1598.

3. Miscarriage reports. A report of each miscarriage shall be made by the physician in attendance at or after the occurrence of the miscarriage to the Department of Human Services on forms prescribed by the department. These report forms shall contain all of the applicable information required on the certificate of fetal death in current use.

The report form shall be prepared and signed by the attending physician and transmitted to the department not later than 10 days following the end of the month in which the miscarriage occurs.

The identity of any patient or physician reporting pursuant to this section is confidential and the department shall take the steps which are necessary to insure the confidentiality of the identity of patients or physicians reporting pursuant to this section.

Sec. 2. 22 MRSA §2841, first ¶, as repealed and replaced by PL 1979, c. 363, §5, is amended to read:

Except as authorized by the department or as required under section 1596, a certificate of each death of a fetus of 20 or more weeks of gestation which occurs in this State shall be filed with the clerk of the municipality where the delivery occurred within 3 14 days after delivery and prior to removal of the fetus from the State.

Sec. 3. 22 MRSA §2841, sub-§§2 and 3, are amended to read:

2. Medical certificate by physician. The medical certification shall be completed and signed within ~~24 hours~~ 5 days after delivery by the physician in attendance at or after the ~~delivery~~ except delivery, except when an inquiry as to the cause of fetal death is required by law.

3. Medical certificate by medical examiner. When the fetal death occurs without medical attendance upon the mother at or after delivery, or when inquiry as to the cause of fetal death is required by law, the medical examiner shall complete and sign the medical certification within ~~24 hours~~ 5 days after delivery. A certification need not be completed before the remains are ready for release.

See title page for effective date.

CHAPTER 275

H.P. 829 - L.D. 1161

An Act to Make Dam Owners Responsible for the Proper Functioning of Fishways

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

Sec. 1. 12 MRSA §§6124 and 6125 are enacted to read:

§6124. Violations; penalty

It shall be considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation.

§6125. Rules

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules defining "fish kill."

Sec. 2. 12 MRSA §§7701-C and 7701-D are enacted to read:

§7701-C. Violations; penalty

It shall be considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation.

§7701-D. Rules

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules defining "fish kill."

See title page for effective date.

CHAPTER 276

S.P. 650 - L.D. 1745

An Act Regarding Confirmation of Nominees to the Adaptive Equipment Loan Program Board

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

Whereas, the Adaptive Equipment Loan Program was established by Public Law 1987, chapter 817, which also established the Adaptive Equipment Loan Program Fund Board; and

Whereas, that law required that board members be appointed by the Governor and confirmed by the Legislature but did not specify the legislative committee to review the nominations; and

Whereas, the Governor has now posted nominations to the board which require action by a committee of the Legislature, and a committee must therefore be specified in statute; 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:

10 MRSA §373, sub-§1, as enacted by PL 1987, c. 817, §2, is amended to read:

1. Establishment; membership. There is established the Adaptive Equipment Loan Program Fund Board which shall consist of 9 members as follows: The Commissioner of Human Services or the commissioner's designee;

the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all to be appointed by the Governor, subject to review of the Joint Standing Committee of the Legislature having jurisdiction over Housing and Economic Development, and confirmed by the Legislature. The board shall annually elect a chair from among its members.

Effective June 13, 1989.

CHAPTER 277

H.P. 146 - L.D. 198

An Act to Promote Coyote Control

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

Sec. 1. 12 MRSA c. 709, sub-c. IV-A is enacted to read:

SUBCHAPTER IV-A

COYOTE AWARD PROGRAM

§7521. Coyote Award Program

1. Award program established. The commissioner shall, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, establish a Coyote Award Program for coyotes killed within the State. The program shall include the following awards for killed coyotes during the time established by the commissioner for the program:

- A. Largest female coyote killed.....\$1,500;
- B. Largest male coyote killed.....\$1,000;
- C. Most female coyotes killed.....\$500;
- D. Most male coyotes killed.....\$500;
- E. Most total coyotes killed.....\$1,000; and
- F. Drawing from all entries.....\$500.

2. Payment. At the conclusion of the program, the commissioner shall pay from the funds derived from the sale of the supersport license to the individual determined by the commissioner to have qualified as the winner in each of the categories set out in subsection 1, paragraphs A to F, an amount equal to the award set out for that category in subsection 1.

3. Rule. The commissioner may establish, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, procedures for applica-