

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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involving other than ordinary negligence on the part of the debtor.

C. That portion of the proceeds from any sale of property which is exempt under this section shall be exempt for a period of 6 months from the date of receipt of such proceeds for purposes of reinvesting in a residence within that period.

Sec. 2. 14 MRSA §4426, as enacted by PL 1981, c. 431, §2, is amended to read:

**§4426. Exemptions in bankruptcy proceedings**

Notwithstanding anything to the contrary in the United States Code, Title 11, Section 522(b), a debtor may exempt from property of his the debtor's estate under United States Code, Title 11, only that property exempt under the United States Code, Title 11, Section 522(b)(2)(A) and (B), except that any debtor eligible for a residence exemption under section 4422, subsection 1, paragraph B, may exempt the amount allowed in that paragraph.

See title page for effective date.

## CHAPTER 287

H.P. 389 - L.D. 520

**An Act to Expand the Jurisdiction of the District Courts to Include Violations within Municipal Harbors and to Impose the Same Penalties for Harbor Violations that Have Been Created for Land Use Violations**

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

Sec. 1. 4 MRSA §152, sub-§6, ¶¶R and S, as repealed and replaced by PL 1987, c. 737, Pt. C, §§2 and 106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are amended to read:

R. The site location of development laws, Title 38, sections 481 to 485 and 488 to 490; and

S. The oil discharge prevention and pollution control laws, Title 38, sections 543, 545 and 560; and

Sec. 2. 4 MRSA §152, sub-§6, ¶Z is enacted to read:

Z. The laws pertaining to harbors in Title 38, chapter 1, subchapter I; local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2.

Sec. 3. 30-A MRSA §4452, sub-§5, ¶¶P and Q, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

P. Waste water discharge licenses issued pursuant to Title 38, section 413, subsection 8; and

Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those which were state-imposed; and

Sec. 4. 30-A MRSA §4452, sub-§5, ¶R is enacted to read:

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter I, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2.

Sec. 5. 38 MRSA §12, as enacted by PL 1987, c. 655, §8, is repealed and the following enacted in its place:

**§12. Violation of subchapter**

Notwithstanding any provision in this subchapter, a violation of this subchapter or any harbor ordinance may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A, section 4452.

See title page for effective date.

## CHAPTER 288

H.P. 341 - L.D. 460

**An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities**

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

32 MRSA §92-A is enacted to read:

**§92-A. Records of quality assurance activities**

1. Immunity from suit. Any person who participates in the activities of any emergency medical services quality assurance committee approved by the Emergency Medical Services Board is immune from civil liability for undertaking or failing to undertake any act within the scope of the function of the committee.

2. Confidentiality. All proceedings and records of proceedings concerning the quality assurance activities of any emergency medical services quality assurance committee approved by the board are confidential and shall be exempt from discovery.

3. Assistance of information; immunity. Any person, health care facility or other emergency services organization which assists in the activities of an emergency medical services quality assurance committee approved by the board

which provides information to an emergency medical services quality assurance committee approved by the board shall be protected by the provisions of section 93 as though that assistance of information were provided to the board itself.

See title page for effective date.

## CHAPTER 289

H.P. 274 - L.D. 386

### An Act Concerning the Operation of Motor Vehicles on Private Lands

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

17 MRSA §3853-D is enacted to read:

#### §3853-D. Operating a motor vehicle on land of another

1. Damage or destruction to farmland. A person who, as a result of operating a motor vehicle on farmland, damages or destroys crops or roads on that farmland, commits a Class E crime.

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

A. "Farmland" means land used for the production of fruits, vegetables, grains, hay or herbs that consists of 5 or more contiguous acres. The term "farmland" does not include land used for the production of wood products.

B. "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, including all-terrain vehicles as defined in Title 12, section 7851, but not including snowmobiles.

3. Application. This section does not apply to:

A. A landowner operating a motor vehicle on farmland owned by that landowner;

B. A person given permission by a landowner to operate a motor vehicle on farmland owned by that landowner;

C. An agent or employee of a landowner who operates a motor vehicle on farmland owned by that landowner in the scope of that agent's or employee's agency or employment; or

D. A law enforcement officer who, in an emergency and in the scope of that law enforcement officer's employment, operates a motor vehicle on farmland owned by another.

See title page for effective date.

## CHAPTER 290

S.P. 172 - L.D. 329

### An Act to Insure Maintenance of Financial Responsibility by All Motorists

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

29 MRSA §780, sub-§4, as enacted by PL 1987, c. 341, §§3 and 7, is amended to read:

4. Dismissal. If any person charged with a violation of this section exhibits to a law enforcement officer designated by the issuing officer evidence of insurance or financial responsibility which was in effect at the time of violation no later than 24 hours before the time set for the court appearance, the proceeding for violation of this section shall be dismissed.

See title page for effective date.

## CHAPTER 291

H.P. 219 - L.D. 299

### An Act Pertaining to Breast Cancer Treatment

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

Sec. 1. 24 MRSA §2905-A is enacted to read:

#### §2905-A. Informed consent for breast cancer

1. Duty of physician. Notwithstanding section 2905, a physician who is administering the primary treatment for breast cancer shall inform the patient as provided in this section, orally and in writing, about alternative efficacious methods of treatment of breast cancer, including surgical, radiological or chemotherapeutic treatments or any other generally accepted medical treatment and the advantages, disadvantages and the usual and most frequent risks of each.

2. Written information. The duty to inform the patient in writing may be met by giving the patient a standardized written summary or brochure as described in subsections 3 and 4.

3. Standardized written summary. The standardized written summary may be developed by the Bureau of Health after consultation with the Cancer Advisory Committee.

4. Brochure. The brochure must be one which is approved or made available through the National Cancer Institute, the American Cancer Society, the American College of Surgeons or any other recognized professional organization approved by the Bureau of Health.