

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
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1989

board to possess sufficient archival value shall be preserved by the municipality or deposited with the State Archivist.

8. Regulations of Local Government Records Board. Each local government official shall comply with the standards, procedures and regulations issued by the Local Government Records Board.

§1704. Local Government Records Board

The Local Government Records Board, as authorized by Title 5, section 12004-I, subsection 55-A, shall consist of 7 members: the State Archivist, who serves as chair; the State Registrar of Vital Statistics; and 5 persons to be appointed by the Governor for a term of 3 years. Two of the appointed members shall be municipal officials recommended by the governing board of a statewide municipal association, one of whom shall represent a municipality of not more than 3,500 persons; 2 shall be county officials; and one shall be a school district or school department official. Any person appointed to fill a vacancy in the membership of the board shall serve for the remainder of the term for which that person's predecessor was appointed. The board shall meet at the call of the chair, but not less than 4 times during a calendar year. Four members of the board shall constitute a quorum. Appointive members shall be compensated according to the provisions of Title 5, chapter 379.

§1705. Powers and duties of board

The Local Government Records Board shall establish standards, procedures and regulations for the effective management of local government records. These standards, procedures and regulations shall, as far as practical, follow the program established under the Archives and Records Management Law to govern the creation, utilization, maintenance, retention, preservation and disposition of state records, except as otherwise provided in this chapter. The board may revise such standards, procedures and regulations as it shall deem necessary. Administrative services shall be provided by the Maine State Archives, which shall serve as secretariat of the board.

§1706. Assistance to local governments

The State Archivist shall provide advice and assistance to local governments in the establishment and administration of local government records programs. The State Archivist shall provide program services to local governments similar to those furnished to the agencies of State Government to the extent the State Archivist deems desirable in administration of the state program and facilities. The State Archivist may acquire and maintain sufficient microfilm equipment and supplies to microfilm records that the board may order in accordance with section 1705. These services shall be furnished to local governments at cost.

§1707. Violation

Any person who violates any provisions of this chapter or rules of the Local Government Records Board promulgated under section 1705 is guilty of a Class D crime.

Sec. 6. 30-A MRSA c. 125, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

See title page for effective date.

CHAPTER 305

H.P. 741 - L.D. 1024

An Act to Allow the Consideration of Foreign Convictions in Drug Cases

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

17-A MRSA §1105, sub-§1, ¶B, as enacted by PL 1987, c. 535, §3, is amended to read:

B. ~~He~~ The person violates section 1103, 1104 or 1106, and, at the time of the offense, ~~he~~ has been convicted of any offense under this chapter punishable by a term of imprisonment of more than one year, or under any law of the United States ~~or~~, of another state or of a foreign country relating to scheduled drugs, as defined in this chapter, and punishable by a term of imprisonment of more than one year. For purposes of this paragraph, a person shall have been convicted of an offense on the date the judgment of conviction was entered by the trial court.

See title page for effective date.

CHAPTER 306

H.P. 739 - L.D. 1022

An Act to Clarify Provisions of the Natural Resources Protection Act as They Relate to Aquaculture

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

Whereas, review of aquaculture activities under the Natural Resources Protection Act duplicates review required under the aquaculture lease laws; and

Whereas, duplicated review creates undue hardship on aquaculture lease applicants and creates unnecessary work for the Department of Environmental Protection; and

Whereas, duplicated review may prevent lease applicants from timely receipt of a lease and may result in the loss of one or more growing seasons; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution 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. 38 MRSA §480-Q, sub-§8, as amended by PL 1989, c. 890, §1, is further amended to read:

8. Hydropower projects. Hydropower projects are exempt from the provisions of this article to the extent provided in section 634. Alteration of a freshwater wetland associated with the operation of a hydropower project, as defined in section 632, is exempt from the provisions of this article, but is subject to chapter 5, subchapter I, article 1, subarticle 1-B, where applicable; ~~and~~

Sec. 2. 38 MRSA §480-Q, sub-§9, as enacted by PL 1989, c. 890, §2, is amended to read:

9. Public works. A permit is not required for emergency repair or normal maintenance and repair of existing public works which affect any protected natural resource. An activity which is exempt under this subsection shall employ erosion control measures to prevent sedimentation of any surface water, shall not block fish passage in any water course and shall not result in any additional intrusion of the public works into the protected natural resource. This exemption does not apply to any activity on an outstanding river segment as listed in section 480-P-; and

Sec. 3. 38 MRSA §480-Q, sub-§10 is enacted to read:

10. Aquaculture. Aquaculture activities regulated by the Department of Marine Resources under Title 12, section 6072. Ancillary activities, including, but not limited to, building or altering docks or filling of wetlands, are not exempt from the provisions of this article.

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

Effective June 14, 1989.

CHAPTER 307

S.P. 327 - L.D. 864

An Act to Amend the Acupuncturist Licensing Law

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

Whereas, acupuncturists practicing as of September 30, 1987, were required to be licensed as of September 30, 1988; and

Whereas, the Acupuncture Licensing Board was not appointed and licensed in time to have licensing procedures established to meet this deadline; and

Whereas, the original licensing laws did not contain necessary provisions to vary the licensure requirements for persons currently practicing acupuncture; 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. 32 MRSA §12404, sub-§1, as enacted by PL 1987, c. 488, §3, is repealed.

Sec. 2. 32 MRSA §12404, sub-§1-A is enacted to read:

1-A. Licensure required. No person may practice acupuncture or make representation to the public as an acupuncturist in this State unless that person holds a current and valid license from the board.

Sec. 3. 32 MRSA §12408, sub-§2, ¶A, as enacted by PL 1987, c. 488, §3, is amended to read:

A. A baccalaureate degree from an accredited institution of higher learning, a license from the State to practice as a registered professional nurse, or successful completion of the training program and any competency examination required by the Board of Registration in Medicine to be qualified as a physician's assistant;

Sec. 4. 32 MRSA §12408, sub-§3 is enacted to read:

3. Current practitioners. Persons who were practicing acupuncture in the State as of August 9, 1989, and meet either group of qualifications listed in this section shall be eligible if they are at least 21 years old. The qualification groups are:

A. Experienced-based group. The requirements for the experienced-based group are:

(1) A minimum of 2 1/2 years of practicing acupuncture in the State as of August 9, 1989;

(2) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institute approved by the board; and

(3) A minimum of 300 hours of clinical experience in acupuncture; and