

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
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

correct conditions which endanger or materially impair the health or safety of tenants.

Provided that a tenant personally liable to pay a share of the rent is not in arrears for that share, a tenant shall not be considered in arrears for rent for the purposes of an eviction action for nonpayment of rent if provision is made for deposit into escrow of general assistance payments made for rent on the tenant's behalf in accordance with this section.

5. Compliance; certification. The code enforcement officer and any other municipal official responsible for enforcing municipal health, safety, housing, trash and sanitation regulations shall certify to the overseer and the landlord when a property for which repeated violations were issued, and concerning which an escrow was established under subsection 4, complies with all municipal health, safety, housing, trash and sanitation regulations.

6. Supplemental rights. Any rights created by this subsection are supplemental to and in no way limit the rights of a tenant under Title 14, section 6021 or 6029.

7. Sunset. This section is repealed on October 1, 1991.

See title page for effective date.

CHAPTER 485

S.P. 651 - L.D. 1746

An Act to Preserve the Integrity of the Land for Maine's Future Program

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 intention of the Legislature that the provisions of this Act apply to negotiations currently in progress; 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. 5 MRSA §6206-A is enacted to read:

§6206-A. Nominations

The board shall not consider any nomination for proposed acquisition unless the nominator submits with the proposal affidavits from all owners of land in the proposed acquisition. Each affidavit shall state the landowner's interest in being considered by the board as a proposed acquisition.

Sec. 2. 5 MRSA §6207-A is enacted to read:

§6207-A. Use of eminent domain

The board may expend funds to acquire an interest in real property obtained by the use of eminent domain if the expenditure is approved by the Legislature or with the consent of the property owner.

Sec. 3. 5 MRSA §6210 is enacted to read:

§6210. Data sharing

If the board transfers in writing to any local or federal agency any written information acquired by the board under this chapter concerning any land, the board shall, upon transfer, notify the landowner of the transfer by certified mail.

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

Effective June 27, 1989.

CHAPTER 486

H.P. 1252 - L.D. 1751

An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering

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

Whereas, in order for the nominations for appointment to the Commission on Biotechnology and Genetic Engineering to be made in a timely manner and for the work of the commission to begin prior to the expiration of the 90-day period, this legislation must be enacted as an emergency measure; 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. 5 MRSA §12004-I, sub-§20-A is enacted to read:

20-A. Environ- Commission on Expenses 7 MRSA §231
ment Biotechnology Only
and Genetic
Engineering

Sec. 2. 7 MRSA §231, sub-§1, as enacted by PL 1987, c. 805, §2, is amended to read:

1. Members; terms. The Commission on Biotechnology and Genetic Engineering, as established in Title 5, section ~~12004~~ 12004-I, subsection ~~40~~ 20-A, shall be composed of ~~9~~ 11 members, including 3 ex officio members and 8 members appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agriculture and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the commission, one person shall be appointed who has practical experience and knowledge in agricultural procedures, one who has practical experience and knowledge in environmental and conservation issues, a health care professional, a representative from the forest products industry, ~~the Director of the Maine Agricultural Experiment Station~~, a representative from the marine fisheries industry, a person appointed to represent the general public, one practicing scientist who shall be a representative of industry and one practicing scientist who shall be a representative of the academic community. The terms shall be for 4 years, except that, of the initial appointees, ~~3~~ 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and 2 shall serve a one-year term. Any vacancy shall be filled by an appointment for the remainder of the unexpired term. The 3 ex officio members are: the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee; the Director of the Maine Agricultural Experiment Station; and the Executive Director of the Maine Science and Technology Commission.

Sec. 3. PL 1987, c. 805, §§3, 4 and 5 are amended to read:

Sec. 3. Appointment; convening of commission. ~~Appointment~~ Nominations for appointment of the members to of the commission shall be made by ~~July 1, 1988~~ July 15, 1989. The Governor shall call the commission together for its first meeting no later than August 15, ~~1988~~ 1989.

Sec. 4. Work plan. By January 15, ~~1989~~ 1990, the commission shall issue a plan to the Joint Standing Committee on Agriculture in which a work plan, time schedule, and staffing and budget requirements for performing the duties outlined in the Maine Revised Statutes, Title 7, section 233 are provided.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Bureau of Agricultural Production

All Other

\$4,000

Provides funding for 6 meetings of the ~~9-member~~ 11-member Commission on Biotechnology and Genetic Engineering and for departmental staffing. These funds shall not lapse until June 30, 1990.

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

Effective June 27, 1989.

CHAPTER 487

S.P. 1122 - L.D. 1554

An Act to Revise the Communicable Disease Law

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

Sec. 1. 5 MRSA §19203, sub-§8, as repealed and replaced by PL 1987, c. 811, §3, is amended to read:

8. Bureau of Health. To the Bureau of Health, which may disclose results to other persons only if that disclosure is necessary to carry out its duties as provided in Title 22, sections 3, 7 and 42 and ~~chapter~~ chapters 250 and 251;

Sec. 2. 22 MRSA §252, as amended by PL 1979, c. 127, §141, is further amended to read:

§252. Penalties

Whoever willfully violates any provision of ~~sections~~ section 451, 454 ~~to 456 and 460 to, 456, 461 or 462~~, or of ~~said regulations~~ rules adopted pursuant to those sections and ~~bylaws~~, or neglects or refuses to obey any order or direction of any local health officer authorized by ~~said those~~ those provisions, the penalty for which is not specifically provided, or willfully interferes with any person or thing to prevent the execution of ~~said those~~ those sections or of ~~said regulations and bylaws~~ shall be ~~punished by a fine of not more than \$50 or by imprisonment for not more than 6 months, or by both the rules, is guilty of a Class E crime.~~ The District Court shall have jurisdiction, ~~original and concurrent with the Superior Court~~, of all offenses under ~~said these~~ these sections.

Sec. 3. 22 MRSA §451, as amended by PL 1981, c. 703, Pt. A, §7, is further amended by inserting at the end a new paragraph to read:

Health officers may be employed to devote a part or all of their time to the duties of the office. The offices of the local health officer and town or school physician shall be combined when, in the opinion of the municipal officers, the health needs of the people would be better served.