

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
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1989

cares for has or is afflicted with any communicable disease designated as notifiable, that physician shall notify the department and make such a report as may be required by the rules of the department. Reports shall be in the form and content prescribed by the department and the department shall provide forms for making required reports.

§823. Time requirements

The reporting of a notifiable disease shall be made by telephone to the department immediately upon determination that a person has that disease and shall be followed by a written report mailed to the department within 48 hours.

§824. Confidentiality

Any person who receives information pursuant to this chapter shall treat as confidential the names of individuals having or suspected of having a notifiable communicable disease, as well as any other information that may identify those individuals. This information may be released to the department for adult or child protection purposes in accordance with chapters 958-A and 1071, or to other public health officials, agents or agencies or to officials of a school where a child is enrolled, for public health purposes, but that release of information must be made in accordance with Title 5, chapter 501, where applicable. In a public health emergency, as declared by the state health officer, the information may also be released to private health care providers and agencies for the purpose of preventing further disease transmission. All information submitted pursuant to this chapter that does not name or otherwise identify individuals having or suspected of having a notifiable communicable disease may be made available to the public.

Any person receiving a disclosure of identifying information pursuant to this chapter may not further disclose this information without the consent of the infected person.

§825. Penalties

Any person who knowingly and willfully fails to comply with reporting requirements for notifiable diseases commits a civil violation for which a forfeiture of not more than \$250 may be adjudged. A person who knowingly or recklessly makes a false report under section 822 or who knowingly violates section 824, is civilly liable for actual damages suffered by a person reported upon and for punitive damages and commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

CHAPTER 251

COMMUNICABLE DISEASES

Sec. 12. 22 MRSA c. 251, sub-c. I-A, as amended, is repealed.

Sec. 13. 22 MRSA §§1091 to 1093 are repealed.

Sec. 14. 22 MRSA §1094, as amended by PL 1977, c. 304, §§3 and 4, is repealed.

Sec. 15. 22 MRSA §1095, as repealed and replaced by PL 1977, c. 304, §5, is repealed.

Sec. 16. 34-B MRSA §1212, sub-§2, ¶¶A and B, as enacted by PL 1985, c. 796, §7, are amended to read:

A. To perform examinations of the mental condition of a defendant with reference to competency to stand trial and criminal responsibility under Title 15, section 101; ~~and~~

B. To perform examinations of the mental condition of persons committed to the custody of the commissioner under Title 15, section 103, for the purposes specified in Title 15, section 104-A.; ~~and~~

Sec. 17. 34-B MRSA §1212, sub-§2, ¶C is enacted to read:

C. To perform examinations of the mental condition of persons pursuant to Title 22, chapter 250.

See title page for effective date.

CHAPTER 488

S.P. 485 - L.D. 1327

An Act to Amend the Liquor Laws Relating to Wine Tasting

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

28-A MRSA §1205 is enacted to read:

§1205. Taste testing of wine

1. Taste testing on off-premise retail licensee's premises. Subject to the conditions in subsection 2, the commission may authorize an off-premise retail licensee, 50% or more of whose gross income is derived from the sale of wine or malt liquor, to conduct taste testings of wine on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited.

2. Conditions on taste-testing activities. The following conditions apply to taste-testing activities under this section:

A. No wine may be served to persons who have not yet attained the age of 21 years;

B. No person may be served more than a total of 5 ounces of wine;

C. No person may be charged a fee for any wine served as part of a taste-testing activity;

D. No person may be served who is visibly intoxicated;

E. Taste testing shall be limited to a designated area;

F. Taste testing shall be conducted within the hours of retail sale established in this Title;

G. The retail licensee must obtain the written permission of the commission before conducting any taste-testing activity;

H. A retail licensee may conduct no more than one taste testing per month;

I. Taste testing is not allowed in any municipality where on-premise and off-premise sales are not allowed pursuant to chapter 5;

J. The retail licensee must notify the Bureau of Liquor Enforcement of the date and time scheduled for an on-premise taste testing; and

K. The retail licensee must purchase all wine served at a taste testing from a wholesale licensee.

See title page for effective date.

CHAPTER 489

H.P. 670 - L.D. 918

An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue

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

Sec. 1. 6 MRSA §303, sub-§§ 2 and 3, as enacted by PL 1981, c. 41, are amended to read:

2. Situations covered. The commissioner shall establish and maintain a state air search and rescue plan for the immediate handling of the following emergency situations arising from aeronautical activities:

A. Locating aircraft believed lost and down within the State; and

B. Locating persons who are believed lost and down in the State as a result of accidents involving aircraft overflying the State or parachute jumps.

For purposes of this section, the phrases "within the State" and "in the State" include the coastal waters of the State as defined in Title 12, section 6001.

3. Plan of action. The state air search and rescue plan shall provide a plan of action for search and rescue which will mobilize all state agencies which can contribute in

those emergencies and inform all State agencies which request to be informed of any air search operation, in accordance with agreements reached in advance and which relies upon the Maine Wing Civil Air Patrol to coordinate and control specific air search operations. The plan shall provide that its first objective shall be saving human life and rendering prompt aid to survivors.

Sec. 2. 6 MRSA §303, sub-§4, ¶C, as enacted by PL 1985, c. 610, is amended to read:

C. The Director of the Division of Aeronautics shall communicate and coordinate with state agencies who have agreed to offer mutual support in implementing the cooperative action plan for air search and rescue, when the assistance is needed in searching for missing persons. The director shall immediately inform the Bureau of Marine Patrol of any aircraft that is believed lost over coastal waters of the State and keep the bureau apprised of the progress of the search for that aircraft.

Sec. 3. 12 MRSA §6029, as enacted by PL 1987, c. 814, §1, is repealed and the following enacted in its place:

§6029. Search and rescue operations

The Department of Marine Resources may provide search and rescue services in the coastal waters of the State and shall be the responsible state agency for those services, except when they involve lost or downed aircraft. The department shall develop a formal plan for those activities and designate one person within the department as coordinator of search and rescue to work with other search and rescue agencies, both governmental and private. The department shall attempt to establish and train regional volunteer organizations to assist with search and rescue and include them in plans and joint training exercises as appropriate.

Sec. 4. 37-B MRSA c. 13, sub-c. V is enacted to read:

SUBCHAPTER V

SEARCH AND RESCUE

§850. Search and rescue plan

The Director of the Maine Emergency Management Agency shall prepare a state search and rescue plan encompassing all activities including land, sea and air searches for persons, boats and airplanes. In the preparation of this plan, the director shall review such individual agency plans as currently exist, seek the advice and counsel of all currently designated federal and state search and rescue agencies and obtain their approval of the final plan. This plan shall be completed no later than June 30, 1990. All other search and rescue agencies shall cooperate with the agency in preparation of this plan. Responsibility for execution of the plan shall be with the individual state agencies that have responsibility for the area being searched or for lost or downed