

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

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

**January 3, 1990 to April 14, 1990**

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state in detail other arrangements which have been made to accommodate outstanding liabilities; and

(3) Sent a copy ~~thereof~~ of the statement to all distributees, to all persons who would have a claim to succession under the testacy status upon which the personal representative is authorized to proceed, and to all creditors or other claimants of whom ~~he~~ the personal representative is aware whose claims are neither paid nor barred and has furnished a full account in writing of ~~his~~ the personal representative's administration to the distributees whose interests are affected thereby.

**Sec. 8. 18-A MRSA §3-1006**, as enacted by PL 1979, c. 540, §1, is amended to read:

**§3-1006. Limitations on actions and proceedings against distributees**

Unless previously adjudicated in a formal testacy proceeding or in a proceeding settling the accounts of a personal representative or otherwise barred, the claim of any claimant to recover from a distributee who is liable to pay the claim, and the right of ~~any an~~ heir or devisee, or of a successor personal representative acting in their behalf, to recover property improperly distributed or ~~the~~ its value ~~thereof~~ from any distributee is forever barred at the later of ~~(1) three~~ 3 years after the decedent's death; or ~~(2) one year~~ after the time of its distribution ~~thereof~~, but all claims of creditors of the decedent are barred one year after the decedent's death. This section does not bar an action to recover property or value received as the result of fraud.

**Sec. 9. 18-A MRSA §7-501**, as enacted by PL 1979, c. 540, §1, is amended by adding after the first paragraph 2 new paragraphs to read:

As used in this Part, "common trust fund" means any trust or fund maintained by a bank or trust company exclusively for the collective investment or reinvestment of money contributed thereto by the bank or trust company, or an affiliated bank or trust company, as a fiduciary, including a trustee of any trust or fund for the primary purpose of paying employee benefits of any kind.

As used in this Part, "fiduciary" includes trustee, executor, administrator, guardian and custodian under a uniform transfers to minors act.

See title page for effective date.

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## CHAPTER 662

H.P. 1499 - L.D. 2076

### An Act to Clarify Mobile Home Tenants' Rights

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

**10 MRSA §9097, sub-§1, ¶G**, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. B, §4 and Pt. C, §§8 and 10, is repealed and the following enacted in its place:

G. Renovation or reconstruction of any portions of the park, if:

(1) In the case of a temporary eviction, the park owner or operator:

(a) Gives affected tenants 30 days' notice in writing, unless the temporary eviction is necessary to correct conditions posing an immediate threat to one or more tenants' health or safety; and

(b) Pays the removal and relocation costs of tenants, except for those tenants who agree otherwise in a signed writing separate from the lease; or

(2) In the case of a permanent eviction, other than an eviction due to reconstruction or renovation required by a federal, state or local governmental body, of one or more mobile homes currently located in the park, the park owner or operator:

(a) Gives each tenant one year's notice in writing; or

(b) To each tenant for whose home the park owner has found a reasonable alternative location acceptable to the tenant, gives 6 months' written notice and pays removal and relocation costs;

See title page for effective date.

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## CHAPTER 663

H.P. 1522 - L.D. 2107

### An Act Prohibiting Membership in a Trade or Similar Association from Being a Condition for Licensing or Certifying a Producer's Food as Natural or Organic

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

**7 MRSA §556**, as enacted by PL 1979, c. 240, §§1 and 2, is amended to read:

**§556. Certification**

No food which is labeled or advertised as natural, organic, organically grown, biologically grown or by a similar term, may be labeled or advertised as "certified" unless the name of the person or organization which

provides that certification is stated on the label or in the advertisement. Any organization within this State that provides certification of food may not make membership a condition of certification under this section.

See title page for effective date.

## CHAPTER 664

H.P. 1536 - L.D. 2121

### An Act to Regulate Food Salvage Operations

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

Sec. 1. 22 MRSA §2152, sub-§§4-B and 7-B are enacted to read:

**4-B. Food salvage establishment.** "Food salvage establishment" means a food establishment engaged in reconditioning or by other means salvaging distressed merchandise and includes any food establishment that sells, buys, warehouses or distributes any salvaged merchandise.

**7-B. Salvage broker.** "Salvage broker" means a person, firm or corporation engaged in buying, selling, distributing or warehousing any distressed merchandise, whether or not in combination with other merchandise, which does not operate a food salvage establishment.

Sec. 2. 22 MRSA §2167, first ¶, as enacted by PL 1979, c. 672, Pt. A, §54, is amended to read:

No person, firm or corporation may operate a food establishment, food salvage establishment or act as a salvage broker unless licensed for that purpose by the commissioner. In the case of retail food establishments, licenses issued shall be displayed in a place visible to customers or other persons using a licensed establishment.

Sec. 3. 22 MRSA §2168, as enacted by PL 1979, c. 672, Pt. A, §55, is amended to read:

#### §2168. Fees

Each application for, or renewal of, a license to operate a food establishment or food salvage establishment or to act as a salvage broker, within the meaning of this chapter shall must be accompanied by a fee, appropriate to the size of the establishment of the licensee, determined by the commissioner and not to exceed \$30. The fee may not be refunded. No license may be assignable or transferable. ~~The fees so~~ Fees collected by the commissioner shall be deposited in the General Fund.

Sec. 4. 22 MRSA §2169, first ¶, as enacted by PL 1979, c. 672, Pt. A, §56, is amended to read:

The commissioner shall, within 30 days following receipt of application for a license to operate a food establishment or a food salvage establishment or to act as a salvage broker, issue ~~the appropriate license to operate any food establishment which if the applicant is found to comply in compliance~~ the appropriate license to ~~operate any food establishment which if the applicant is found to comply in compliance~~ with this chapter and any rules and regulations adopted by the commissioner. When any ~~such~~ applicant, upon inspection by the commissioner, is found not to meet the requirements of this chapter or ~~regulations rules~~ rules adopted ~~hereunder~~ under this chapter, the commissioner ~~is authorized to~~ may issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the commissioner ~~shall must~~ must be made by the applicant for compliance, or a conditional license setting forth conditions ~~which shall that must~~ that must be met by the applicant to the satisfaction of the commissioner.

See title page for effective date.

## CHAPTER 665

H.P. 1395 - L.D. 1925

### An Act to Allow Medical Testing without Physician Referral

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

Sec. 1. 22 MRSA §2013-A, sub-§1, ¶G, as enacted by PL 1989, c. 456, §2, is amended to read:

G. Laboratory services performing health screening tests as defined and regulated by rule adopted by the department and the commission. Services exempted under this paragraph include, but are not limited to, the performance of screening tests for cholesterol and colon cancer.

Sec. 2. 22 MRSA §2030, as repealed and replaced by PL 1975, c. 218, is repealed and the following enacted in its place:

#### §2030. Requested

**1. Request from authorized person.** Except as otherwise provided, a medical laboratory shall examine specimens only at the request of a licensed physician or other person authorized by law to use the findings of laboratory examinations.

**2. Exceptions.** Notwithstanding this section, a medical laboratory may examine specimens without a physician referral for a limited number of laboratory services to be determined by rules adopted by the department and the commission. Those services include testing for:

A. Glucose for patients who have been previously diagnosed as having diabetes;