

# 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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D. An advocacy agency conducting an investigation under chapter 961, United States Public Law 88-164, Title I, Part C or United States Public Law 99-319, regarding a developmentally disabled person or mentally ill person who is or who, within the last 90 days, was residing in a facility rendering care or treatment, when a complaint has been received by the agency or there is probable cause to believe that that individual has been subject to abuse or neglect, and that person does not have a legal guardian or the person is under public guardianship. The determination of ~~what~~ which information and records are relevant to the investigation ~~shall~~ be is made by agreement between the department and the agency; and

**Sec. 11. 22 MRSA §3477, sub-§1**, as amended by PL 1989, c. 259, §6, is further amended to read:

**1. Reasonable cause to suspect.** When, while acting in a professional capacity, an allopathic or osteopathic physician, medical intern, medical examiner, physician's assistant, dentist, chiropractor, podiatrist, registered or licensed practical nurse, certified nursing assistant, Christian Science practitioner, social worker, psychologist, pharmacist, physical therapist, speech therapist, occupational therapist, mental health professional, law enforcement official, coroner, emergency room personnel, ambulance attendant or emergency medical technician suspects that an adult has been abused, neglected or exploited, and has reasonable cause to suspect that the adult is incapacitated, then the professional shall immediately report or cause a report to be made to the department.

Whenever a person is required to report in the capacity as a member of the staff of a medical, public or private institution, agency or facility, the staff person shall immediately notify the person in charge of the institution, agency or facility, or the designated agent of the person in charge, who shall then cause a report to be made. The staff person shall also make a report directly to the department.

**Sec. 12. 22 MRSA §3479**, as amended by PL 1983, c. 616, §2, is repealed and the following enacted in its place:

**§3479. Optional reporting**

Any person may make a report if that person knows or has reasonable cause to suspect abuse, neglect or exploitation of an incapacitated or dependent adult, or has reasonable cause to suspect that an adult is incapacitated.

See title page for effective date.

## CHAPTER 859

H.P. 1757 - L.D. 2434

### An Act to Amend the Laws Concerning the Theft of Blueberries

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

**Sec. 1. 36 MRSA §4315, sub-§1**, as enacted by PL 1989, c. 214, §2, is amended to read:

**1. Transportation of blueberries without permit.** It is unlawful for any person to transport blueberries in quantities exceeding 25 pounds without first obtaining a transportation permit on an official form to be furnished by the Maine Blueberry Commission. The Maine Blueberry Commission shall issue official transportation permit forms to owners who may issue the transportation permits to individuals. Each permit issued ~~shall~~ must bear a different number and ~~shall~~ expire at the end of the calendar year. When an owner issues a transportation permit, the owner shall immediately send a copy to the Maine Blueberry Commission. The commission shall keep a permanent record of all permits issued. The commission may promulgate rules establishing the form and content of transportation permits and governing the means of their issuance and establishing the record-keeping functions of the commission and the owners. Notwithstanding any provision of Title 1, chapter 13, subchapter I to the contrary, records pertaining to transportation permits required to be kept by the Maine Blueberry Commission under this section are confidential to the extent necessary to preserve the identity of parties to individual business transactions. The confidential status does not apply when records kept by the Maine Blueberry Commission are needed as evidence in any proceeding to enforce any provision of section 4314 or this section, or in any prosecution for a violation of any other criminal law.

**Sec. 2. 36 MRSA §4316, sub-§3**, as enacted by PL 1989, c. 214, §2, is amended to read:

**3. Violation.** The failure to keep the permanent records of blueberries received as required in this section ~~or~~ failure to inspect the transportation permit of a driver of a vehicle used to deliver blueberries or any other violation of this section is a civil violation punishable by a fine of not more than \$1,000.

**Sec. 3. 36 MRSA §4316, sub-§4**, as enacted by PL 1989, c. 214, §2, is repealed and the following enacted in its place:

**4. Audits.** The Maine Blueberry Commission may request the Department of Agriculture, Food and Rural Resources to conduct audits of the records of receivers for the purpose of ascertaining compliance with this section. The commissioner, or a duly authorized agent, has free access, during normal business hours, to all

records required to be kept by receivers pursuant to this section and also to receivers' accounts payable, accounts receivable, records of inventories, actual inventories, records of shipments and such other business records as are needed to ascertain compliance with this section. Any documents inspected or taken by the department in furtherance of the audit functions or any other information collected by the department pursuant to the audit must be kept confidential notwithstanding any provision to the contrary contained in Title 1, chapter 13, subchapter I. This confidential status does not apply to any documents, records or information that is needed as evidence in any civil or criminal proceeding to enforce any law under this chapter or any other criminal law.

See title page for effective date.

## CHAPTER 860

H.P. 1778 - L.D. 2445

### An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides

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

**Sec. 1. 38 MRSA §584-B, first ¶**, as enacted by PL 1979, c. 381, §7, is amended to read:

In addition to the ambient air quality standards set forth in section 584-A, any Class I region or part thereof within the State, including those federal lands designated by the Federal Clean Air Act Amendments of 1977, ~~shall be~~ is subject to a maximum allowable increase in concentration of sulfur dioxide ~~and~~, particulate matter and nitrogen oxides over the baseline concentration of that pollutant, ~~which~~. An increase shall not be exceeded more than once annually for any period other than an annual period. The maximum allowable increase ~~shall consist~~ consists of:

**Sec. 2. 38 MRSA §584-B, sub-§3** is enacted to read:

**3. Nitrogen oxides.** In regards to nitrogen oxides:

A. An increase in the annual arithmetic mean at any location not to exceed 2.5 micrograms per cubic meter to be expressed as nitrogen dioxide.

**Sec. 3. 38 MRSA §584-C, first ¶**, as enacted by PL 1979, c. 381, §7, is amended to read:

In addition to the ambient air quality standards set forth in section 584-A, any Class II region or part thereof within the State ~~shall be~~ is subject to a maximum allowable increase in concentration of particulate matter ~~and~~, sulfur dioxide and nitrogen oxides over the baseline concentration of that pollutant, ~~which~~. An increase shall not be exceeded more than once annually for any period other than an annual period. The maximum allowable increase ~~shall consist~~ consists of:

**Sec. 4. 38 MRSA §584-C, sub-§3** is enacted to read:

**3. Nitrogen oxides.** In regards to nitrogen oxides:

A. An increase in the annual arithmetic mean at any location not to exceed 25.0 micrograms per cubic meter to be expressed as nitrogen dioxide.

**Sec. 5. 38 MRSA §584-D, first ¶**, as enacted by PL 1979, c. 381, §7, is amended to read:

In addition to the ambient air quality standards set forth in section 584-A, any Class III region or part thereof within the State ~~shall be~~ is subject to a maximum allowable increase in concentration of particulate matter ~~and~~, sulfur dioxide and nitrogen oxide over the baseline concentration of that pollutant, ~~which~~. An increase shall not be exceeded more than once annually for any period other than the annual period. The maximum allowable increase ~~shall consist~~ consists of:

**Sec. 6. 38 MRSA §584-D, sub-§3** is enacted to read:

**3. Nitrogen oxides.** In regards to nitrogen oxides:

A. An increase in the annual arithmetic mean at any location not to exceed 30.0 micrograms per cubic meter to be expressed as nitrogen dioxide.

See title page for effective date.

## CHAPTER 861

S.P. 985 - L.D. 2448

### An Act to Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities

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

**Whereas**, the Legislature has determined that immediate action must be taken to enable refuse disposal districts organized under Title 38, chapter 17 that have not developed systems for handling all residential and commercial wastes generated within their boundaries to undertake more limited waste disposal and recycling projects; and

**Whereas**, the authority of the refuse disposal districts to undertake these limited waste disposal and recycling projects is in question; 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,