

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**4. Mediation.** Prior Except as provided in subsection 4-A, prior to a contested hearing under this section where when there are minor children of the parties, the court shall refer the parties to mediation; except that, for good cause shown, the court, prior to referring the parties to mediation, may hear motions for temporary relief, pending final judgment on any issue or combination of issues for which good cause for temporary relief has been shown. Upon motion supported by affidavit, the court may, for extraordinary cause shown, waive the mediation requirement under this subsection. Any agreement reached by the parties through mediation on any issues shall must be reduced to writing, signed by the parties and presented to the court for approval as a court order. When agreement through mediation is not reached on any issue, the court must determine that the parties made a good faith effort to mediate the issue before proceeding with a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may order the parties to submit to mediation, may dismiss the action or any part of the action, may render a decision or judgment by default, may assess attorney's fees and costs or may impose any other sanction that is appropriate in the circumstances. The court may also impose an appropriate sanction upon a party's failure without good cause to appear for mediation after receiving notice of the scheduled time for mediation.

**Sec. 4. 19 MRSA §581, sub-§4-A** is enacted to read:

**4-A. Waiver of mediation; questions of law.** The court may hear motions to waive mediation in cases in which there are no facts at issue and all unresolved issues are questions of law.

**Sec. 5. 19 MRSA §752, sub-§4,** as amended by PL 1985, c. 750, §5, is further amended to read:

**4. Mediation.** Prior Except as provided in subsection 4-A, prior to a contested hearing under this section where when there are minor children of the parties, the court shall refer the parties to mediation; except that, for good cause shown, the court, prior to referring the parties to mediation, may hear motions for temporary relief, pending final judgment on any issue or combination of issues for which good cause for temporary relief has been shown. Upon motion supported by affidavit, the court may, for extraordinary cause shown, waive the mediation requirement under this subsection. Any agreement reached by the parties through mediation on any issues shall must be reduced to writing, signed by the parties and presented to the court for approval as a court order. When agreement through mediation is not reached on any issue, the court must determine that the parties made a good faith effort to mediate the issue before proceeding with a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may order the parties to submit to mediation, may dismiss the action or any part of the action, may render a decision or judgment by default, may assess attorney's fees and costs or may impose any other sanction that is appropriate in the circumstances. The court may also impose an appropriate sanction upon a party's failure without good cause to appear for mediation after receiving notice of the scheduled time for mediation.

**Sec. 6. 19 MRSA §752, sub-§4-A** is enacted to read:

**4-A. Waiver of mediation; questions of law.** The court may hear motions to waive mediation in cases in which there are no facts at issue and all unresolved issues are questions of law.

See title page for effective date.

## CHAPTER 76

S.P. 125 - L.D. 227

### An Act to Provide Equity in the Natural Resources Protection Laws

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

**12 MRSA §683, first ¶,** as amended by PL 1989, c. 503, Pt. B, §55, is further amended to read:

The Maine Land Use Regulation Commission, as established by Title 5, section 12004-D, subsection 1, to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission shall consist consists of 7 public members, none of whom shall may be state employees, who shall must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over energy and natural resources and to confirmation by the Legislature, for staggered 4-year terms. Among the public members, there shall must be 4 who shall must be knowledgeable in at least one of each of the following areas: ~~Commerce~~ commerce and industry; fisheries and wildlife; forestry; and conservation. Of the potential appointees to the commission, the Governor shall actively seek and give consideration to persons residing in or near the unorganized areas of the State and ~~at to persons residing on unorganized coastal islands.~~ At least 2 members shall must be residents within the commission's jurisdiction.

See title page for effective date.

## CHAPTER 77

H.P. 274 - L.D. 394

### An Act to Amend the Charitable Solicitations Act

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

**Sec. 1. 9 MRSA §5004, sub-§3, ¶J,** as amended by PL 1979, c. 678, §4-A, is further amended to read:

J. The estimated percentage of each dollar contributed which that will be expended for program services, fund raising and management and, if a professional fund-raiser is employed for fund raising, the report required by section 5005, subsection 4;

**Sec. 2. 9 MRSA §5005, sub-§4** is enacted to read:

**4. Results of a fund-raising campaign.** If a charitable organization employs a professional fund-raising counsel, professional solicitor or commercial coventurer for a specific fund-raising campaign, that charitable organization shall file within 30 days of the completion of that fund-raising campaign the following information:

A. The total contributions collected during the fund-raising campaign; and

B. Out of the contributions collected or expected to be collected during the fund-raising campaign, the total dollars that have been or will be expended for:

- (1) Program services;
- (2) The fund-raising campaign; and
- (3) Management.

See title page for effective date.

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## CHAPTER 78

S.P. 180 - L.D. 489

### An Act to Change the Specifications for Membership of the Maine Dental Health Council

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

**22 MRSA §2097, 3rd ¶**, as enacted by P&SL 1975, c. 90, Sec. A, §1, is amended to read:

An official employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of Maine State Government ~~shall may~~ not be a member of the council; but shall assist the council if so requested. Membership ~~shall must~~ include 4 dental health personnel, including ~~one hygienist and one dentist or other professional staff employed full time by a private nonprofit dental clinic program~~ 2 staff employed at least 1/2 time by a public or private nonprofit dental clinic program, one of whom must be a registered dental hygienist and one of whom must be a dentist or other professional staff, and 2 dentists employed in private practice, one of whom ~~shall must~~ be appointed from a list of at least 3 names submitted by the Maine Dental Association and 5 interested citizens representing a balance of diverse ~~social economic~~ socioeconomic groups and geographic locations, who ~~shall~~

may not be employed in the dental health or medical care professions, or members of the immediate family of any person employed as a dental health or other medical care professional.

See title page for effective date.

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## CHAPTER 79

H.P. 379 - L.D. 553

### An Act to Protect Stone Walls, Stone Impoundments and Timber Bridges of Historical Significance

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

**30-A MRSA §4326, sub-§1, ¶I**, as enacted by PL 1989, c. 104, Pt. A, §45 and affected by Pt. C, §10, is amended to read:

I. Historical and archeological resources including, at the discretion of the municipality, stone walls, stone impoundments and timber bridges of historical significance;

See title page for effective date.

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## CHAPTER 80

S.P. 252 - L.D. 710

### An Act to Amend the Law Governing the Election of Members to Regional Vocational Boards

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

**20-A MRSA §8453, sub-§1**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**1. Election by school board.** At least one person in a representative grouping within a vocational region ~~shall must~~ be a member of elected by a school board of a school administrative unit within the representative grouping.

See title page for effective date.

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## CHAPTER 81

H.P. 113 - L.D. 156

### An Act to Assist in the Cleanup of Contaminated Property

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