

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

missioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay up to 50% of the expense of individual projects serving seasonal dwellings or commercial establishments or up to 25% of the expense of individual projects serving seasonal dwellings. The application for a grant under this paragraph for a project serving a single family dwelling, including outbuildings, or a single commercial establishment, must include a signed statement of the financial condition of the owner of the single family dwelling or commercial establishment describing the need for the grant. That statement becomes part of the application record and no further evidence of need is required. An applicant who is the owner of a single-family dwelling or commercial establishment served by a pollution abatement construction program under this paragraph is not eligible for a grant if: for a single-family dwelling, the sum of the adjusted gross income of all persons listed on the deed of record exceeded \$30,000 in the previous taxable year; or for a commercial establishment, the gross profit earnings exceeded \$30,000 in the previous taxable year. To determine eligibility, the commissioner may require an applicant to submit a copy of the deed of record and a copy of the relevant federal income tax return of the owner or owners. In addition to any penalty adjudged under section 349, a person who knowingly makes any false statement, representation or certification in the application for a grant under this paragraph and who receives such a grant shall, upon conviction, make restitution to the department in an amount equal to the amount of the grant plus interest and reasonable recovery cost incurred by the department.

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

Effective May 7, 1991.

CHAPTER 97

S.P. 236 - L.D. 627

An Act to Clarify the Role of Law Enforcement Officers in the Investigation of Medical Examiner Cases

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

Sec. 1. 22 MRSA §3028, sub-§2, as enacted by PL 1979, c. 538, §8, is repealed and the following enacted in its place:

2. Investigation by law enforcement officer. When death is not suspected to be the result of criminal violence, the medical examiner may elect not to proceed to the scene, or the Chief Medical Examiner may elect not to dispatch a medical examiner to the scene. If the medical examiner elects not to proceed to the scene, or the Chief Medical Examiner elects

not to dispatch a medical examiner to the scene, the law enforcement officer in charge of the scene shall:

A. Investigate and photograph the scene as directed by the medical examiner or Office of the Chief Medical Examiner;

B. Take possession of all objects that in the opinion of the medical examiner or Office of the Chief Medical Examiner may be useful in establishing the cause, manner and circumstances of death;

C. Remove the body in accordance with the instructions of the medical examiner or Office of the Chief Medical Examiner; and

D. Make a report of the investigation available to the medical examiner or Office of the Chief Medical Examiner.

Sec. 2. 22 MRSA §3028, sub-§4, as enacted by PL 1979, c. 538, §8, is amended to read:

4. Possession of useful objects. Except as otherwise directed by the Attorney General, ~~his~~ the Attorney General's deputies or ~~his~~ assistants, the medical examiner or Office of the Chief Medical Examiner may direct that a law enforcement officer at the scene make measurements, take photographs and take possession of all objects ~~which~~ that in the ~~medical examiner's~~ medical examiner or Office of the Chief Medical Examiner opinion of the medical examiner or Office of the Chief Medical Examiner may be useful in establishing the cause ~~and~~ and manner and circumstances of death.

See title page for effective date.

CHAPTER 98

S.P. 160 - L.D. 372

An Act to Correct the Registration of the Thorncrag, Davis and Woodbury Sanctuaries of the Stanton Bird Club with the Department of Inland Fisheries and Wildlife

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

12 MRSA §7651, sub-§1, as amended by PL 1989, c. 913, Pt. A, §12, is further amended by repealing and replacing the 33rd blocked paragraph to read:

Thorncrag Bird Sanctuary: The following described territory: A certain parcel of land situated in said Lewiston, and bounded as follows, to wit, beginning on the northeasterly side of the road leading from Barker Mills to the Thorne Corner Schoolhouse so-called, at the corner of the late Benjamin Thorne's land; thence running northeasterly about one hundred and seventy (170) rods to the corner of the late Phineas Wright and Dutton lot, so-called, thence northwesterly on said Wright lot

about forty-six (46) rods to land owned by David Nevens; thence southwesterly on the line of said Neven's land to the above mentioned road, thence on the line of said road to the first mentioned bounds, containing forty-five acres (45) more or less. A certain lot or parcel of land, situated in Lewiston, in said County of Androscoggin, and bounded and described as follows: Bounded southwesterly by a line commencing at a point in the southeasterly line of land of The Stanton Bird Sanctuary, six hundred eighty (680) feet northeasterly from the northeasterly line of said Montello Street, thence southeasterly and parallel with said Montello Street to a point six hundred eighty (680) feet northeasterly from said Montello Street to land formerly of George E. Ridley; bounded southeasterly by land formerly of said George E. Ridley; bounded northeasterly by land formerly of George H. Field; and bounded northwesterly by land of The Stanton Bird Club. A certain lot of land situated in said Lewiston, bounded and described as follows, to wit: Beginning at a stake and stones at the northeast corner of lot numbered thirteen (13); thence southwesterly on line of land now or formerly of Catherine Lynch and land formerly owned by George Bubier to the northeast corner of land formerly owned by Phineas Wright; thence northwesterly along said Wright land sixty-two (62) rods and five (5) links to stake in the corner of land now or formerly owned by William B. Kilbourne; thence north fifty degrees (50°) east on line of said Kilbourne land seventy (70) rods to stake standing on the southerly line of lot numbered twelve (12); formerly owned by James Lowell; thence southeasterly on said last mentioned line sixty-two (62) rods and five (5) links to point of commencement. Containing twenty-six (26) acres and one hundred fifty-seven (157) rods. A certain lot or parcel of land adjoining the lot above described and bounded and described as follows, to wit: Commencing on the westerly side of the road leading from Thorne's Corner by the residence now or formerly owned by Henry C. Field to Greene at the northeasterly corner of land owned by said Field, now or formerly; thence northwesterly on line of said Field land to land now or formerly of Frye and Dill; thence northeasterly on line of said Frye and Dill land and lot above described to land now or formerly owned by Catherine Lynch; thence southeasterly on line of said Lynch land to the aforesaid road; thence southwesterly by said road to point of commencement. Also another piece or parcel of land situated in said Lewiston, being a part of the Homestead Farm of Phineas Wright and bounded and described as follows: Beginning at the westerly corner of the Homestead Farm of Jarius Carville; thence southwesterly on said Carville land and land of Henry Field about fifty-seven (57) rods; thence at right angles northwesterly about sixty-nine and one-half (69 1/2) rods to the stone wall between the field and pasture on said Homestead Farm; thence by said wall northeasterly to the land of the late Dr. William Kilbourne; thence southeasterly on said Kilbourne land and land of Jarius Carville seventy-five (75) rods to point of beginning, containing twenty-seven (27) acres. A certain lot or parcel of land, situated in Lewiston in said County of Androscoggin and bounded and described as follows: Commencing at a point in the northeasterly line of Montello Street where the southeasterly line of land conveyed to the Stanton Bird Club by Alfred Williams Anthony by deed dated Jan. 18, 1922 and recorded in the Androscoggin Registry of Deeds,

Book 315, page 447, intersects said street; thence northeasterly by southeasterly line of said land of said Stanton Bird Club, six hundred eighty (680) feet to land of said Stanton Bird Club; thence southeasterly and parallel with said Montello Street to a point six hundred eighty (680) feet northeasterly from said Montello Street and land formerly of George E. Ridley; thence southwesterly by said Ridley land six hundred eighty (680) feet to said Montello Street; thence northwesterly along the northeasterly side of said Montello Street to point of commencement. Also a certain other lot or parcel of land, situated in said Lewiston, bounded as follows: Westerly by the Highland Spring Road, northerly by the Thorne road, so-called, easterly by land of one A. D. Ames, and southerly by lands of Daniel Conley and A. W. Taylor, the same containing six and two-tenths (6.2) acres more or less. A certain lot or parcel of land situated northeasterly from the northeasterly end of East Avenue in said Lewiston, bounded and described as follows, to wit: Beginning at the corner of the Field, Wood, and Thorncrag lots, so-called, near the Miller Fireplace, thence running northwesterly one hundred fifty (150) feet about 9.03 rods, along the stone wall between the Thorncrag and Wood lots, so-called, to a stake and stones; thence at right angles northeasterly about 42.7 rods to a stake and stones on the line dividing the old Frye and Dill lot, now owned by the Stanton Bird Club, and the old Phineas Wright Homestead now owned by this Grantor; thence at nearly right angles along said line two hundred twenty (220) feet (13 1/3 rods) to the corner of the three lots commonly called the Frye and Dill, Henry Field and Phineas Wright, now owned by this Grantor, lots; thence 42.7 rods at right angles southwesterly along the Field line to the point of beginning; containing three (3) acres more or less. A certain lot or parcel of land situated in said Lewiston, bounded and described as follows: Beginning at an iron stake set in the ground in a stone wall on the northeasterly line of land of said Stanton Bird Club, said stake being one hundred fifty (150) feet from the northwesterly corner of land of Raymond R. Field; thence northwesterly along the northeasterly line of land of said Stanton Bird Club one hundred twenty-five (125) feet to an iron stake set in the ground; thence at right angles northeasterly three hundred (300) feet to an iron stake set in the ground; thence at right angles northwesterly twenty-five (25) feet to an iron stake set in the ground; thence at right angles northeasterly three hundred seventeen (317) feet, more or less, to a stake set in the ground on the southeasterly line of land of the Stanton Bird Club one hundred fifty (150) feet to an iron stake set in the ground on the northwesterly line of land of said Stanton Bird Club; thence southwesterly along the northwesterly line of land of said Stanton Bird Club to the point of beginning; containing two (2) acres, more or less. A certain lot or parcel of land situated in Lewiston, bounded and described as follows: Beginning at a point on the southeasterly line of the original Stanton Bird Club Sanctuary, three hundred sixty-four (364) feet northeasterly from the northeasterly line of Montello Street; thence in a northeasterly direction by land now or formerly of the Stanton Bird Club, three hundred and sixty-eight (368) feet; thence in a southeasterly direction, parallel with the said northeasterly line of Montello Street, two hundred and forty (240) feet; thence in a southwesterly direction parallel with the first described line, three hundred sixty-eight

(368) feet; thence in a northwesterly direction parallel with the said northeasterly line of Montello Street, two hundred forty (240) feet to the point of beginning, containing two (2) acres more or less. Deacon Davis Bird Refuge: The following described territory: A certain parcel of land situated in the city of Lewiston, in the county of Androscoggin, and bounded as follows: The most northerly corner of land of the estate of George K. Davis, bounded and described as follows, to wit: On the northwest by land of the so-called Ham Farm; on the northeast by Pleasant Street; on the southwest by land of Joseph Breault; and on the southeast by a line extending northeasterly from the easterly corner of said Breault's land, and being a continuation of the southeast boundary of said Breault's land, containing 2 acres, more or less. Woodbury Sanctuary: The following described territory: A certain parcel of land situated in the towns of Litchfield and Monmouth in the county of Kennebec and bounded as follows: The westerly side of Whipoorwill Road, so called. Being all the land conveyed to the Stanton Bird Club by Louise S. Drew and Clara B. Dana by deed dated July 2, 1929 and recorded in Kennebec County Registry of Deeds in Book 669-Page 210.

See title page for effective date.

CHAPTER 99

S.P. 104 - L.D. 191

An Act to Change the Term "Handicap" in the Maine Human Rights Act

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

Sec. 1. 5 MRSA §4552, as amended by PL 1989, c. 245, §1, is further amended to read:

§4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, physical or mental ~~handicap~~ disability, religion, ancestry or national origin; and in employment, discrimination on account of age and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental ~~handicap~~ disability.

Sec. 2. 5 MRSA §4553, sub-§7-A, as enacted by PL 1975, c. 358, §2, is amended to read:

7-A. Physical or mental disability. "Physical or mental ~~handicap~~ disability" means any disability, infirmity, mal-

formation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness, and ~~also~~ includes the physical or mental condition of a person ~~which~~ that constitutes a substantial ~~handicap~~ disability as determined by a physician or, in the case of mental ~~handicap~~ disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment ~~which~~ that requires special education, vocational rehabilitation or related services.

Sec. 3. 5 MRSA §4566, sub-§6, as amended by PL 1975, c. 770, §29, is further amended to read:

6. Advisory groups. To create ~~such~~ local or state-wide advisory agencies and conciliation councils; ~~local or state-wide, as will~~ to aid in effectuating the purposes of this Act. The commission may ~~itself~~ study or ~~it~~ may empower these agencies and councils to study the problems of discrimination in all or specific fields of human relationships when based on race or color, sex, physical or mental ~~handicap~~ disability, religion, age, ancestry or national origin, and foster, ~~through community effort or otherwise,~~ good will among the groups and elements of the population of the State. ~~Such agencies~~ Agencies and councils may make recommendations to the commission for the development of policies and procedures ~~in general~~. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;

Sec. 4. 5 MRSA §4566, sub-§10, as repealed and replaced by PL 1975, c. 770, §30, is amended to read:

10. Publications. To issue ~~such publication and such publish~~ results of investigations and research ~~as in its judgment will tend~~ to promote good will; and minimize or eliminate discrimination based on race or color, sex, physical or mental ~~handicap~~ disability, religion, age, ancestry or national origin;

Sec. 5. 5 MRSA §4566, sub-§11, as repealed and replaced by PL 1975, c. 770, §31, is amended to read:

11. Reports. ~~From time to time, but not less than once a year, to~~ To report to the Legislature and the Governor; ~~at least once a year~~ at least once a year describing the investigations, proceedings and hearings the commission has conducted and ~~their~~ the outcome and ~~the other work performed by it~~ the commission, and to make recommendations for ~~such~~ further legislation or executive action concerning abuses and discrimination based on race or color, sex, physical or mental ~~handicap~~ disability, religion, age, ancestry or national origin, or other infringements on human rights or personal dignity; ~~as may be desirable; and~~

Sec. 6. 5 MRSA §4571, as repealed and replaced by PL 1975, c. 770, §32, is amended to read:

§4571. Right to freedom from discrimination in employment