

# 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**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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Each meeting of the board must include an opportunity for citizen input. Each citizen must be permitted to address the board for a period of time established by the board.

**Sec. 3. P&SL 1865, c. 532, §8-A, last ¶,** as enacted by PL 1971, c. 544, §142, is amended to read:

The trustees may make rules and regulations for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the ~~university~~ University of Maine System. ~~Such~~ The rules and regulations ~~shall~~ have the same force and effect as municipal ordinances and District Courts are authorized to impose fines not to exceed \$10 \$50 for each parking violation. The trustees, by resolution, may adopt the provisions of the Maine Revised Statutes, Title 30, section 2151, subsection 3, paragraph A Title 30-A, section 3009, relating to prima facie evidence, ~~and~~ the establishment of a waiver of court action by payment of specified fees and the establishment and policing of parking spaces for handicapped persons. Notwithstanding this paragraph, speed limits within the limits of the property owned by or under the control of the University of Maine System must be established by the Department of Transportation and the Maine State Police as provided in the Maine Revised Statutes, Title 29, section 1251 and the speed limits must be posted by the University of Maine System in accordance with written directions or policies of the Department of Transportation. The violation of any rules and regulations relating to the movement of vehicles is deemed to be a traffic infraction unless defined as a felony or misdemeanor under Title 29.

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

Effective May 16, 1991.

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## CHAPTER 148

S.P. 316 - L.D. 854

### An Act to Clarify the Definition of Resident Trust

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

**Sec. 1. 36 MRSA §5102, sub-§4, ¶¶B and C,** as enacted by P&SL 1969, c. 154, §F, are amended to read:

B. A trust created by will of a decedent who at his death was domiciled in this State; ~~or~~

C. A trust created by, or consisting of property of, a person domiciled in this State; or

**Sec. 2. 36 MRSA §5102, sub-§4, ¶D** is enacted to read:

D. A trust registered in this State under the provisions of Title 18-A, section 7-101.

See title page for effective date.

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## CHAPTER 149

S.P. 385 - L.D. 1062

### An Act to Modify the Maine Residents Property Tax Program

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

**36 MRSA §6201, sub-§9,** as amended by PL 1989, c. 871, §20, is further amended to read:

**9. Income.** "Income" means the sum of Maine adjusted gross income determined in accordance with Part 8, the amount of capital gains excluded from adjusted gross income, the absolute value of the amount of trade or business loss, net operating loss carry-over, capital loss, rental loss, farm loss, partnership or S Corporation loss included in adjusted gross income, alimony, inheritance, life insurance proceeds paid on death of insured, nontaxable lawsuit rewards, such as slander, libel and pain and suffering, excluding reimbursements such as medical and legal expenses associated with the case, support money, nontaxable strike benefits, the gross amount of any pension or annuity, including railroad retirement benefits, all payments received under the federal Social Security Act, state unemployment insurance laws, veterans' disability pensions, nontaxable interest received from the Federal Government or any of its instrumentalities, interest or dividends on obligations or securities of this State and its political subdivisions and authorities, workers' compensation and the gross amount of "loss of time" insurance, cash public assistance and relief, but not including relief granted under this chapter. Income does not include up to \$5,000 in life insurance proceeds or gifts from nongovernmental sources or surplus foods or other relief in kind supplied by a governmental agency.

See title page for effective date.

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## CHAPTER 150

H.P. 361 - L.D. 515

### An Act to Expand Consumer Membership on the Board of Osteopathic Examination and Registration

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

Sec. 1. 32 MRSA §2561, as repealed and replaced by PL 1989, c. 878, Pt. A, §94, is amended to read:

**§2561. Membership; qualifications; tenure; vacancies**

The Board of Osteopathic Examination and Registration, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," ~~shall consist~~ consists of 7 persons appointed by the Governor. These persons ~~shall~~ must be residents of this State. ~~Five~~ Six of these persons ~~shall~~ must be graduates of a legally chartered college of osteopathic medicine or university having the power to confer degrees in osteopathic medicine and ~~shall have been~~ must be at the time of their appointment actively engaged in the practice of their profession in Maine for a period of at least 5 years, and ~~2~~ 3 of these persons ~~shall~~ must be representatives of the public interest of consumers. None of the members representing the interests of consumers may be members of, or associated with, or have a financial interest in a health care provider or profession. Consumer groups may submit nominations to the Governor for the members to be appointed to represent the interest of consumers. Each appointment ~~shall be~~ is for a period of 5 years as the terms of the present members expire. Any vacancy in the board caused by death, resignation or for any other cause, except completion of a full term of service, ~~shall~~ must be filled by the appointment of a person, qualified as was the member whose place is filled, to hold office during the unexpired term of that member. Any member of the board may be removed from office for cause by the Governor.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1991-92	1992-93
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PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Board of Osteopathic Examination and Registration

Personal Services	\$990	\$1,320
All Other	1,080	1,080

Provides funds for the per diem and related expenses of 2 additional board members.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL	\$2,070	\$2,400
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See title page for effective date.

CHAPTER 151

H.P. 904 - L.D. 1301

An Act to Modify the Radiation Protection Laws

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

Sec. 1. 22 MRSA §666, sub-§2, as enacted by PL 1987, c. 519, §1, is amended to read:

2. Reports. The State Nuclear Safety Inspector, with the cooperation of the Director of Health Engineering, shall prepare a report of his activities under this chapter to be submitted ~~January~~ July 1st of each year to the State Nuclear Safety Advisor and the Legislature. The State Nuclear Safety Inspector shall prepare monthly reports for the State Nuclear Safety Advisor, the President of the Senate and the Speaker of the House, with copies to the United States Nuclear Regulatory Commission and the licensee.

Sec. 2. 22 MRSA §682, sub-§1, as amended by PL 1987, c. 519, §8, is further amended to read:

1. Authorized. The department or its duly authorized representatives may enter at all reasonable times upon any private or public property for the purpose of determining whether ~~or not~~ there is compliance with or violation of the provisions of this Act and the rules issued thereunder, except that entry into areas under the jurisdiction of the Federal Government or its duly designated representative shall be ~~subject to section 684 and Title 25, sections 51 and 52, which are incorporated by reference as provisions of this chapter~~ subject to section 684 and Title 25, sections 51 and 52, which are incorporated by reference as provisions of this chapter effected only with the concurrence of the Federal Government or its duly designated representative.

See title page for effective date.

CHAPTER 152

H.P. 801 - L.D. 1147

An Act to Change the Title of the Office of Dental Health

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

Sec. 1. 22 MRSA §2092, sub-§4, as enacted by P&SL 1975, c. 90, §A, §1, is amended to read:

4. Director. "Director" means the Director, ~~Office~~ Division of Dental Health.

Sec. 2. 22 MRSA §2093, as enacted by P&SL 1975, c. 90, §A, §1, is amended to read: