

# 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**

---

---

K. The effect on the child if one parent has sole authority over the child's upbringing; ~~and~~

**Sec. 2. 19 MRSA §214, sub-§5, ¶K-1** is enacted to read:

K-1. The existence of a history of domestic abuse between the parents; and

**Sec. 3. 19 MRSA §581, sub-§5, ¶K,** as enacted by PL 1983, c. 813, §2, is amended to read:

K. The effect on the child if one parent has sole authority over the child's upbringing; ~~and~~

**Sec. 4. 19 MRSA §581, sub-§5, ¶K-1** is enacted to read:

K-1. The existence of a history of domestic abuse between the parents; and

**Sec. 5. 19 MRSA §752, sub-§5, ¶K,** as enacted by PL 1983, c. 813, §5, is amended to read:

K. The effect on the child if one parent has sole authority over the child's upbringing; ~~and~~

**Sec. 6. 19 MRSA §752, sub-§5, ¶K-1** is enacted to read:

K-1. The existence of a history of domestic abuse between the parents; and

See title page for effective date.

## CHAPTER 165

S.P. 230 - L.D. 584

### An Act to Amend the Provisions Regarding Prejudgment Interest

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

**14 MRSA §1602, sub-§3,** as enacted by PL 1983, c. 427, §1, is amended to read:

**3. Limitation.** ~~Subsection 1 shall not apply to For judgments of less than \$5,000. For these judgments, except in civil actions involving a contract or note that contains a provision relating to interest, interest shall accrue only from the date on which the complaint is filed and at a fixed rate of 8% per year.~~

See title page for effective date.

## CHAPTER 166

S.P. 489 - L.D. 1327

### An Act to Create a Duty of Fair Representation under the University of Maine System Labor Relations Act

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

**26 MRSA §1025, sub-§2, ¶E** is enacted to read:

E. The bargaining agent certified by the executive director or a designee as the exclusive bargaining agent for a unit is required to represent all the university, academy or technical college employees within the unit without regard to membership in the organization certified as bargaining agent, except that any university, academy or technical college employee may present at any time that employee's grievance to the employer and have that grievance adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of that grievance.

See title page for effective date.

## CHAPTER 167

S.P. 339 - L.D. 929

### An Act to Revise Provisions for a New Birth Certificate after Adoption

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

**Sec. 1. 22 MRSA §2765, sub-§1-A,** as enacted by PL 1979, c. 168, §1, is amended to read:

**1-A. Persons born in a foreign country.** The state registrar shall establish a Maine certificate of birth for a person born in a foreign country and for whom a ~~final order~~ decree of adoption has been entered in a court of competent jurisdiction in Maine when ~~he~~ the registrar receives the following:

A. A certificate of adoption as provided in Title 19, section 533; and

~~B. A certificate of birth data from the records of the United States Immigration and Naturalization Service; and~~

C. A request that a new certificate be established. A Maine certificate of birth ~~shall~~ may not be established,

if so requested by the court decreeing the adoption, the adoptive parents or the adopted person, if ~~he~~ the adopted person is 18 years of age or older.

**Sec. 2. 22 MRSA §2765, sub-§2-A, ¶A**, as enacted by PL 1989, c. 818, §10, is amended to read:

A. When a new birth certificate is established after adoption pursuant to subsection 1, paragraph A, or subsection 1-A, the actual place and date of birth, ~~the name of the child and~~ the names and personal data of the adoptive parents at the time of the ~~decree of adoption~~ child's birth and the name of the child after adoption must be entered on the new birth certificate.

(1) At the request of an adopted person who is at least 18 years of age or of the adoptive parents of an adopted child under 18 years of age, the new certificate must carry a notation that it has been amended, all items that have been revised pursuant to the adoption decree must be identified, and the notation "court action" and the date of the adoption decree must be shown on the new certificate.

(2) If the birth certificate has been annotated pursuant to subparagraph (1), the annotation may be deleted in accordance with department regulations at the request of an adopted person who is at least 18 years of age or of the adoptive parents of an adopted child under 18 years of age.

See title page for effective date.

## CHAPTER 168

S.P. 439 - L.D. 1183

### An Act Regarding the Relaying of Shellfish

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

**Sec. 1. 12 MRSA §6621, sub-§3, ¶B**, as amended by PL 1989, c. 257, §1, is further amended to read:

B. Shellfish kept or washed in waters sterilized with a system that has been approved in writing by the commissioner, provided that the waters are also approved for that use; ~~or~~

**Sec. 2. 12 MRSA §6621, sub-§3, ¶C**, as enacted by PL 1989, c. 257, §2, is amended to read:

C. Municipal officials, with express written authorization from the commissioner, who are engaging in activities authorized under section 6671. Requests for exception ~~shall~~ must be submitted to the commissioner

in writing stating the activities proposed and the name of the person designated by the municipal officials to supervise those activities. In addition, the municipality shall, at least 24 hours prior to engaging in the activity, notify the department of the time or times the activity authorized under this paragraph will be conducted; or

**Sec. 3. 12 MRSA §6621, sub-§3, ¶D** is enacted to read:

D. The harvesting of shellfish from closed areas designated for purposes of relaying when harvesting is approved in writing by the commissioner consistent with regulations promulgated under section 6856.

See title page for effective date.

## CHAPTER 169

H.P. 285 - L.D. 406

### An Act Regarding Transfer Stations and Recycling Facilities

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

**38 MRSA §1310-N, sub-§6-A** is enacted to read:

6-A. Relicensing. Notwithstanding subsection 6, a transfer station or a recycling facility licensed under this chapter is not subject to relicensing unless the standards in effect at the time the previous license was issued are changed or if the facility significantly changes its operation. For the purposes of this subsection, a transfer station includes any associated area or use that is permitted by the license, such as areas used to burn or chip wood or brush and areas used to store or handle white goods or tires, but does not include any associated wood waste or demolition debris landfills.

See title page for effective date.

## CHAPTER 170

H.P. 725 - L.D. 1029

### An Act to Ensure More Equitable Hunting Opportunities

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

**12 MRSA §7457, sub-§1, ¶A**, as amended by PL 1981, c. 414, §31, is further amended to read:

A. ~~There shall be~~ Except as otherwise provided in this section or by rule adopted by the commissioner pursuant to this section, there is an open season on deer in