

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
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PUBLIC LAWS
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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

each calendar year in all counties of the State from the 5th Monday preceding Thanksgiving to November 30th. In any year when November 30th falls on a Wednesday, Thursday or Friday, the commissioner may, by rule, extend the open season on deer to the first Saturday in December. In any year in which the commissioner extends the season beyond November 30th, the commissioner shall by rule open the season in the northern portion of the State a week before opening the season in the southern portion of the State. The commissioner may by rule establish for this purpose a northern and a southern zone.

See title page for effective date.

CHAPTER 171

S.P. 425 - L.D. 1137

An Act to Repeal Certain Redundant Laws Relating to the Bureau of Air Quality Control

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

Sec. 1. 38 MRSA §§590-C and 590-D, as enacted by PL 1989, c. 546, §12, are repealed.

Sec. 2. 38 MRSA §598, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §168, is repealed.

Sec. 3. 38 MRSA §600, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §170, is repealed.

Sec. 4. 38 MRSA §601, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §171, is repealed.

Sec. 5. 38 MRSA §602, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §172, is repealed.

Sec. 6. 38 MRSA §604, as enacted by PL 1973, c. 438, §8, is repealed.

Sec. 7. 38 MRSA §609, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §177, is repealed.

Sec. 8. 38 MRSA §§609-A and 609-B, as enacted by PL 1989, c. 197, §4, are repealed.

Sec. 9. 38 MRSA §609-C, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §178, is repealed.

Sec. 10. 38 MRSA §610, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §179, is repealed.

Sec. 11. 38 MRSA §610-A, as enacted by PL 1987, c. 769, Pt. A, §178, is repealed.

See title page for effective date.

CHAPTER 172

S.P. 181 - L.D. 490

An Act to Clarify Certain Laws Affecting the Maine State Archives, Admissibility of Documents and Local Government Records

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

Sec. 1. 5 MRSA §95, sub-§11, as enacted by PL 1973, c. 625, §16, is amended to read:

11. Archives available for public use. To make archival material under ~~his~~ the archivist's supervision available for public use at reasonable times. ~~He~~ The archivist shall carefully protect and preserve ~~such~~ the materials from deterioration, mutilation, loss or destruction. Records maintained by the archivist, that contain information relating to the identity of an archives patron relative to the patron's use of materials at the archives, are confidential. Those records and the information contained in them may only be released with the express written consent of the patron involved or as a result of a court order;

Sec. 2. 16 MRSA §456 is amended to read:

§456. Photostatic and microfilm reproductions admissible

If, in the regular course of any business or governmental activity, there is kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of any ~~such~~ business or governmental activity, causes any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, optical disk that is not erasable or other process ~~which~~ that accurately reproduces or forms a durable medium for ~~so~~ reproducing the original, ~~such~~ the reproduction or copy, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of ~~such~~ the reproduction or copy is likewise admissible in evidence if the original reproduction or copy is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile does not preclude admission of the original. This section ~~shall~~ may not be construed to exclude from evidence any document or copy thereof which is otherwise admissible under the rules of evidence.

Sec. 3. 30-A MRSA §1707, as enacted by PL 1989, c. 304, §5, is amended to read:

§1707. Violation