

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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J.S. McCarthy Company
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PUBLIC LAWS
OF THE
STATE OF MAINE

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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Sec. 1. 38 MRSA §§590-C and 590-D, as enacted by PL 1989, c. 546, §12, are repealed.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 B, §168, is repealed.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 B, §170, is repealed.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 B, §171, is repealed.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 B, §172, is repealed.

Sec. 6. 38 MRSA §604, as enacted by PL 1973, c. 438, §8, is repealed.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 B, §177, is repealed.

Sec. 8. 38 MRSA §§609-A and 609-B, as enacted by PL 1989, c. 197, §4, are repealed.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 B, §178, is repealed.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 B, §179, is repealed.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 A, §178, is repealed.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

Any person who violates any provisions of this chapter or rules of the Local Government Records Board promulgated under section 1705 is guilty of a Class ~~D~~ E crime.

See title page for effective date.

CHAPTER 173

S.P. 222 - L.D. 549

An Act to Exempt Certain Students from Eligibility for Unemployment Compensation Benefits

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

26 MRSA §1043, sub-§11, ¶F, as amended by PL 1987, c. 769, Pt. A, §106, is further amended by amending sub-¶(6-1) to read:

(6-1) Services performed by a student attending an elementary ~~or~~, secondary or postsecondary school while participating in a cooperative program of education and occupational training or on-the-job training that is part of the school curriculum;

See title page for effective date.

CHAPTER 174

H.P. 287 - L.D. 408

An Act to Protect the Health and Safety of Nuclear Waste Site Workers

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

38 MRSA §1482, sub-§5 is enacted to read:

5. Facility near existing nuclear power plant. Before any low-level radioactive waste disposal facility is sited within the Primary Emergency Planning Zone established under Title 37-B, section 960, subsection 1, the Maine Low-level Radioactive Waste Authority, in conjunction with the Maine Emergency Management Agency, must develop and adopt a plan detailing how the safety of the facility's workers will be maintained in the event the Primary Emergency Planning Zone requires evacuation as a result of a nuclear power plant accident.

See title page for effective date.

CHAPTER 175

H.P. 900 - L.D. 1297

An Act Regarding Deer Hunting Apparel Requirements

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

12 MRSA §7406, sub-§12, as amended by PL 1985, c. 304, §16, is further amended to read:

12. Hunting without hunter orange clothing. A person is guilty of hunting without hunter orange clothing if ~~he~~ that person hunts with firearms during the open firearm season on deer and fails to wear an article of solid-colored hunter orange clothing which is in good and serviceable condition and which is visible from all sides, except that persons hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys need not wear hunter orange clothing. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

See title page for effective date.

CHAPTER 176

H.P. 614 - L.D. 874

An Act Concerning the Judicial Review of Children in Custody of the Department of Human Services

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

Sec. 1. 22 MRSA §4005-A, sub-§2, as enacted by PL 1985, c. 424, is amended to read:

2. Petition. A foster parent may petition for standing and intervenor status in any child protection proceeding under this chapter regarding ~~his~~ a foster child, ~~provided that the child is living in the foster parent's home or in any child protection proceeding initiated within 10 days after the child is removed from or leaves the foster home that lives or has lived in the foster parent's home.~~ The standing and intervenor status is limited to that proceeding unless otherwise ordered by the court.

Sec. 2. 22 MRSA §4035, sub-§4 is enacted to read:

4. Final protection order. The court shall issue a final protection order within 18 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period.