

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
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3. Agriculture certification. The Department of Agriculture, Food and Rural Resources shall review all plans submitted pursuant to subsection 2, paragraphs B, C or D and shall certify compliance of these sections to the department within 20 days of receipt of an application.

4. Review period. Work may not occur until 45 days after the department has accepted an application for processing.

5. Notification. The department shall notify an applicant in writing within 45 days of acceptance for processing if the department determines that the requirements of this section have not been met. Any such notification must specifically cite the requirements of this section that have not been met. If the department has not notified the applicant under this subsection within the specified time period, a general permit is deemed to have been granted.

6. Deferrals. The 45-day time limit for processing a completed application under subsection 5 does not apply when winter conditions prevent the department from evaluating a permit application. Under such circumstances, the department may defer action for a reasonable period. The department shall immediately notify the applicant of a deferral under this subsection.

7. Fees. The department shall assess a fee for review of applications filed pursuant to this section. The fee must be equivalent to the amount assessed to activities requiring an individual permit for freshwater wetland alterations.

8. Violation. Any action taken by a person receiving a general permit under this section that is not in compliance with the plans submitted under subsection 2, paragraphs B, C or D is a violation of the general permit.

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

Effective May 31, 1991.

CHAPTER 215

H.P. 324 - L.D. 454

An Act to Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure

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

38 MRSA §1310-F, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §238, is further amended to read:

2. Eligibility. Any municipality ~~owning~~ owns, rents or leases a solid waste landfill for which a remediation or closure plan has been adopted is eligible for grants. A

municipality, ~~which that~~ has acted to close its solid waste landfill or to remedy environmental and public health hazards posed by the landfill prior to the ~~award of a grant under this section, but after January 1, 1983~~ adoption of a closure or remediation plan under this subchapter or that closed a landfill or remediated environmental or public health hazards posed by a landfill, is also eligible for reimbursement of ~~past and future costs consistent with the plan adopted under this subchapter~~ closure or remediation costs incurred after February 1, 1976, as long as the closure or remediation actions were in conformance with all applicable laws or rules in effect at the time. Costs incurred by closure or remediation actions taken after the adoption of a closure or remediation plan under this subchapter are eligible for reimbursement only if those actions conform to that plan. Any interest paid by a municipality on a municipal bond issued to raise funds for remediation and closure activities during this period is a cost eligible for reimbursement under this section. The commissioner shall use at least 1/3 of the available funds for municipalities eligible for reimbursement of closure and remediation costs under this subsection until all those municipalities have been reimbursed. A landfill that is privately owned and privately operated is not eligible for reimbursement under this subchapter.

See title page for effective date.

CHAPTER 216

H.P. 16 - L.D. 19

An Act to Amend the Financial Responsibility Laws

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

Sec. 1. 29 MRSA §102-A is enacted to read:

§102-A. Insurance required prior to registration

1. Insurance required. A person may not register a vehicle unless the person satisfies the Secretary of State that the vehicle is insured.

2. Method of establishing evidence of insurance. A person establishes insurance by showing the vehicle insurance identification card, as defined by section 781, subsection 1, paragraph A-2, to either the municipal agent or the Division of Motor Vehicles, except that a person registering the vehicle for the first time may establish insurance by presenting a letter from an insurance company or agent showing that the vehicle is insured.

3. Alternative methods of establishing evidence of insurance. An individual is considered to comply with subsection 2 if the individual shows evidence of compliance with the provisions of section 787, subsection 2, paragraph A, B or C.

4. Exceptions. The provisions of this section do not apply to:

A. Government vehicles as identified in section 256;

B. Vehicles owned or controlled by a dealer as defined by subchapter III-A; or

C. Vehicles registered as vehicles for hire.

Sec. 2. 29 MRSA §780, sub-§8, as amended by PL 1989, c. 824, §4, is repealed.

Sec. 3. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 217

H.P. 60 - L.D. 88

An Act Concerning Consent to Dental Care

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

24 MRSA §2905, sub-§1, as amended by PL 1989, c. 74, §2, is further amended to read:

1. Disallowance of recovery on grounds of lack of informed consent. No recovery may be allowed against any physician, podiatrist, dentist or any health care provider upon the grounds that the health care treatment was rendered without the informed consent of the patient or the patient's spouse, parent, guardian, nearest relative or other person authorized to give consent for the patient when:

A. The action of the physician, podiatrist or dentist in obtaining the consent of the patient or other person authorized to give consent for the patient was in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities; ~~and~~

B. A reasonable person, from the information provided by the physician, podiatrist or dentist under the circumstances, would have a general understanding of the procedures or treatments and of the usual and most frequent risks and hazards inherent in the proposed procedures or treatments which are recognized and followed by other physicians, podiatrists or dentists engaged in the same field of practice in the same or similar communities; or

C. A reasonable person, under all surrounding circumstances, would have undergone such treatment or procedure had that person been advised by the physician, podiatrist or dentist in accordance with paragraphs A and B or this paragraph.

For purposes of this subsection, the physician, podiatrist, dentist or health care provider may rely upon a reasonable representation that the person giving consent for the patient is authorized to give consent unless the physician, podiatrist, dentist or health care provider has notice to the contrary.

See title page for effective date.

CHAPTER 218

H.P. 291 - L.D. 412

An Act to Make the Wild Blueberry the Official State Berry

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

1 MRSA §219 is enacted to read:

§219. State berry

The wild blueberry (*vaccinium angustifolium*, aiton) is the official state berry.

See title page for effective date.

CHAPTER 219

S.P. 299 - L.D. 797

An Act to Regulate Conflict of Interest within the Maine Science and Technology Commission

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, existing law, the Maine Revised Statutes, Title 17, section 3104, provides that persons holding positions of trust in any state office or public institution may not have any direct or indirect interest in any contract made on behalf of the State or of the institution in which they hold a place of trust; and

Whereas, the effectiveness of the Maine Science and Technology Commission depends upon the active involvement of individuals from educational institutions, nonprofit organizations, business enterprises and government serving on the commission and the advisory bodies to the commission; and

Whereas, the commission and advisory body members who have the skills and interest to serve will represent institutions having a direct or indirect interest; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Consti-