

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
Augusta, Maine
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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

CHAPTER 272

H.P. 487 - L.D. 681

An Act to Improve the Disbursement of Funds for Municipal Roads**Be it enacted by the People of the State of Maine as follows:**

23 MRSA §2705 is amended to read:

§2705. Appropriation insufficient

When the amount appropriated is not sufficient to repair the ways, a road commissioner may, with the written consent of the ~~selectmen~~ municipal officers, ~~employ inhabitants of the town to labor on such ways, to pay an amount not exceeding 15% of the amount so appropriated and in addition thereto to the amount appropriated.~~

See title page for effective date.

CHAPTER 273

H.P. 443 - L.D. 633

An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses**Be it enacted by the People of the State of Maine as follows:**

29 MRSA §2019, sub-§2-A is enacted to read:

2-A. Registered owner's liability for vehicle illegally passing a school bus. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 2 commits a civil violation. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. The operator of a school bus who observes a violation of subsection 2 may report the violation to a police officer. If a report is made, the operator shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator.

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection.

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner

was not operating the vehicle at the time of the violation.

D. The following are defenses to a violation of this subsection.

(1) If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of subsection 2, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 901, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection.

E. Notwithstanding subsection 5, a person who violates this subsection commits a civil violation for which a forfeiture of not less than \$50 or more than \$250 may be adjudged.

See title page for effective date.

CHAPTER 274

H.P. 432 - L.D. 615

An Act to Clarify Provisions Relating to Pharmacies**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 17-A MRSA §1113, as repealed and replaced by PL 1977, c. 671, §26, is repealed.

Sec. 2. 32 MRSA §13723, sub-§7, as enacted by PL 1987, c. 710, §5, is amended to read:

7. Investigatory powers. The board shall notify the Department of the Attorney General upon receipt of a complaint. Upon receipt of the notifications, the Attorney General shall notify the department within a timely period if the alleged violation requires criminal investigation. If a case does not require criminal investigation, the board or its authorized representatives may investigate and gather evidence concerning alleged violations of this Act or of the rules of the board. The board or an officer authorized pursuant to paragraph A may remove from any drug outlet or wholesaler certain original records relating to scheduled drugs or controlled substances, including, but not limited to, prescription records, shipping and delivery records, patient profiles, inventories and other drug records for the purposes of photocopying analysis, duplication and furthering the investigation. ~~A signed inventory receipt shall of any records being removed must be furnished and the articles removed shall be returned within 3 hours to the drug outlet or wholesaler by the board or an authorized officer. The pharmacist who has custody of the records may accompany the board's representatives so that the pharmacist can attest to the authenticity and lack of alteration of the records being photocopied. When a means of producing legible photocopies is readily available at the site of the records being removed, an authorized officer removing the records shall leave photocopies of the records as part of an inventory receipt in accordance with this subsection. Except when photocopies are left as part of an inventory receipt, the board or an authorized officer removing records from a drug outlet or wholesaler shall, within 48 hours from the time of removal, provide to a representative of the drug outlet or wholesaler photocopies of any removed records, together with a certificate identifying the agency in possession of the records, or return the original records. Inventory receipts and photocopies of any removed records provided by the board or an authorized officer are admissible as evidence if offered by the drug outlet or wholesaler to prove compliance with any rule of the board or requirement of law.~~

A. Prescriptions, orders and records required by this chapter and stocks of narcotic prescription and legend drugs shall be open for inspection only to the board and to federal, state, county and municipal officers, the board's inspectors and investigators, federal and state law enforcement officers whose duty it is to enforce the laws of this State or of the United States relating to narcotic scheduled drugs or controlled substances and other law enforcement officers authorized by the board or the Attorney General for the purposes of inspecting, investigating and gathering evidence of violations of law or any rule of the board. No officer having knowledge by virtue of the officer's office of any such prescription, order or record may divulge that knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party or in connection with a prosecution or proceeding in court.

B. The Bureau of Health, the board, their officers, agents, inspectors and representatives, all peace officers within the State and all county prosecuting attorneys shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states relating to narcotic prescription or legend drugs or their equivalent.

See title page for effective date.

CHAPTER 275

S.P. 204 - L.D. 531

An Act Concerning Energy Efficiency Standards for Subsidized Housing

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

Sec. 1. 10 MRSA §1413, sub-§§13-A and 14-A are enacted to read:

13-A. Primary heating system. "Primary heating system" means a heating system with a rated maximum heat output that is greater than 50% of the design heating load of the building or the unit.

14-A. Remodeling. "Remodeling" means the addition to an existing building of new conditioned space that is heated electrically or the conversion of existing space from nonelectric heat to electric heat.

Sec. 2. 10 MRSA §1413, sub-§15, as amended by PL 1985, c. 370, §2, is further amended to read:

15. Renovation. "Renovation" means the reconstruction, removal or replacement of any portion or element of an existing building which that affects the heat loss or gain of the building, illumination of the building or the heating, ventilating or air conditioning system of the building where when the total cost of the renovation exceeds 75% of the assessed value of the building, but does not include normal maintenance and repair.

Sec. 3. 10 MRSA §1415-G is enacted to read:

§1415-G. Electric heating systems; subsidized housing

1. Residential construction, remodeling and renovation. Except as provided in this section, during the construction, remodeling or renovation of a multifamily residential building, a person may not install electric space heating equipment as the primary heating system if that construction, remodeling or renovation is funded in whole or in part by public funds, guarantees or bond proceeds. For purposes of this section, "multifamily residential building" means a structure with more than one dwelling unit.