

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
OF THE
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1991

tests or exhibitions is made to the commission, it may grant the license without the requirement of the payment of a license fee.

Sec. 5. 32 MRSA §13511, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

§13511. Wrestling licenses

The commission, in accordance with this chapter and the rules adopted pursuant to this chapter, may issue a license for a term of one year; to any person, club, association or corporation ~~who or which~~ that is properly qualified; to conduct professional wrestling matches, shows or exhibitions. The commission, ~~in its discretion, may fix the fee shall establish by rule fees for the license at a figure between \$50 and \$100, depending upon the probable income of the licensee to be derived from the conducting of professional wrestling matches, shows or exhibitions~~ promoters' licenses issued under this section at levels adequate to carry out the purposes of this chapter. A closed circuit wrestling license may be issued by the commission for a term of one year to any person who is properly qualified ~~therefor~~ for a closed circuit wrestling license, which will entitle him entitles that person to engage in the showing of professional wrestling matches, shows or exhibitions by closed circuit television. ~~The fee for a closed circuit wrestling license shall be \$50, and the license may be suspended or revoked by the Administrative Court for any violation of this chapter or the rules of the commission.~~

All persons, other than wrestlers, engaging in professional wrestling matches, shows or exhibitions ~~as of~~ wrestlers shall must be licensed by the commission in a like manner. The commission ~~may shall~~ by rule establish ~~a fee fees~~ for the licenses in an amount not to exceed ~~\$25 \$50~~ a year. ~~Upon the application for a license as enumerated, the chairman~~ The chair of the commission ~~shall in his discretion temporarily or the chair's designee may issue or refuse to issue the license deny temporary licenses.~~ The full commission ~~shall consider the matter may review decisions by the chair or the chair's designee at its next regular meeting and rule upon the issuance or denial of the license.~~

Sec. 6. 32 MRSA §13514, last ¶, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

On the day ~~on which~~ the contest or exhibition is held, the promoter or promoters shall either tender the tax to the commissioner in attendance; or provide a surety bond acceptable to the commission in the amount of ~~\$5,000 \$10,000~~ payable to the Treasurer of State and conditioned for payment of the tax and any penalties imposed under this section. In its discretion, the commission may require that the bond be posted at a time prior to a contest or exhibition that the commission determines adequate. This tax ~~shall have been~~ must be paid to the Treasurer of State within 15 days of the date

on which the contest or exhibition is held, in the event a bond is provided. Upon failure to pay the tax to the Treasurer of State, the promoter or promoters ~~shall be~~ are liable to pay a penalty of 25% of the amount of the tax due, ~~which~~ the penalty and the tax due ~~shall must~~ be recovered by a civil action upon the bond brought in the name of the commission, and the penalty and the tax due ~~shall must~~ be paid to the Treasurer of State to be credited to the Athletic Commission Fund.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1991-92

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Maine Athletic Commission

All Other	\$2,000
Provides funds necessary to adopt rules establishing licensing fees.	

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

Effective June 18, 1991.

CHAPTER 339

H.P. 915 - L.D. 1312

An Act to Revise Certain Provisions of the Medical Examiner Act and Provide for the Collection and Retention of Records to Identify Certain Missing Persons

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

Sec. 1. 22 MRSA §3022, sub-§8, as repealed and replaced by PL 1987, c. 329, §2, is amended to read:

8. Certain information confidential. When in the custody of a medical examiner, ~~contents of suicide notes,~~ reproductions of medical reports and reports compiled by the police incorporated into the file, communications with the Department of the Attorney General, death certificates and any amendments made to the certificates, except for the information for which the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered "withheld" by the Attorney General, and reports pertaining to cases under investi-

gation by ~~his office shall be~~ the Department of the Attorney General are confidential.

Sec. 2. 22 MRSA §3022, sub-§11 is enacted to read:

11. Written or recorded material expressing suicidal intent. Written or otherwise recorded communications that express or are evidence of suicidal intent held by the Office of Chief Medical Examiner pursuant to section 3028, subsections 4 and 5, are not subject to public access.

Sec. 3. 22 MRSA §3025, sub-§1, ¶H, as repealed and replaced by PL 1985, c. 611, §6, is amended to read:

H. Deaths suspected of being medical examiner cases which may have been improperly certified by other than medical examiners or the equivalent of a medical examiner or inadequately examined, including, but not limited to, bodies brought into the State under those circumstances;

Sec. 4. 22 MRSA §3028, sub-§8, as enacted by PL 1979, c. 538, §8, is amended to read:

8. Autopsy. If, in any medical examiner case, in the opinion of the medical examiner, the Chief Medical Examiner, the district attorney for the district in which the death has occurred or the Attorney General, it is advisable and in the public interest that an autopsy be made, the autopsy ~~shall~~ must be conducted by the Chief Medical Examiner or by such pathologist as a physician that the medical examiner, with the approval of the Chief Medical Examiner, may designate. The medical examiner, with the approval of the Chief Medical Examiner, may elect to perform the autopsy. That The person who performs the autopsy shall make a complete report of the findings of the autopsy and shall transmit the report to the medical examiner and the Office of the Chief Medical Examiner, retaining one copy ~~thereof of the report.~~

Sec. 5. 22 MRSA §3034 is enacted to read:

§3034. Missing persons

1. Files; information. The Office of Chief Medical Examiner shall maintain files on missing persons sufficient for the purpose of identification when there is reason to suspect that those persons may not be found alive. These files may include such material as medical and dental records and specimens, details of personal property and physical appearance, samples of hair, fingerprints and specimens that may be useful for identification. The Chief Medical Examiner may require hospitals, physicians, dentists and other medical institutions and practitioners to provide information, samples and specimens. A person participating in good faith in the provision of the information, samples or speci-

mens under this section is immune from any civil or criminal liability for that act or for otherwise cooperating with the Chief Medical Examiner.

2. Confidentiality; disclosure. All information and materials gathered and retained pursuant to this section must be used solely for the purposes of identification of deceased persons and persons found alive who are unable to identify themselves because of mental or physical impairment. The files and materials are confidential, except that compiled data that does not identify specific individuals may be disclosed to the public. Upon the identification of a deceased person, those records and materials used for the identification may become part of the records of the Office of Chief Medical Examiner and may then be subject to public disclosure as pertinent law provides.

3. Reporting of missing persons. Missing persons may be reported directly to the Office of Chief Medical Examiner by interested parties. Law enforcement agencies or other public agencies that receive reports of missing persons, or that gain knowledge of missing persons, shall report that information to the Office of Chief Medical Examiner. Law enforcement agencies shall report all attempts to locate missing persons to the Office of Chief Medical Examiner. All absences without leave by individuals from state institutions must also be reported to the Office of Chief Medical Examiner when there exists a reasonable possibility of harm to that individual.

4. Cooperation. All state and law enforcement agencies and public and private custodial institutions shall cooperate with the Office of Chief Medical Examiner in reporting, investigating, clearing and gathering further information and materials on missing persons.

See title page for effective date.

CHAPTER 340

S.P. 524 - L.D. 1402

An Act to Provide Confidentiality of Proprietary Data Provided to State Agencies

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

5 MRSA §1890-B, sub-§4 is enacted to read:

4. Confidentiality. Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records as defined in Title 1, section 402, subsection 3 to the extent of the identified trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets as defined in Title 10, section 1542, subsection 4 held in private ownership; and