

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

I. Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking; and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality ~~should~~ shall identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting such protection.

4. Regional coordination program. A regional coordination program ~~may~~ must be developed with other municipalities to manage shared resources and facilities, such as rivers, aquifers, transportation facilities and others. This program ~~should~~ must provide for consistency with the comprehensive plans of other municipalities for these resources and facilities.

5. Implementation program. An implementation program ~~may~~ must be adopted that is consistent with the strategies in subsection 3.

Sec. 8. 30-A MRS §4354, first ¶, as amended by PL 1991, c. 18, §2 and c. 236, §2, is repealed and the following enacted in its place:

A municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. Notwithstanding section 3442, subsection 2, an impact fee may be imposed that results in a developer or developers paying the entire cost of an infrastructure improvement. A municipality may impose an impact fee either before or after completing the infrastructure improvement.

Sec. 9. Transition provisions.

1. Chapter 300 of the rules adopted by the former Office of Comprehensive Land Use Planning pertaining to qualification and certification standards for municipal code enforcement officers remain in effect and are administered by the Office of Community Development in the Department of Economic and Community Development until amended or repealed by that office pursuant to the Maine Administrative Procedure Act. All other rules adopted by the former Office of Comprehensive Land Use Planning are void.

2. All contracts issued by the former Office of Comprehensive Land Use Planning in effect on December 23, 1991 remain in effect and are deemed to be contracts issued by the Department of Economic and Community Development.

Sec. 10. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state man-

dates subject to that section and the State is not required to fund those costs.

Sec. 11. Retroactivity clause. This Act takes effect retroactively to December 23, 1991.

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

Effective March 23, 1992.

CHAPTER 723

H.P. 1597 - L.D. 2259

An Act to Modify the Medical Examiner Act to Limit Liability of Medical Record Providers

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

22 MRS §3022, sub-§7, as repealed and replaced by PL 1987, c. 329, §2, is amended to read:

7. Medical records provided. In any medical examiner case, upon oral or written request of the medical examiner, any individual, partnership, association, corporation, institution or governmental entity which that has rendered treatment pertaining to the medical examiner case shall as soon as practicable provide the medical examiner with all medical records pertaining to the person and the treatment provided. No individual, partnership, association, corporation, institution, governmental entity or employee or agent of a governmental entity may be criminally or civilly responsible for furnishing any medical records in compliance with this subsection.

See title page for effective date.

CHAPTER 724

H.P. 1054 - L.D. 1543

An Act to Facilitate Prompt Child Support Payments from the Department of Human Services

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

Whereas, late child support payments inflict undue hardship on families throughout the State; and

Whereas, action should be taken immediately to ensure that payments are forwarded from the Department of Human Services in a more timely manner; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 19 MRSA §515-A is enacted to read:

§515-A. Complaint and inquiry unit

The department shall maintain a centralized system to receive and respond to complaints and inquiries from persons who are eligible for support enforcement services. The department shall also use the system to identify and eliminate chronic problems within the department's support enforcement program.

Sec. 2. Electronic transfer of benefits. The Department of Human Services shall study the feasibility of transferring benefits electronically to persons receiving child support enforcement services, and shall report its findings to the joint standing committee of the Legislature having jurisdiction over human resource matters by January 15, 1993. A copy of the findings must be submitted to the Executive Director of the Legislative Council.

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

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

Effective March 24, 1992, unless otherwise indicated.

CHAPTER 725

H.P. 1163 - L.D. 1704

An Act to Limit the Use of Biosynthetic Bovine Somatotropin until More Extensive Human and Animal Safety Studies Are Completed

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

Sec. 1. 7 MRSA §2908, first ¶, as amended by PL 1985, c. 751, §4, is further amended to read:

Any firm, person, corporation or society who ~~shall sell~~ sells milk or cream in the State without the license or licenses provided in section 2902, or who ~~shall violate~~ violates any of the provisions of sections 2901 to 2904 ~~and~~, 3101 to 3103 ~~and~~ 3105, or neglects, fails or refuses

to comply with any of the provisions of those sections and the rules, regulations and standards of identity and quality issued thereunder; commits a civil violation for which the following forfeiture may be adjudged:

Sec. 2. 7 MRSA §3101 is amended to read:

§3101. Inspection and analysis

The commissioner shall inspect the production, manufacture, transportation, storage and sale of milk, cream, butter and all other dairy products, substitutes therefor, or imitations thereof.

The commissioner ~~shall~~ must have free access at all reasonable hours to any dairy farm, milk plant, vehicle, establishment, premises or place where milk or milk products, substitutes therefor, or imitations thereof, are or may be produced, collected, handled, processed, pasteurized, bottled, packaged, stored, sold or otherwise prepared for distribution for the purpose of inspecting such dairy farm, milk plant, vehicle, establishment, premises or place to determine if any of the provisions of sections 2901 to 2904 ~~and~~, 3101 to 3103 ~~and~~ 3105 are being violated; and to secure samples or specimens of any milk, cream, milk products, substitutes or imitations thereof, after paying or offering to pay the market value for such samples. The commissioner shall make or cause to be made examination of samples secured under this section to determine whether or not any provisions of sections 2901 to 2904 and 3101 to 3103 are being violated.

The commissioner may seize without warrant such cans, bottles, containers and equipment used in the production, handling, processing, pasteurizing, bottling, or ~~used in the purchase or sale of milk or cream as may be needed as evidence of violation of any provisions of sections 2901 to 2904 and~~, 3101 to 3103 ~~and~~ 3105.

The commissioner may, in ~~his~~ the commissioner's discretion, publish the results of all analyses with the names of the persons, firms, corporations, associations and societies from which the samples analyzed were taken or the ~~name~~ names of the milk ~~dealer~~ dealers. ~~He~~ The commissioner may, in ~~his~~ the commissioner's discretion, issue a report of the results of all analyses; for distribution to such newspapers in the State as may request a copy.

Sec. 3. 7 MRSA §3104 is amended to read:

§3104. Injunctions by commissioner

In addition to any other remedy for the enforcement of sections 2901 to 2904 ~~and~~, 3101 to 3103 ~~and~~ 3105 or any rule, regulation, order or decision of the commissioner, the Superior Court ~~shall have~~ has jurisdiction upon complaint filed by the commissioner to restrain or enjoin any person from committing any act prohibited by sec-