

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**Sec. 6. 30-A MRSA §503, sub-§1-A** is enacted to read:

**1-A. Investigations of deadly force or physical force by law enforcement officer.** The name of a law enforcement officer is not confidential under subsection 1, paragraph B, subparagraph (5) in cases involving:

A. The use of deadly force by a law enforcement officer; or

B. The use of physical force by a law enforcement officer resulting in death or serious bodily injury.

In cases specified in paragraphs A and B, regardless of whether disciplinary action is taken, the findings of any investigation into the officer's conduct are no longer confidential when the investigation is completed and a decision on whether to bring criminal charges has been made, except that if criminal charges are brought, the findings of the investigation remain confidential until the conclusion of the criminal case.

**Sec. 7. 30-A MRSA §2702, sub-§1-A** is enacted to read:

**1-A. Investigations of deadly force or physical force by law enforcement officer.** The name of a law enforcement officer is not confidential under subsection 1, paragraph B, subparagraph (5) in cases involving:

A. The use of deadly force by a law enforcement officer; or

B. The use of physical force by a law enforcement officer resulting in death or serious bodily injury.

In cases specified in paragraphs A and B, regardless of whether disciplinary action is taken, the findings of any investigation into the officer's conduct are no longer confidential when the investigation is completed and a decision on whether to bring criminal charges has been made, except that if criminal charges are brought, the findings of the investigation remain confidential until the conclusion of the criminal case.

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

Effective March 25, 1992.

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## CHAPTER 730

H.P. 1690 - L.D. 2370

### An Act to Enforce Registration of Motor Vehicles

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

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

#### **§102-B. Evasion of registration fees and excise taxes**

A person required to register a vehicle in this State who instead registers the vehicle in another state or province is guilty of evasion of registration fees and excise taxes. Violation of this section is a traffic infraction punishable by a fine of not less than \$500 nor more than \$1,000.

The Secretary of State shall notify the State Tax Assessor upon receipt of the court abstract so that the State Tax Assessor may determine whether further investigation is necessary.

See title page for effective date.

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## CHAPTER 731

H.P. 1682 - L.D. 2362

### An Act Concerning the Authority of Podiatrists

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

**Whereas,** current law allows nurses to execute a medical regimen only when prescribed by a physician or dentist; and

**Whereas,** the omission of podiatrists from the law has only recently been called to the attention of the professions of nursing and podiatry; and

**Whereas,** the inability to utilize the service of a nurse in their profession is a major handicap to podiatrists; 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. 32 MRSA §2102, sub-§2, ¶A,** as repealed and replaced by PL 1985, c. 724, §2, is amended to read:

A. Diagnosis and treatment of human responses to actual or potential physical and emotional health problems, through such services as case finding, health teaching, health counseling and provision of care supportive to or restorative of life and well-being and execution of the medical regimen as pre-

scribed by a licensed physician, podiatrist or dentist or otherwise legally authorized person acting under the delegated authority of a physician, podiatrist or dentist:

(1) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. This diagnostic privilege is distinct from medical diagnosis;

(2) "Human responses" means those signs, symptoms and processes ~~which that~~ denote the individual's health needs or reaction to an actual or potential health problem; and

(3) "Treatment" means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen;

**Sec. 2. 32 MRSA §2102, sub-§3**, as repealed and replaced by PL 1985, c. 724, §3, is amended to read:

**3. Practical nursing.** The practice of "practical nursing" means performing tasks and responsibilities, by a licensed practical nurse, for compensation within a structured health care setting, reinforcing the patient and family teaching program through health teaching, health counseling and provision of supportive and restorative care, under the direction of a registered nurse or licensed or otherwise legally authorized physician, podiatrist or dentist.

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

Effective March 26, 1992.

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## CHAPTER 732

H.P. 1638 - L.D. 2301

### An Act Concerning Septage

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

**Whereas**, currently, haulers of septage are hauling septage from one town to another without prior approval of the town; and

**Whereas**, towns need more control over the amount of septage that is hauled within its boundaries; and

**Whereas**, there is need for immediate action so that the hauling and spreading of septage does not occur in a town without its prior approval; 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. 30-A MRSA §4452, sub-§1**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended by amending the first paragraph to read:

**1. Enforcement.** A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building inspector, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in ~~subsection 5~~ subsection 5 or 6, may:

**Sec. 2. 30-A MRSA §4452, sub-§2**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

**2. Liability for violations.** Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the laws or ordinances set forth in ~~subsection 5~~ subsection 5 or 6 is liable for the penalties set forth in subsection 3.

**Sec. 3. 30-A MRSA §4452, sub-§3, ¶G**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

G. The penalties for violations of waste discharge licenses issued by the municipality pursuant to Title 38, section 413, subsection 8, or violations of a septage land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, chapter 13, subchapter 1, is are as prescribed in Title 38, section 349.

**Sec. 4. 30-A MRSA §4452, sub-§6** is enacted to read:

**6. Septage permits issued by the Department of Environmental Protection.** A municipality may enforce the terms and conditions of a septage land disposal or storage site permit issued by the Department of Environmental Protection pursuant to Title 38, chapter 13, subchapter 1.

**Sec. 5. 38 MRSA §1305, sub-§8** is enacted to read: