

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

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
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1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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Sec. 2. 32 MRSA §2102, sub-§3, as repealed and replaced by PL 1985, c. 724, §3, is amended to read: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

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:

8. Septage permits; municipal enforcement. Pursuant to Title 30-A, section 4452, subsection 6, a municipality may enforce the terms and conditions of a septage land disposal or storage site permit issued by the department under this subchapter.

Sec. 6. Application. Nothing in this Act may be construed to require municipal enforcement of septage land disposal or storage site permits issued by the Department of Environmental Protection or to limit the department's authority to enforce the terms and conditions of a septage land disposal or storage site permit issued by the department.

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

Effective March 26, 1992.

CHAPTER 733

H.P. 1602 - L.D. 2264

An Act to Enhance the Operations of the District Court Violations Bureau

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

Whereas, the violations bureau has been established in the District Court pursuant to Title 4, section 164, subsection 12 and the violations bureau is permitted to accept payment of waiver fines by persons charged with traffic infraction offenses; and

Whereas, as of January 1, 1992 the use of a Uniform Traffic Ticket and Complaint is not permitted in traffic infraction cases; and

Whereas, certain statutes other than Title 29 refer to certain offenses as traffic infractions that, because of their nature and applicable penalties, can not be processed as traffic infractions; and

Whereas, electronic transfer of information between the District Court Violations Bureau and the Office of the Secretary of State, Division of Motor Vehicles is not yet possible and without such electronic transfer of information proper notice of license suspension can not be given by the District Court Violations Bureau as required by Title 29, section 2301-B to those persons suspended for failure to answer a Violation Summons and Complaint or appear for trial; and

Whereas, under current statutes a proper allocation may not be made of the funds deposited to the Government Operations Surcharge Fund from surcharges

added to traffic infraction fines, penalties and forfeitures; 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. 4 MRSA §171-A, as enacted by PL 1975, c. 731, §4, is repealed and the following enacted in its place:

§171-A. Traffic infraction and civil violation complaints

1. Traffic infraction. When a complaint is made to the proper officer of the District Court charging a person with the commission of a traffic infraction the officer of the District Court shall cause to be served upon the person a Violation Summons and Complaint or other process in such form and under such circumstances as the Supreme Judicial Court shall by rule provide.

2. Civil violations. When a complaint is made to the proper officer of the District Court charging a person with the commission of a civil violation other than a traffic infraction, the officer of the District Court shall cause to be served upon the person a Uniform Summons and Complaint or other process in such form and under such circumstances as the Supreme Judicial Court shall by rule provide.

Sec. 2. 4 MRSA §173, sub-§2-A, as enacted by PL 1991, c. 549, §5 and affected by §17, is amended to read:

2-A. Costs in traffic infraction or civil violation cases. The Chief Judge shall establish costs to be paid by a defendant to reopen a traffic infraction or civil violation case after the case has been disposed of by default resulting from the defendant's failure to file a timely written answer or the defendant's failure to appear for trial in court.

In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for the defendant's failure to answer or the defendant's failure to appear in court.

Sec. 3. 4 MRSA §1057, sub-§3, as amended by PL 1991, c. 303, §1, is further amended to read:

3. Reimbursement to counties. Monthly, the Treasurer of State shall make payments from this fund to each county in ~~direct proportion to the amount of revenue obtained from all courts within each county~~ the same proportion as the total amount paid to that county