

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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SECOND REGULAR SESSION
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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
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

For those individuals who are licensed or who relicense as ~~basic emergency medical technicians~~ after September 1, 1986, ~~and who are not licensed at the advanced level, the basic emergency medical technician~~ the license is for a 3-year period. Licensure includes, but is not limited to, annual verification, as determined by the board through rules. To maintain a valid license, a basic emergency medical technician must meet the criteria as set out in this subsection. If those criteria are not met, a person does not hold a valid license and must reapply for licensure.

Sec. 3. 32 MRSA §85, sub-§4 is enacted to read:

4. Minimum requirements for relicensing. The board shall set by rule the interval license and relicensing requirements for emergency medical services persons. A person who is duly licensed in Maine as an emergency medical services person must be issued a renewal license if the following requirements are met:

A. The person must have satisfactorily completed relicensure training as defined in the rules; and

B. The person must have satisfactorily demonstrated competence in the skills required for the license level. Skill competence may be satisfied by a combination of run report reviews and continuing education training programs conducted in accordance with the rules or by satisfactorily completing the state written and practical tests.

If the person is not duly licensed at the time of application, the person must demonstrate skill and knowledge by satisfactorily completing the state written and practical tests as defined in the rules.

To maintain a valid license, an emergency medical services person must meet the criteria set out in this section. If those criteria are not met, a person does not hold a valid license and must reapply for licensure.

Sec. 4. 32 MRSA §88, sub-§1, ¶A, as amended by PL 1991, c. 588, §16, is further amended to read:

A. The board has one member representing each regional council, and 7 persons in addition. Of the additional persons, one is a physician, one an attorney, one a representative of the public, one a representative of for-profit ambulance services, one a professional nurse, one a representative of first responder services and one a representative of not-for-profit ambulance services. The members that represent for-profit ambulance services, first responder services and not-for-profit ambulance services must be licensed emergency medical services' persons. Appointments are for 3-year terms. Members must be appointed by the Governor. The state medical director is an ex officio nonvoting member of the board.

Sec. 5. Transition. Current members of the board may complete their terms. The provisions of section 4 apply to members appointed by the Governor after the effective date of this Act.

See title page for effective date.

CHAPTER 743

H.P. 1458 - L.D. 2070

An Act to Ensure the Retention of Utility Lines Crossing Railroad Property

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

Sec. 1. 35-A MRSA §2311, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§2311. Lines along railroads; application to Public Utilities Commission when disagreement

A person maintaining or operating a telephone or electric line may construct a line upon or along any railroad with the written permit of the person operating the railroad. If the person seeking to construct the line cannot agree with the parties operating the railroad, as to constructing lines along the railroad or as to the manner in which lines may be constructed upon, along or across the railroad, either party may apply to the commission, who, after notice to those interested, shall hear and determine the matter and make their award, which ~~shall be~~ is binding upon the parties. The person seeking to construct lines on the railroad shall pay the expenses of the hearing, except that if the commission finds that parties operating the railroad have unreasonably refused their consent, those parties shall pay the expenses. Without limiting the commission's jurisdiction under this section, if a railroad company and a telephone or electric utility enter into an agreement involving a utility crossing of railroad property and that agreement or some other agreement provides that the commission shall resolve disputes arising under the original agreement, the commission may resolve those disputes.

See title page for effective date.

CHAPTER 744

H.P. 1419 - L.D. 2031

An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings

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

Sec. 1. 14 MRSA §6321, 3rd ¶, as amended by PL 1983, c. 447, §2, is further amended to read:

The foreclosure ~~shall~~ must be commenced in accordance with the Maine Rules of Civil Procedure, and the mortgagee shall also record a copy of the complaint or a clerk's certificate of the filing ~~thereof of the complaint~~ in each registry of deeds in which the mortgage deed is or by law ought to be recorded and such recording shall thereafter constitute constitutes record notice of commencement of foreclosure. The complaint ~~shall~~ must allege with specificity the plaintiff's claim by mortgage on such real estate, describe the mortgaged premises intelligibly, state the existence of public utility easements, if any, that were recorded subsequent to the mortgage and prior to the commencement of the foreclosure proceeding and without mortgagee consent, state the amount due on the mortgage, state the condition broken and by reason of such breach demand a foreclosure and sale. Service of process on all parties in interest and all proceedings shall must be in accordance with the Maine Rules of Civil Procedure. "Parties in interest" ~~shall~~ include mortgagors, holders of fee interest, mortgagees, lessees pursuant to recorded leases or memoranda thereof, lienors and attaching creditors all as reflected by the indices in ~~said~~ the registry of deeds and the documents referred to therein affecting the mortgaged premises, through the time of the recording of the complaint or the clerk's certificate. Failure to join any party in interest ~~shall~~ does not invalidate the action nor any subsequent proceedings as to those joined. Failure of the mortgagee to join, as a party in interest, the holder of any public utility easement recorded subsequent to the mortgage and prior to commencement of foreclosure proceedings is deemed consent by the mortgagee to such easement. Any other party having a claim to the real estate whose claim is not recorded in the registry of deeds as of the time of recording of the copy of the complaint or the clerk's certificate need not be joined in the foreclosure action, and any such party ~~shall have~~ has no claim against the real estate after completion of the foreclosure sale; provided that any such party may move to intervene in the action for the purpose of being added as a party in interest at any time prior to the entry of judgment.

Sec. 2. 14 MRSA §6321, as amended by PL 1983, c. 447, §2, is further amended by adding at the end a new paragraph to read:

For purposes of this section, "public utility easements" means any easements held by: public utilities, as defined in Title 35-A, section 102; sewer districts as defined in Title 38, section 1251; or sanitary districts as formed under Title 38, chapter 11.

Sec. 3. 14 MRSA §6322, first ¶, as repealed and replaced by PL 1977, c. 618, is amended to read:

After hearing, the court shall determine whether there has been a breach of condition in the plaintiff's

mortgage, the amount due thereon, including reasonable attorney's fees and court costs, ~~and~~ the order of priority and those amounts, if any, which that may be due to those other parties which that may appear and whether any public utility easements held by a party in interest survive the proceedings. For purposes of this section, "public utility easements" has the same meaning as set forth in section 6321.

See title page for effective date.

CHAPTER 745

H.P. 1463 - L.D. 2075

An Act to Protect Ground Water Supplies Near Automobile Dismantling, Salvage and Recycling Operations

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

Sec. 1. 30-A MRSA §3752, sub-§1, ¶B is enacted to read:

B. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

Sec. 2. 30-A MRSA §3755, sub-§2-A is enacted to read:

2-A. Public and private water supplies. No permit may be granted for automobile graveyard operations within 100 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after the effective date of this subsection if the automobile graveyard has already received a permit under section 3753.

Sec. 3. 38 MRSA §1310-N, sub-§2-E is enacted to read:

2-E. Automobile dismantling, recycling and salvage operations. The department may not issue a license for a solid waste facility that is larger than 3 acres in size and that is the location of automobile dismantling, recycling and salvage if the automobile dismantling, recycling and salvage operations take place within 100 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the facility or the owner's or operator's abutting residence.

Sec. 4. Application. Annual permits issued under the Maine Revised Statutes, Title 30-A, section 3753 remain in effect until those permits expire.