

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

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PUBLISHED BY THE REVISOR OF STATUTES
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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

apprehension through the use or threatened use of force.

B. Commanding law enforcement officer. "Commanding law enforcement officer" means a law enforcement officer who has jurisdiction and is in charge at a critical incident.

C. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders and to make arrests for crimes.

2. Order. The commanding law enforcement officer at a critical incident may order a previously designated telephone utility security employee to arrange to cut, reroute or divert telephone lines for the purpose of preventing telephone communication by a suspected person with a person other than a law enforcement officer or a person authorized by a law enforcement officer.

3. Security employee designation. A telephone utility shall designate a security employee and an alternate security employee to provide required assistance to law enforcement officers involved in a critical incident.

See title page for effective date.

CHAPTER 32

H.P. 70 - L.D. 100

An Act to Classify the Medomak River

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

Sec. 1. 38 MRSA §467, sub-§5-A is enacted to read:

5-A. Medomak River Basin.

A. Medomak River, main stem.

(1) From its source in the Town of Liberty to the Wagner Bridge Road in the Town of Waldoboro - Class A.

(2) From the Wagner Bridge Road in the Town of Waldoboro to the bridge at old Route 1 - Class B.

B. Medomak River, tributaries - Class A unless otherwise specified.

See title page for effective date.

CHAPTER 33

S.P. 136 - L.D. 427

An Act to Allow Young People to Accompany Their Parents When Voting

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

Sec. 1. 21-A MRSA §681, sub-§3, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

B. If a voter is accompanied by a child of 6 ¹² years of age or younger, the child may enter the voting booth with the voter.

See title page for effective date.

CHAPTER 34

H.P. 174 - L.D. 226

An Act to Allow Game Wardens to Receive Remuneration for Serving in Elected Municipal or County Positions

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

Sec. 1. 12 MRSA §7052, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. **Conflicts.** Wardens appointed under the authority of section 7051 may hold no other governmental office from which they receive compensation, except elected positions in municipal or county government.

See title page for effective date.

CHAPTER 35

H.P. 111 - L.D. 153

An Act to Revise the Grandfathering Provisions for Acupuncturists

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

Sec. 1. 32 MRSA §12408, sub-§3, ¶B, as enacted by PL 1989, c. 307, §4, is amended to read:

B. Test-based group. The requirements for the test-based group are:

(1) A minimum of 6 months of practicing acupuncture in the State as of August 9, 1989;

(2) Certification by the National Commission for the Certification of Acupuncturists;

(3) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institution approved by the Acupuncture Licensing Board; and

(4) A minimum of 300 hours of clinical experience in acupuncture; and,

~~(5) A baccalaureate degree from an accredited institution of higher learning or enrollment in a program leading to such a degree. Persons without a degree shall submit evidence of enrollment each year on the anniversary of their licensure and their license shall be suspended in those years for which they do not provide that evidence. A license based on enrollment in a degree program shall be revoked 5 years after its first issuance unless evidence is presented of attainment of a baccalaureate degree from an accredited institution of higher learning; or~~

~~(6) A license from the State as a registered professional nurse or enrollment in an approved professional school of nursing in a program leading to a diploma. A person without a license as a registered nurse shall submit evidence of enrollment each year on the anniversary of licensure as an acupuncturist and the license shall be suspended in those years for which that person does not provide that evidence. A license based on enrollment in a diploma program shall be revoked 3 years after its first issuance unless evidence is presented of licensure by the State as a registered professional nurse.~~

See title page for effective date.

CHAPTER 36

S.P. 38 - L.D. 50

An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission

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

Sec. 1. 35-A MRSA §108, as amended by PL 1987, c. 614, § 1, is repealed.

Sec. 2. 35-A MRSA §108-A is enacted to read:

§108-A. Commission action; quorum; notice

A majority of the duly appointed commissioners constitutes a quorum and the act or decision of a majority of commissioners present, if at least a quorum is present, is the act or decision of the commission in any formal proceeding before the commission.

Notwithstanding Title 1, section 406, the commission is required to give notice of public proceedings only if the commission will deal with the expenditure of public funds or if the commission will make any of the following decisions in proceedings before it: a decision to initiate rulemaking or to adopt or modify a rule pursuant to Title 5, chapter 375, subchapter II; a decision making an advisory ruling pursuant to Title 5, chapter 375, subchapter III; a decision to commence an adjudicatory proceeding, an interim decision in an adjudicatory proceeding that will affect the substantive or procedural rights of any party, or a final decision at the conclusion of an adjudicatory proceeding, all pursuant to Title 5, chapter 375, subchapter IV; or a decision in any other proceeding pursuant to this Title or the commission's rules that requires commission approval or decision. In addition, if the commission is participating as a party in a proceeding before a federal agency and the commission will adopt a position in that federal proceeding, the commission shall give to other parties from the State who are participating in the federal proceeding notice of the public proceeding at which the commission may adopt that position.

See title page for effective date.

CHAPTER 37

H.P. 346 - L.D. 449

An Act to Amend the Laws Regarding Motor Vehicle Air Conditioning

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

Whereas, current law prohibits the sale of a motor vehicle with a model year of 1994 or later if the vehicle has an air conditioning unit containing chlorofluorocarbon; and

Whereas, the technology does not currently exist to permit all 1994 model cars to comply with this prohibition; and

Whereas, 1994 model cars are now being produced by manufacturers, but will not be available for sale in Maine unless the law is changed to delay the deadline for removing chlorofluorocarbons from air conditioning, as provided in this Act; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-