

# 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  
OCTOBER 13, 1993

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  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**4-A. Professional review committee.** "Professional review committee" means a committee of physicians formed by a professional society for the purpose of identifying and working with physicians and physician assistants who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as ~~such~~ the committee operates pursuant to protocols approved by the Board of Registration in Medicine.

**Sec. 2. 32 MRSA §3298**, as enacted by PL 1985, c. 185, §5, is amended to read:

**§3298. Establishment of protocols for operation of professional review committee**

The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols ~~shall~~ must include the committee reporting information the board considers appropriate regarding reports received, contacts or investigations made and the disposition of each report, provided that the committee ~~may~~ is not be required to disclose any personally identifiable information. ~~Nothing in the~~ The protocols may not prohibit an impaired physician or physician assistant from seeking alternative forms of treatment.

See title page for effective date.

## CHAPTER 40

### S.P. 76 - L.D. 177

#### An Act to Amend Certain Laws Affecting Waste Discharges by Quasi-municipal Agencies

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

**Sec. 1. 38 MRSA §464, sub-§4, ¶A**, as repealed and replaced by PL 1991, c. 66, Pt. A, §12, is amended to read:

A. Notwithstanding section 414-A, the department may not issue a water discharge license for any of the following discharges:

- (1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles, except that discharges into these waters that were licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist;
- (2) New direct discharge of domestic pollutants to tributaries of Class-GPA waters;
- (3) Any discharge into a tributary of GPA waters that by itself or in combination with

other activities causes water quality degradation ~~which that~~ would impair the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters;

(4) Discharge of pollutants to waters of the State that imparts color, taste, turbidity, toxicity, radioactivity or other properties that cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class;

(5) Discharge of pollutants to any water of the State that violates sections 465, 465-A and 465-B, except as provided in section 451; causes the "pH" of fresh waters to fall outside of the 6.0 to 8.5 range; or causes the "pH" of estuarine and marine waters to fall outside of the 7.0 to 8.5 range; and

(6) New discharges of domestic pollutants to the surface waters of the State that are not conveyed and treated in municipal or quasi-municipal sewage facilities. For the purposes of this subparagraph, "new discharge" means any overboard discharge that was not licensed as of June 1, 1987, except those discharges that were in continuous existence for the 12 months preceding June 1, 1987, as demonstrated by the applicant to the department with clear and convincing evidence. For purposes of licensing, the department shall treat an increase in the licensed volume or quantity of an existing discharge or an expansion in the months during which the discharge will take place as a new discharge of domestic pollutants.

Notwithstanding subparagraph (6), the department may issue a wastewater discharge license allowing for an increase in the volume or quantity of discharges of domestic pollutants from any university, college or school administrative unit sewage facility, provided that the university, college or school administrative unit has a wastewater discharge license valid on the effective date of this paragraph and the increase in discharges do not violate the conditions of subparagraphs (1) to (5) or other applicable laws.

See title page for effective date.

## CHAPTER 41

### S.P. 53 - L.D. 74

#### An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods

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

**Sec. 1. 11 MRSA §9-302, sub-§(1), ¶(d)**, as repealed and replaced by PL 1977, c. 696, §130, is amended to read:

(d) A purchase money security interest in consumer goods where the amount financed, as defined in Title 9-A, section 1-301, subsection 5, ~~paragraph A~~, is less than \$1,000 \$2,000, but fixture filing is required for priority over conflicting interests in fixtures to the extent provided in section 9-313.

See title page for effective date.

## CHAPTER 42

### H.P. 18 - L.D. 20

#### An Act Regarding Closed Clam Flats

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

**Whereas**, the harvesting of marine organisms in the State's coastal waters and intertidal zone areas is an important economic activity for state residents and communities; 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. 12 MRSA §6192, sub-§4**, as repealed and replaced by PL 1981, c. 649, §2, is amended to read:

**4. Effective date.** Except as provided in this subsection, emergency regulations shall become effective immediately upon publication in a newspaper of general circulation in the area of the State affected, provided it is submitted to the Attorney General and filed with the Secretary of State as required under the Maine Administrative Procedure Act, Title 5, chapter 375, within the next business day following publication.

Notwithstanding any provisions of the Maine Administrative Procedure Act, an emergency regulation authorized by section 6172, subsection 2 or 3 ~~shall be~~ is effective immediately upon signature by the commissioner or ~~his~~ the commissioner's authorized designee. Upon pro-

~~mulgation of such signing~~ an emergency regulation ~~that closes or opens an area or waters to the taking of marine organisms, the commissioner or the commissioner's authorized designee shall give oral notice of the emergency closure that action~~ to local governmental authorities and shall publish notice of ~~the~~ a closure as soon as possible in a newspaper of general circulation in the area of the State affected. Marine patrol officers shall take action to prevent taking of shellfish from ~~that a closed~~ a closed area, including the embargo of contaminated shellfish under section 6856, subsection 6 and the arrest of any person violating the emergency regulation.

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

Effective April 8, 1993.

## CHAPTER 43

### H.P. 26 - L.D. 29

#### An Act to Permit Retired Teachers to Rejoin the Teachers Health Insurance Plan after Serving in the Legislature

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

**Sec. 1. 20-A MRSA §13451, sub-§2-A** is enacted to read:

**2-A. Access to group plan; retired teachers who serve as Legislators.** Any retired teacher eligible for group accident and sickness or health insurance under subsection 2 who becomes a member of the Legislature must be permitted to reenroll in the teachers' group plan within 90 days of the date the retired teacher ceases to be a Legislator. The retired teacher seeking to reenroll must show that continuous insurance coverage was maintained from at least one year immediately prior to retirement from the school district to within 90 days of the date of reenrollment.

**Sec. 2. Access to group plan for Legislators.** A member of the 116th Legislature who did not enroll in the health insurance plan within 60 days of employment as a Legislator must be permitted to join the plan within 30 days of the effective date of this Act if that Legislator can show that continuous insurance coverage was maintained from at least one year immediately prior to the date of employment as a Legislator to within 90 days of the date of enrollment.

See title page for effective date.