

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.

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

mendations for curing any defect in the law identified at the time of the challenge.

§416. Effective date

This subchapter takes effect July 1, 1995.

Sec. 4. 21-A MRSA §601-A, as enacted by PL 1987, c. 797, §3, is amended to read:

§601-A. Presidential preference primary ballot

The Secretary of State shall prepare the presidential preference primary ballots according to the following provisions.

1. Arrangement. The ballot must be arranged in one column.

2. Content. The ballot must contain the items listed in this section.

A. The following instructions must be printed in bold type at the top of the ballot.

“MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE NAME OF THE CANDIDATE FOR WHOM YOU WISH TO VOTE. YOU MAY VOTE FOR ONE PERSON ONLY. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT OR PASTING A STICKER WITH THAT PERSON’S NAME ON IT IN THE PROPER BLANK SPACE AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE LEFT. DO NOT ERASE NAMES.

~~IF YOU WISH TO VOTE FOR UNCOMMITTED, MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE WORD “UNCOMMITTED.” MARK ONLY ONE SQUARE.”~~

B. The ballot must contain the name, without any title, of each candidate arranged alphabetically with the last name first in block capital letters, followed by the first name and middle name or initial, or followed by the first name or first initial and the middle name. The name of each candidate may be printed on the ballot in only one space.

~~C. The ballot must contain the word “uncommitted” following the list of candidates.~~

D. A square ~~shall~~ **must** be printed at the left side of and close to the name of each candidate ~~and uncommitted space~~, so that a voter may designate any choice clearly by a cross (X) or a check mark (✓).

E. On the front and back of the folded ballot must be printed “Official (name of political party) Presidential Preference Primary Ballot;” and the date of the election ~~and a facsimile of the signature of the Secretary of State.~~

3. Distinctively colored. The ballots must be printed separately for each political party on paper of a distinctive color: ~~White~~ white for the party ~~which~~ that cast the greatest number of votes for Governor at the last gubernatorial election; yellow for the 2nd highest; blue for the 3rd highest; and green for the 4th highest. The Secretary of State shall choose a distinctive color for ballots for any other political party.

See title page for effective date.

CHAPTER 335

S.P. 89 - L.D. 243

An Act to Allow the Transfer of Surplus Lands from the State Nursery

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

Whereas, the buildings on the state nursery property are vacant and will deteriorate over time, resulting in a loss of value; and

Whereas, there is a need to make the property available this spring for agricultural or forestry purposes in time for the upcoming growing season; and

Whereas, the Legislature has previously authorized the sale of this land; and

Whereas, in addition there is another parcel that should be transferred to another unit of State Government, the University of Maine; 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. 38 MRSA §8003, sub-§3, ¶M, as amended by PL 1987, c. 308, §10, is further amended to read:

M. The director is authorized, with the consent of the commissioner, to sell, grant, lease, transfer or otherwise convey any real or personal property un-

der the jurisdiction of the bureau. The director shall deposit the proceeds from the sale or lease of property purchased with Maine Forestry District tax funds in Forest Fire Control Accounts. This authority ~~shall~~ does not apply to lands acquired under the authority of paragraph N. Property at the state nursery may be sold for agricultural or forestry purposes if surplus to the needs of the nursery and the proceeds ~~shall be~~ are retained ~~to be used for improvements at the nursery by the Maine Forest Service. The bureau shall transfer the low-level radioactive waste site on the state nursery property, along with appropriate buffers and access, to the University of Maine and the University of Maine shall accept the transfer.~~ At least 60 days prior to offering any surplus property for sale under this paragraph, the director shall notify the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over natural resources of ~~his~~ the intent to sell the property.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1993-94

CONSERVATION, DEPARTMENT OF

**Maine Forest Service -
Forest Fire Control**

All Other	\$149,690
Capital Expenditures	138,310

Allocates funds obtained by sale of the state nursery to build a structure to protect water-dropping helicopters, to upgrade a district headquarters to comply with building codes and to install a new heating system, to make the final payment on a loan from the General Fund authorized by Public Law 1979, chapter 164, Part G, section 1, to settle an ongoing workers' compensation claim, to cover closing costs and to replace and repair fire-fighting equipment.

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

Effective June 15, 1993.

CHAPTER 336

S.P. 266 - L.D. 803

An Act to Provide Immunity for Private Physicians in Public Hospitals

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

Sec. 1. 34-B MRSA §3861, sub-§2, as enacted by PL 1983, c. 459, §7, is amended to read:

2. State mental health institute. The chief administrative officer of a state mental health institute:

- A. May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3831 or 3863; and
- B. ~~Shall~~ May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3864 or is ordered by a court.

Any person contracting with a state mental institute when admitting, treating or discharging a patient, within the state institute, under the provisions of sections 3863 and 3864 under a contract with the department for purposes of civil liability is deemed to be an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741.

See title page for effective date.

CHAPTER 337

H.P. 443 - L.D. 569

An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 34-A MRSA §3261, sub-§2, ¶B, as repealed and replaced by PL 1983, c. 581, §§38 and 59, is amended to read: