

# 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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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:

B. Deliver the convict to the officer in charge of the prison between the hours of 8 a.m. and 4 p.m. ~~on any day~~ Monday to Friday, except for holidays, unless prior arrangements for an alternative time have been made with the warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

**Sec. 2. 34-A MRSA §3407, sub-§2, ¶B**, as enacted by PL 1983, c. 581, §§43 and 59, is amended to read:

B. Deliver the convict to the officer in charge of the center between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements are made and approved by the superintendent, ~~on any day~~ accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

See title page for effective date.

**CHAPTER 338**

**S.P. 312 - L.D. 945**

**An Act Regarding Appeal Periods in District Court Civil Cases**

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

**Whereas**, this legislation must be enacted and take effect immediately in order to bring the State into compliance with certain federal regulations affecting child support enforcement; 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. 14 MRSA §1901**, as amended by PL 1975, c. 552, §2, is further amended to read:

**§1901. To Superior Court**

Any appeal ~~shall~~ must be taken from the District Court to the Superior Court for the county embracing the division in which the judgment was rendered within ~~10~~ 30 days after judgment; except that any party ~~shall~~ must appeal from a District Court judgment in an action of foreclosure and sale directly to the Supreme Judicial

Court within 30 days. The appellant shall, within ~~10~~ 30 days after judgment, pay to the court the required fees for such appeal and in that case no execution ~~shall~~ may issue, and the clerk shall enter the appeal in the appellate court where it ~~shall~~ must be determined as a new entry.

**Sec. 2. 19 MRSA §319, sub-§§4 and 5**, as enacted by PL 1991, c. 840, §4, are amended to read:

**4. Request for hearing.** A request for hearing must be made in writing within ~~21~~ 30 days of receipt of service and be accompanied by the requesting party's income affidavit and child support worksheet. If a party requests a hearing, the matter must be referred for mediation prior to trial. This subchapter applies to all proceedings to modify an order of child support.

**5. Order without hearing.** If a party does not request a hearing within ~~21~~ 30 days after service, the court may enter an order modifying support without hearing using the proposed order, provided that the proposed modified support obligation is equal to or greater than the obligation resulting from the application of section 315. If a downward deviation is proposed, the court shall hold a hearing prior to entering an order. The court may apply the presumptions set out in section 314, subsection 1, paragraph D.

**Sec. 3. Legislative intent.** Notwithstanding any other provision of law or rule to the contrary, it is the intent of the Legislature that the period for an appeal from a District Court civil case is within 30 days after judgment.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
<b>JUDICIAL DEPARTMENT</b>		
<b>Judicial Department - Department of Human Services IV-D Cooperative Agreement Project</b>		
Positions	(1.0)	(1.0)
Personal Services	\$417,938	\$500,000
All Other	25,000	25,000
Provides funding for a Project Manager position, a percentage of clerical staff salaries and benefits based on the estimated time spent on child support cases and other expenses related to child support cases.		
<b>JUDICIAL DEPARTMENT TOTAL</b>	<b>\$442,938</b>	<b>\$525,000</b>