

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

A. May take the person into protective custody; and

B. If the officer does take the person into protective custody, shall deliver the person immediately for examination by an available licensed physician or licensed clinical psychologist, as provided in section 3863.

Sec. 3. 34-B MRSA §3863, sub-§3, as amended by PL 1987, c. 736, §53, is further amended to read:

3. Judicial review. The application and accompanying certificate ~~shall~~ **must** be reviewed by a Justice of the Superior Court, Judge of the District Court, Judge of Probate or a justice of the peace.

A. If the judge or justice finds the application and accompanying certificate to be regular and in accordance with the law, ~~he~~ the judge or justice shall endorse them.

B. ~~No~~ A person may ~~not~~ be held against ~~his~~ the person's will in the hospital under this section, whether informally admitted under section 3831 or sought to be involuntarily admitted under this section, unless the application and certificate have been endorsed by a judge or justice, except that a person for whom an examiner has executed the certificate under subsection 2 may be detained in a hospital for a reasonable period of time, not to exceed 18 hours, pending endorsement by a judge or justice, if:

(1) For a person informally admitted under section 3831, the chief administrative officer of the hospital undertakes to secure the endorsement ~~forthwith~~ immediately upon execution of the certificate by the examiner; and

(2) For a person sought to be involuntarily admitted under this section, the person or persons transporting ~~him~~ the person sought to be involuntarily admitted to the hospital undertake to secure the endorsement ~~forthwith~~ immediately upon execution of the certificate by the examiner.

C. Notwithstanding paragraph B, subparagraphs (1) and (2), a person sought to be admitted informally under section 3831 or involuntarily under this section may be held for evaluation and treatment at a hospital pending judicial endorsement of the application and certificate if the endorsement is obtained between the soonest available hours of 7:00 a.m. and 11:00 p.m. . This paragraph is repealed October 1, 1995.

Sec. 4. Effective date. Section 2 of this Act takes effect October 1, 1995.

See title page for effective date, unless otherwise indicated.

CHAPTER 597

H.P. 1401 - L.D. 1910

An Act to Amend the Laws Governing Refuse Disposal Districts

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

Sec. 1. 38 MRSA §1724, sub-§1, as amended by PL 1993, c. 11, §1, is further amended to read:

1. Authorization. All of the affairs of a disposal district must be managed by an appointed board of directors that consists of not less than 3 directors. The exact number of directors must be determined in accordance with section 1721. Each director is entitled to the number of votes that corresponds to the level of population in that director's municipality as set forth in the following table, unless an alternative method of apportioning votes is approved by a majority vote of the municipal officers representing each member of the disposal district prior to or at the time of formation.

Population	No. of Votes
0 - 1,000	1
1,001 - 2,500	2
2,501 - 5,000	3
5,001 - 10,000	4
10,001 - 15,000	5
15,001 - 25,000	6
25,001 - 35,000	7
35,001 - 50,000	8
50,001 - 65,000	9
65,001 and over	10

A director may not split votes. In the event a municipality has more than one director, directors from that municipality shall share equally the number of votes for that municipality. A determination of population must be made based upon the latest official Decennial Census of the United States by the United States

Bureau of Census. A disposal district may alter the number of its directors by submitting the proposed alteration to the voters in the same manner as provided in section 1721, subsection 7. No municipality within any disposal district may have less than one director. A quorum of the directors may conduct the affairs of the district even if there is a vacancy on the board of directors. A quorum is defined as a simple majority of eligible and appointed directors, provided that a majority of the member municipalities are represented. A simple majority of directors ~~present and voting, either in person or by written consent,~~ may conduct the affairs of the district.

See title page for effective date.

CHAPTER 598

S.P. 712 - L.D. 1927

An Act to Remove the Sunset Provision from the Limitation on Liability for Recycling Activities by Municipalities and Regional Associations

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

Whereas, the Legislature has adopted goals for the recycling of municipal solid waste; and

Whereas, the First Regular Session of the 115th Legislature enacted a law limiting liability for recycling activities by municipalities and regional associations to enable the efficient and convenient location of recycling containers to help municipalities and regional associations to attain these goals; and

Whereas, that law is repealed on July 15, 1994; and

Whereas, the law remains necessary in order to help municipalities and regional associations to attain the State's recycling goals; and

Whereas, there has been no harm to the public interest through the law's limitation of liability; 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 §159-B, sub-§7, as enacted by PL 1991, c. 487, §1, is repealed.

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

Effective April 5, 1994.

CHAPTER 599

H.P. 1417 - L.D. 1931

An Act to Promote Integrity in the Citizens Petition Process

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

Sec. 1. 21-A MRSA §904-A is enacted to read:

§904-A. Payment per signature; prohibition

A circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or referendum petition may not receive payment for the collection of signatures if that payment is based on the number of signatures collected. Nothing in this section prohibits a circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or referendum petition from being paid a salary that is not based on the number of signatures collected.

Sec. 2. 21-A MRSA §904-B is enacted to read:

§904-B. Payment for signature; prohibition

A circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or referendum petition may not pay or offer to pay any compensation to a person for the person's signature on the initiative or referendum petition.

See title page for effective date.

CHAPTER 600

H.P. 1368 - L.D. 1851

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act