

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
1995

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 24 MRSA §2904, as amended by PL 1989, c. 74, §1, is further amended to read:

§2904. Immunity from civil liability for volunteer activities

Notwithstanding any inconsistent provision of any public or private and special law, no licensed ~~physician, podiatrist as defined in Title 32, section 3551 or dentist as defined in Title 32, section 1081, health care practitioner as defined in section 2502~~ who voluntarily, without the expectation or receipt of monetary or other compensation, provides professional services within the scope of that ~~physician's or podiatrist's~~ health care practitioner's licensure to a nonprofit organization or to an agency of the State or any political subdivision of the State or to members or recipients of services of that organization or state or local agency may be liable for damages or injuries alleged to have been sustained by the person nor for damages for the death of the person when the injuries or death are alleged to have occurred by reason of an act or omission in the rendering of professional services, unless it is established that the injuries or the death were caused willfully, wantonly, recklessly or by gross negligence of the ~~licensed physician or podiatrist~~ health care practitioner.

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

Effective June 14, 1995.

CHAPTER 240

S.P. 168 - L.D. 429

An Act to Amend Real Estate Appraisal Licensing and Certification Laws

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

Sec. 1. 32 MRSA §13251-A is enacted to read:

§13251-A. Conflict of interest

A real estate broker or associate broker may not knowingly provide or offer an appraisal or opinion of market value, as set forth in section 13963, on real estate in a transaction where the broker or associate

broker, or any other licensee licensed with the agency, is to receive a fee on that transaction.

Sec. 2. 32 MRSA §13963, as enacted by PL 1989, c. 806, §3, is amended to read:

§13963. Exemption

This Act does not apply to appraisals or opinions of market value ~~done prepared by real estate licensees licensed by this State~~ associate brokers or brokers who maintain active licenses pursuant to chapter 114 rendered for purposes other than for federally related transactions as defined in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101-73, or in the federal Office of Management and Budget Circular A-129, as either is amended, or as the rules referred to in either are amended.

Any opinion or appraisal of market value rendered under this section must contain the following language in bold print in a prominent location:

"This opinion or appraisal was prepared solely for the client, purpose and function stated in this report and is not intended for subsequent use. It was not prepared by a licensed or certified appraiser and may not ~~be acceptable for use in transactions involving federal funds~~ comply with the appraisal standards of the Uniform Standards of Professional Appraisal Practice."

Sec. 3. 32 MRSA §13984, sub-§2, as enacted by PL 1993, c. 404, Pt. A, §24, is amended to read:

2. Minimum experience for licensed real estate appraisers. Licensed real estate appraisers ~~on the effective date of this section~~ October 13, 1993 who have not demonstrated the 2 years' experience in the real estate appraisal field required of new applicants by section 13972, subsection 6-A must demonstrate ~~such that~~ that experience to the board not later than December 31, ~~1995~~ 1997. The 2 years' experience must have taken place within the 5 years immediately preceding the submission of ~~such that~~ that experience to the board.

See title page for effective date.

CHAPTER 241

H.P. 475 - L.D. 656

An Act to Reduce Paperwork and Promote On-site Elementary Neutralization of Low-hazard Wastes

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

Whereas, this legislation allows facilities to treat certain hazardous wastes on site without spending time and expense applying for a license to do so; 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 §1319-L is enacted to read:

§1319-L. Exemption for treatment of corrosive hazardous wastes

1. Licensing. A hazardous waste facility license is not required under section 1317-A or 1319-O for elementary neutralization units as defined in department rules for the owner or operator of the facility who complies with requirements of law applicable to elementary neutralization or elementary neutralization units. Requirements of law include waste discharge permits authorizing the discharge of treated waste, permit or other requirements for adoption of a spill prevention plan, and maintenance of collection and treatment equipment.

2. Reporting. Collection and handling of hazardous waste exempt from licensing under subsection 1 is also exempt from the reporting requirement under section 1318, subsection 1 and section 1318-B, subsection 1 provided such wastes are discharged into a contained area, which may include a pipe or sewer.

Sec. 2. Application. A person who holds a license for operation of an elementary neutralization unit on the effective date of this Act is not required to comply with the terms of that license or the requirements of chapter 856, section 11A of the rules of the Department of Environmental Protection as of the effective date of this Act if the operation meets the requirements of the Maine Revised Statutes, Title 38, section 1319-L.

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

Effective June 14, 1995.

CHAPTER 242

S.P. 376 - L.D. 1053

An Act to Promote the Collection of Data Concerning the Importing and Exporting of Forest Products

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

Sec. 1. 12 MRSA §8883-A is enacted to read:

§8883-A. Notification of importing or exporting

Prior to importing or exporting forest products, a person, firm, corporation or company or a designated agent shall notify the bureau of the intent to import or export forest products.

1. Notification prior to importing or exporting. Notification must be on forms supplied by the bureau and must include the following:

A. The name, address and phone number of the person, firm, corporation or company or designated agent;

B. The signature of the person or a manager of the firm, corporation or company or a designated agent; and

C. The date of notification.

2. Notification form on file. The person, firm, corporation or company or designated agent shall retain a copy of the notification form and produce it upon request of agents as specified in section 8888.

Sec. 2. 12 MRSA §8884, sub-§2, as affected by PL 1989, c. 600, Pt. B, §11, is amended to read:

2. Imports and exports. Persons, firms, corporations or companies selling ~~roundwood~~ forest products out of the State or buying ~~roundwood~~ forest products to bring into the State shall submit an annual report to the director of the bureau during the month of January ~~information required under subsection 1, including information on residue for the forest products sold out of the State or brought into the State.~~ The report ~~shall~~ **must** also identify the origin of imported ~~roundwood~~ forest products by state or country and the destination of exported ~~roundwood~~ forest products by state or country.

See title page for effective date.
