

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

J.S. McCarthy Company
Augusta, Maine
1995

CHAPTER 385

H.P. 839 - L.D. 1170

**An Act to Expand Access to Medical
Care by Encouraging Involvement of
Retired Physicians, Podiatrists and
Dentists**

**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~~ a licensed physician, podiatrist as defined in Title 32, section 3551 or dentist as defined in Title 32, section 1081, who voluntarily, without the expectation or receipt of monetary or other compensation either directly or indirectly, provides professional services within the scope of that physician's ~~or~~ podiatrist's or dentist's licensure to a nonprofit organization or to an agency of the State or to members or recipients of services of that organization or state agency ~~may be~~ is not 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 or dentist. A licensed physician, podiatrist or dentist who has retired from practice is not liable for damages unless it is established that the injuries or death were caused willfully, wantonly or recklessly. This extended immunity applies only if the licensed physician, podiatrist or dentist retired from practice possessed an unrestricted license in the relevant profession and had not been disciplined by the licensing board in the previous 5 years at the time of the act or omission causing the injury. For the purpose of this section, a nonprofit organization does not include a hospital.

See title page for effective date.

CHAPTER 386

H.P. 1104 - L.D. 1551

**An Act to Protect Traditional Uses in
the North Woods**

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

Sec. 1. 12 MRSA §682, sub-§§14 to 18 are enacted to read:

14. Commercial sporting camp. "Commercial sporting camp" means a building or group of buildings devoted primarily to the offering of primitive lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.

15. Campsite. "Campsite" means a camping location without access to a pressurized water system that contains a maximum of 4 camping sites for transient occupancy by 8 or fewer people per site on which may be located a tent, a tent trailer, a pickup camper, a recreational vehicle, a registered trailer that is 28 feet or less in length or other similar device used for camping. A camping location that contains permanent structures other than outhouses, fireplaces, picnic tables, lean-tos or hand-operated water pumps is not a campsite.

16. Setback. "Setback" means the minimum horizontal distance from a lot line, shoreline or road to the nearest part of a structure.

17. Shoreline. "Shoreline" means the normal high water mark of tidal waters, a coastal or inland wetland, a standing body of water or flowing water.

18. Transient occupancy. "Transient occupancy" means occupancy for 14 or fewer days in any 30-day period.

Sec. 2. 12 MRSA §685-A, sub-§5, as amended by PL 1995, c. 64, §1, is further amended to read:

5. Considerations, application and exemptions. A land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard. Year-round and seasonal single residences and operating farms in existence and use as of September 23, 1971, while so used, and new accessory buildings or structures or renovations of the buildings or structures that are or may be necessary to the satisfactory and comfortable continuation of these residential and farm uses are exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts may ~~in no way~~ not limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings and other structures used primarily for agricultural or commercial forest product purposes,

including tree farms. Notwithstanding this subsection, a permit from the commission is required for roads covering a ground area of 3 acres or more constructed in management districts, unless those roads are constructed and maintained in accordance with the guidelines of the commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs," or as revised. The commission may require a person constructing a road to notify the commission of the location of the road within 21 days.

Land use standards adopted pursuant to this chapter must establish a minimum setback of 100 feet for all structures within a commercial sporting camp complex that are constructed solely for the housing of guests, including structures within a main sporting camp complex and an outpost camp. The standards must establish a minimum setback of 150 feet for all other structures within a sporting camp complex, including, but not limited to, a main lodge, a dining area, a workshop and a parking area.

In adopting district boundaries and land use standards, the commission shall give consideration to public and private planning reports and other data available to it, and shall give weight to existing uses of land and to any reasonable plan of its owner as to its future use.

A permit from the commission is not required for the repair or maintenance of county-owned roads, bridges or culverts as long as the repair or maintenance is conducted in accordance with commission standards that pertain to these activities.

Sec. 3. 12 MRSA §685-B, sub-§7-A is enacted to read:

7-A. Reconstruction of commercial sporting camps. The commission may approve a permit for the reconstruction of a damaged or destroyed nonconforming commercial sporting camp that was a permissible use under commission standards at the time of the damage or destruction. The commission may, consistent with public health, safety and welfare, and to the minimum extent necessary, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be on the same location and within the same footprint as the original structure. Reconstruction must occur within 2 years of the damage or destruction.

See title page for effective date.

CHAPTER 387

S.P. 432 - L.D. 1200

An Act to Establish Reciprocity in Determining the Lowest Responsible Bidder

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

Sec. 1. 5 MRSA §1825-B, sub-§§9 and 10 are enacted to read:

9. Determination of lowest bidder. In determining the lowest responsible bidder, the Director of the Bureau of General Services or any department or agency of the State shall, for the purpose of awarding a contract, add a percent increase on the bid of a nonresident bidder equal to the percent, if any, of the preference given to that bidder in the state in which the bidder resides.

10. List of state preferences published. The Director of the Bureau of General Services on or before January 1st of each year shall publish a list of states that give preference to in-state bidders with the percent increase applied in each such state. The Director of the Bureau of General Services or any department or agency of the State may rely on the names of states and percentages as published in determining the lowest responsible bidder without incurring any liability to any bidder.

See title page for effective date.

CHAPTER 388

H.P. 944 - L.D. 1333

An Act Concerning the Jurisdiction of the Tribal Courts of the Passamaquoddy Tribe and the Penobscot Nation

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

Sec. 1. 4 MRSA §161, first ¶, as amended by PL 1991, c. 484, §1, is further amended to read:

The Chief Judge of the District Court may authorize any attorney-at-law, who is duly licensed to practice law in the State, to receive complaints and to issue process for the arrest of persons charged with offenses, to issue search warrants and to endorse certificates of commitment of the mentally ill, all in accordance with law, and to perform all other such acts and duties that are or may be authorized by law. The powers to issue process for the arrest of persons