

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

an amount established by the board. ~~Permits expire 5 weeks. A permit expires 6 months from the date of the applicant's scheduled examination issuance and is not renewable. Only 2 such permits may be issued to any person eligible for examination.~~ The applicant is not considered a trainee.

Sec. 39. 32 MRSA §14233, 2nd ¶, as enacted by PL 1991, c. 397, §6, is amended to read:

To be eligible for a student permit, a student must be at least 16 years of age and have satisfactorily completed the 10th grade or its equivalent. The application must include evidence of the student's enrollment in a school licensed by the ~~Commissioner of Education board.~~

Sec. 40. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes, Title 32, chapter 21 the words "dead human body" or "human dead" appear or reference is made to these words, they are amended to read and mean "human remains" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 211

H.P. 921 - L.D. 1264

An Act to Extend the Lobster Promotion Council and Its Personnel Requirements

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

Sec. 1. 12 MRSA §6455, sub-§3-A, as amended by PL 1993, c. 545, §3, is further amended to read:

3-A. Employees. The council shall hire a full-time executive director and may hire ~~clerical~~ staff as needed to perform its duties. Employees of the Lobster Promotion Council serve at the pleasure of the council. The salary and benefits for employees of the council are determined by the council.

Sec. 2. 12 MRSA §6455, sub-§4, ¶E, as amended by PL 1993, c. 545, §4, is further amended to read:

E. Make expenditures from the Lobster Promotion Fund to carry out the purposes of this subchapter. Money in the fund may be used only for the following purposes:

(1) Promotion, advertising and marketing development. The council may implement programs and activities to promote, advertise and develop markets for lobster and make or enter into contracts with any local, state, federal or private agency, department, firm, corporation, entity or person for those purposes. ~~At least 50% of the money expended from the fund annually must be expended for the purposes set forth in this subparagraph; and~~

(2) The hiring of staff and the payment of compensation for employees, payment of per diem and reimbursement of expenses for members pursuant to Title 5, section 12004-H and payment of administrative and overhead costs associated with the business of the council; and

Sec. 3. 12 MRSA §6455, sub-§5, as amended by PL 1993, c. 545, §5, is further amended by amending the first paragraph to read:

5. Fund established; license surcharge assessed. The Lobster Promotion Fund, referred to in this subchapter as the "fund," is established to carry out the purposes of this subchapter. The department shall pay to the fund all money appropriated or received by the department for the purposes of this subchapter, except that the department may retain funds necessary to reimburse the department for the actual cost of collecting the license surcharges established in this subsection. The fund is capitalized from the following annual surcharges assessed on the following licenses issued by the department for calendar years 1992, 1993, 1994, 1995, 1996 ~~and~~ 1997, 1998, 1999, 2000 and 2001:

See title page for effective date.

CHAPTER 212

H.P. 518 - L.D. 709

An Act to Define the Term "Occupational Therapy Practitioner" in the Laws Regulating Professions and Occupations

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

Sec. 1. 32 MRSA §2272, sub-§7-A is enacted to read:

7-A. Occupational therapy practitioner. "Occupational therapy practitioner" means an individual who is licensed as an occupational therapist registered or a certified occupational therapy assistant.

both of whom are licensed occupational practitioners under this chapter.

Sec. 2. 32 MRSA §2279, first ¶, as enacted by PL 1983, c. 746, §2, is amended to read:

An applicant applying for a license as an occupational ~~therapist or as an occupational therapy assistant~~ therapy practitioner shall file a written application provided by the board, showing to the satisfaction of the board that ~~he~~ the applicant meets the following requirements.

Sec. 3. 32 MRSA §2279, sub-§5, as enacted by PL 1983, c. 746, §2, is amended to read:

5. Examination. An applicant for licensure as an occupational ~~therapist or as an occupational therapy assistant~~ therapy practitioner must pass an examination as provided for in section 2280.

See title page for effective date.

CHAPTER 213

H.P. 439 - L.D. 589

An Act to Amend the Mobile Home Park Laws Regarding Sales of Homes

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

Sec. 1. 10 MRSA §9094, sub-§4 is enacted to read:

4. Interference with sale. A mobile home park owner may not unreasonably interfere with or discourage a tenant's attempt to sell a mobile home situated on a park lot.

See title page for effective date.

CHAPTER 214

S.P. 348 - L.D. 1167

An Act to Clarify the Timber Trespass Laws

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

Sec. 1. 14 MRSA §7552, sub-§3, as amended by PL 1995, c. 585, §3, is further amended to read:

3. Measure of damages. This subsection governs the measurement of damages resulting from a violation of subsection 2.

A. When agricultural or forest products have been destroyed or carried away, the ~~owner's~~ owner may recover as damages ~~may be measured~~ either ~~by~~ the value of the lost products themselves or ~~by~~ the diminution in value of the real estate as a whole resulting from the violation, whichever is greater.

B. For lost trees, the owner may claim in lieu of market value the forfeiture amounts determined in Title 17, section 2510, ~~subsection~~ subsections 2 and 3. In addition, the owner's damages may include the costs for regeneration of the stand in accordance with Title 12, section 8869.

C. When a monument or marker has been disturbed, removed or destroyed as prohibited in subsection 2, paragraph C, the owner's damages may include the cost of ~~replacing~~ engineering and surveyor services necessary to reestablish a monument or marker ~~by a licensed surveyor~~ and its proper location.

See title page for effective date.

CHAPTER 215

H.P. 1263 - L.D. 1790

An Act to Control Browntail Moths

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

Whereas, an infestation of browntail moths has made living in certain Maine communities dangerous for adults and children; and

Whereas, a browntail moth control program can be undertaken by Maine communities for 1997 if undertaken during the month of May; and

Whereas, emergency legislation is required to enable control efforts to be undertaken for 1997; 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. 22 MRSA c. 257-A is enacted to read: