

# MAINE STATE LEGISLATURE

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**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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**1-A. Increased liability insurance requirement.** A person seeking early reinstatement of a driver's license under this section must furnish proof of financial responsibility, demonstrating that the person has secured and will maintain an automobile liability policy with the following limits:

- A. Three hundred thousand dollars for damage to property;
- B. Three hundred thousand dollars for injury to or death of any one person; and
- C. Three hundred thousand dollars for one accident resulting in injury to or death of more than one person.

A person is ineligible to participate in the ignition interlock device program if that person fails to comply with the insurance requirement of this subsection.

**Sec. 46. 32 MRSA §13795, sub-§1, ¶B,** as enacted by PL 1995, c. 175, §1, is amended to read:

- B. A valid Maine identification card issued under Title 5 ~~29-A~~, section ~~88-A~~ 1410;

**Sec. 47. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
<b>CONSERVATION, DEPARTMENT OF Maine State Parks Fund</b>		
All Other	\$25,200	\$33,600
Allocates additional funds to reflect increases in dedicated revenues resulting from the expanded use of environmental license plates.		
<b>DEPARTMENT OF CONSERVATION TOTAL</b>		
	\$25,200	\$33,600
<b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Endangered and Nongame Wildlife Fund</b>		
All Other	\$16,800	\$22,400
Allocates funds to reflect an increase in dedicated revenues resulting from		

the expanded use of environmental license plates.

**DEPARTMENT OF  
INLAND FISHERIES AND  
WILDLIFE**

<b>TOTAL</b>	\$16,800	\$22,400
<b>TOTAL ALLOCATIONS</b>	\$42,000	\$56,000

See title page for effective date.

**CHAPTER 438**

**S.P. 83 - L.D. 263**

**An Act to Authorize a Physician's Assistant or a Nurse Practitioner to Sign Papers Transferring a Patient for Evaluation for Emergency Involuntary Commitment**

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

**Sec. 1. 34-B MRSA §3862, sub-§1, ¶B,** as amended by PL 1993, c. 596, §1, is further amended to read:

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. If the examination occurs in a hospital emergency room, the examination may be performed by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist. If the examination does not occur in a hospital emergency room, the examination may be performed only by a licensed physician or licensed clinical psychologist.

**Sec. 2. 34-B MRSA §3863, sub-§2,** as enacted by PL 1983, c. 459, §7, is amended to read:

**2. Certifying examination.** The written application ~~shall~~ must be accompanied by a dated certificate, signed by a licensed physician, physician's assistant, certified psychiatric clinical nurse specialist, nurse practitioner or a licensed clinical psychologist, stating:

A. ~~He~~ The physician, physician's assistant, certified psychiatric clinical nurse specialist, nurse practitioner or psychologist has examined the person on the date of the certificate, which date

may not be more than 3 days before the date of admission to the hospital; and

B. ~~He~~ The physician, physician's assistant, certified psychiatric clinical nurse specialist, nurse practitioner or psychologist is of the opinion that the person is mentally ill and, because of ~~his~~ that illness, poses a likelihood of serious harm.

See title page for effective date.

**CHAPTER 439**

**H.P. 1187 - L.D. 1686**

**An Act to Permit the Retail Sale of Smoked Alewives**

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

**Sec. 1. 22 MRSA §2173** is enacted to read:

**§2173. Sale of smoked alewives**

Smoked alewives offered for sale need not be free of viscera prior to processing. A person who sells or offers for sale alewives smoked with the viscera shall post a clearly legible sign at the point of display of the alewives that states, "This product is not fully cooked. Eating prior to fully cooking poses a health risk."

See title page for effective date.

**CHAPTER 440**

**H.P. 729 - L.D. 993**

**An Act to Prohibit the Stocking of Alewives in Tripp Pond**

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

**Whereas,** alewives are scheduled to be stocked in Tripp Pond before March, April and May, which is before the end of the 90-day period; and

**Whereas,** the stocking of alewives in Tripp Pond is devastating to the lake and the fish in the lake; 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 preserva-

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. 12 MRSA §7775, sub-§1,** as enacted by PL 1995, c. 121, §1, is amended to read:

**1. Alewives.** Alewives may not be stocked in Hogan Pond or Whitney Pond in the Town of Oxford or any waters that drain into or out of those ponds.

**Sec. 2. 12 MRSA §7775, sub-§2** is enacted to read:

**2. Prohibition on stocking alewives in Tripp Pond, Pond Brook and the Little Androscoggin River.** Alewives may not be stocked in Tripp Pond in the Town of Poland or any waters that drain into that pond, Pond Brook in the Town of Oxford from its source at Hogan Pond and Whitney Pond to its junction with the Little Androscoggin River or in any waters of the Little Androscoggin River upstream of the Welchville Dam.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 118th Legislature.

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

Effective June 10, 1997.

**CHAPTER 441**

**S.P. 344 - L.D. 1121**

**An Act to Enhance Parental Involvement in Developing Educational Programs for Students with Disabilities**

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

**Sec. 1. 20-A MRSA §7207-B, sub-§3-A** is enacted to read:

**3-A. Notice to local school units.** Prior to filing a request for investigation of noncompliance pursuant to section 7206 or for a due process hearing pursuant to this section, the parent, surrogate parent or guardian first shall attempt to resolve the controversy through discussions with the local school administrative unit. The parent, surrogate parent or guardian is barred from recovering attorney's fees in any subsequent action or proceeding if it is determined that the parent, surrogate parent or guardian unreasonably protracted