

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

A. The support enforcement agency providing services to the obligee;

B. Each employer that has directly received an income-withholding order; and

C. The person or agency designated to receive payments in the income-withholding order or, if a person or agency is not designated, to the obligee.

Sec. 22. 19-A MRSA §3253, sub-§§1, 3 and 5, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

1. Modification of order issued in another state. After a child support order issued in another state has been registered in this State, the responding tribunal of this State may modify that order only if, after notice and hearing, it finds that:

A. The following requirements are met:

(1) The child, the individual obligee and the obligor do not reside in the issuing state;

(2) A petitioner, who is either a resident or a nonresident of this State, seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this State; ~~or~~

B. An individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this State may modify the support order and assume continuing, exclusive jurisdiction over the order. If the issuing state is a foreign jurisdiction that has not established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this State is not required for the tribunal to assume jurisdiction to modify the child support order; or

C. If all individual parties reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order. A tribunal of this State exercising jurisdiction under this section shall apply the provisions of subchapters I and II, this subchapter, and the procedural and substantive law of this State to the proceeding for enforcement or modification. Subchapters III, IV, V, VII and VIII do not apply.

3. No modification. A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If 2 or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be recognized under section 2951 establishes the aspects of the child support order that are nonmodifiable.

5. Filing of modified order. Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order and with each tribunal in which the party knows that the earlier order has been registered. A party who obtains an order and fails to file a certified copy is subject to appropriate sanctions by the tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

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

Effective April 2, 1998.

CHAPTER 670

H.P. 1511 - L.D. 2133

An Act to Establish and Maintain an Immunization Information System

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

Sec. 1. 22 MRSA §1064 is enacted to read:

§1064. Immunization information system

The department shall establish an immunization information system and require all immunization providers who participate in the department's immunization distribution system to submit to the department a record of each immunization administered.

The department shall adopt rules to implement this section. The rules must include, but are not limited to, provisions for: permitting a person or the parent or guardian of that person to choose not to be included in the system; the format for reporting information; the confidentiality of information in the system; penalties for unauthorized disclosure of information; immunity for good-faith disclosure of information; data transmission; and the confidentiality of information of persons who have chosen not to be included in the system, except that the department

may have access to this information to control an outbreak of a disease preventable by immunization. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

The department may establish an immunization system. The department must pursue federal funding to support the cost of the information system. Any state match required to secure federal funding must be made available from existing budget resources.

See title page for effective date.

CHAPTER 671

S.P. 796 - L.D. 2154

An Act to Improve State House Utilization

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

Sec. 1. 3 MRSA §162, sub-§12, as amended by PL 1989, c. 410, §1, is further amended to read:

12. Physical facilities for Legislature. To ~~insure~~ ensure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the State House and, notwithstanding Title 5, section 1742, subsection 18, to control and assign the use of all rooms in the State House, except the immediate offices occupied by the Governor and the Governor's staff ~~on January 1, 1982 in the west wing of the State House. This space shall be assigned for use by the Legislature as offices for chairs of joint standing committees and legislative staff and for public hearing rooms~~ The Legislative Council shall ensure that the Governor and the Governor's staff occupy sufficient and appropriate office space within the State House.

The Legislative Council ~~shall have~~ has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the physical facilities assigned to the Legislature, ~~provided that as long as~~ the work to be performed is consistent with the official plan for the preservation and development of the aesthetic and historical integrity of the State House as described in section 902, subsection 1;

See title page for effective date.

CHAPTER 672

H.P. 1408 - L.D. 1972

An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning

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

Sec. 1. 12 MRSA §9321, sub-§1, ¶H, as amended by PL 1997, c. 512, §1, is further amended to read:

H. Experience and capability of the permittee in the safe use and control of the proposed burning; ~~and~~

Sec. 2. 12 MRSA §9321, sub-§1, ¶I, as enacted by PL 1997, c. 512, §2, is amended to read:

I. In issuing a permit under section 9325, subsection 1, paragraph E, any prior convictions for violating that paragraph or section 9324, subsection 7-; ~~and~~

Sec. 3. 12 MRSA §9321, sub-§1, ¶J is enacted to read:

J. In issuing a permit under section 9325, subsection 1, paragraph E, the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling. These setback criteria may not be used to deny a permit.

Sec. 4. 38 MRSA §2133, sub-§2-A, as amended by PL 1995, c. 656, Pt. A, §36, is further amended to read:

2-A. Technical and financial assistance program. A program of technical and financial assistance for waste reduction and recycling is established in the office to assist municipalities with managing solid waste. The director shall administer the program in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies of scale. Preference may also be given to municipalities that provide a municipal trash collection service as defined in Title 12, section 9324.