

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

been paid. This section applies to any property tax year ~~beginning~~ appeal filed on or after April 1, 1993. This section does not apply to property with a valuation of less than \$500,000.

Sec. 2. Application. This Act applies to appeals pending or filed on or after the effective date of this Act.

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

Effective April 18, 2003.

CHAPTER 73

H.P. 192 - L.D. 237

An Act To Improve the Coyote Control Program

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

Sec. 1. 12 MRSA §7035, sub-§3, ¶B, as amended by PL 1999, c. 636, §1, is repealed.

Sec. 2. 12 MRSA §7035, sub-§3, ¶B-1 is enacted to read:

B-1. An agent may use snares to control coyotes during winter months under the following conditions.

(1) Agents may use snares only for animal damage control purposes to help meet management goals established by the commissioner for deer, threatened or endangered species or other wildlife species or to benefit agricultural interests as described in paragraph C.

(2) Agents must be trained and certified by the department in the use of snares.

(3) Agents must be deployed by a department wildlife biologist before setting snares.

(4) Agents shall post access points to areas in which snaring activity is taking place, including, but not limited to, roads and trails for motorized vehicles, cross-country skiers or hikers or other obvious travel ways that may be used by people.

(5) An agent shall plainly label snares with the full name and address of that agent.

(6) An agent shall keep an accurate record of the number and location of snares set by that agent and must be able to account for those snares at all times.

(7) An agent shall check that agent's snares that are equipped with relaxing locks on a daily basis.

(8) Department employees may accompany agents at any time an agent is checking snares.

(9) Agents shall report monthly to the department on forms provided by the department the coyotes and nontarget species taken by snaring during the reporting period.

(10) The commissioner shall revoke the snaring certificate of an agent who violates any provision of this paragraph.

The commissioner shall adopt policies and procedures on the use of snares as necessary to minimize the potential for taking nontarget species and to adequately protect threatened and endangered species.

See title page for effective date.

CHAPTER 74

S.P. 127 - L.D. 351

An Act To Promote Clarity Regarding Death Certificates

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

Whereas, current law requires that a death certificate be completed in typewritten or handwritten block style; and

Whereas, death certificates have been rejected for filing because they were completed by hand without meeting the strict requirements of "block style"; and

Whereas, death certificates should be accepted for filing if they are completed in a hand-printed style that is legible; 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 §2842, sub-§2, as amended by PL 2001, c. 574, §26, is further amended to read:

2. Medical certificate by physician. The medical certification of the cause of death must be completed in typewritten or ~~handwritten-block~~ legibly hand-printed style and signed in a timely fashion by a physician authorized to practice in the State who has knowledge of the patient's recent medical condition, in accordance with department regulations and other laws detailing who can certify and in what time frame, except when the death falls under the jurisdiction of the medical examiner as provided in section 3025. If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician in charge of the patient's care or another physician designated by the physician in charge had not examined the patient within 48 hours prior to death, or within 2 weeks prior to death in the case of a terminally ill patient, the physician in charge or another physician designated by the physician in charge shall examine the body prior to completing the certification of death process. Any physician who fails to complete the medical certification of the cause of death fully, in typewritten or ~~handwritten-block~~ legibly hand-printed style and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section must be reported to the Board of Licensure in Medicine or the Board of Osteopathic Licensure, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

For the purposes of this subsection, the following terms have the following meanings.

A. "Life-sustaining procedure" means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the dying process and does not include nutrition and hydration.

B. "Terminally ill patient" means a patient who has been diagnosed as having an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a short time.

Sec. 2. 22 MRSA §2842, sub-§3, as amended by PL 2001, c. 574, §27, is further amended to read:

3. Medical certificate by medical examiner. When a death occurs under circumstances that make it a medical examiner case as defined in section 3025, or

when inquiry as to the cause of death is required by law, the medical examiner shall complete in typewritten or ~~handwritten-block~~ legibly hand-printed style the medical certification of the cause of death and sign the death certificate. A certification need not be completed before the remains are ready for release.

The medical examiner is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by the Attorney General's office, entries must be left "withheld" until such time as the Attorney General, in the Attorney General's sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of Chief Medical Examiner.

Sec. 3. 22 MRSA §2845, as amended by PL 2001, c. 574, §30, is further amended to read:

§2845. Certificate of death typewritten or hand printed

Any death certificate required to be filed by this chapter must be typewritten or ~~handwritten in block type~~ legibly hand printed prior to such filing.

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

Effective April 25, 2003.

CHAPTER 75

H.P. 461 - L.D. 631

**An Act Concerning the Status of the
Maine County Commissioners'
Association and the Maine Sheriffs'
Association as County Advisory
Organizations**

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

Sec. 1. 30-A MRSA §909 is enacted to read:

§909. County advisory organizations

A county may raise or appropriate money to obtain the services of advisory organizations. The