

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

C-1. One member representing a labor organization in the building and construction industry; and

D. One nonvoting member appointed by the Commissioner of Public Safety.

Appointments of members must comply with ~~Title 32~~, section 60. Members may be removed from office by the Governor for cause.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Allocates funds for the per diem, travel and meeting costs associated with one additional board member.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$245	\$245
All Other	350	350
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Other Special Revenue Funds Total	\$595	\$595

See title page for effective date.

CHAPTER 421

H.P. 1175 - L.D. 1602

An Act To Revise and Amend Certain Public Health Laws

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

Sec. 1. 13 MRSA §1101-A, as enacted by PL 1999, c. 700, §2, is amended to read:

§1101-A. Definitions

As used in this article, unless the context otherwise indicates, the following ~~term has terms have~~ the following ~~meaning meanings~~.

1. Ancient burying ground. "Ancient burying ground" means a private cemetery established before 1880.

2. Columbarium. "Columbarium" means a structure or room or space in a mausoleum or other building containing niches or recesses for disposition of cremated human remains.

3. Community mausoleum. "Community mausoleum" means an aboveground structure designed for entombment of human remains of the general public,

as opposed to the entombment of the remains of family members in a privately owned, family mausoleum of no more than 6 crypts.

Sec. 2. 13 MRSA §1341, sub-§1, as enacted by PL 1999, c. 620, §1, is amended to read:

1. Mausoleum, crematory or other structure.

A community mausoleum, community crematory or other community structure that holds or contains dead human bodies may only be erected in a cemetery that is at least 20 acres in size and has been in existence and used for burial for at least 2 years preceding the erection of the structure.

Sec. 3. 22 MRSA §1319-C, sub-§1, as enacted by PL 1999, c. 276, §10, is amended to read:

1. Annual screening required. The department shall require a ~~day~~ child care center facility and the premises of a home day care provider as defined in chapter 1673 and a nursery school as defined in chapter 1675 to have an annual screening for potential lead hazards. If potential lead hazards are identified, a full lead inspection must be conducted.

Sec. 4. 22 MRSA §1319-C, sub-§1-A is enacted to read:

1-A. Lead-safe status. A facility found to have lead hazards shall abate or remediate the hazards to at least a lead-safe status.

Sec. 5. 22 MRSA §1319-C, sub-§2, as enacted by PL 1999, c. 276, §10, is amended to read:

2. Exemptions. A facility may be exempt from subsection 1 if:

- A. The facility was constructed in 1978 or later;
- B. The facility has been certified as lead-safe within the previous 12 months;
- C. The facility has been certified as lead-free; or
- D. The facility does not serve any children under 6 years of age.

Sec. 6. 22 MRSA §1321, first ¶, as amended by PL 1995, c. 453, §10, is further amended to read:

If the department determines that an environmental lead hazard exists in or on any dwelling, premises, residential ~~child-care~~ child-occupied facility, child care facility, premises of a home day care provider or preschool facility nursery school:

Sec. 7. 22 MRSA §1321, sub-§1, as amended by PL 1999, c. 276, §13, is further amended to read:

1. Notice posted. The department shall post in or upon the dwelling, premises, residential child-occupied facility, day child care center facility, premises of the home day care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the environmental lead hazard no longer exists;

Sec. 8. 22 MRSA §1321, sub-§4, as amended by PL 1999, c. 790, Pt. A, §23, is further amended to read:

4. Sale of dwelling, residential facility, child-occupied facility or nursery school. If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, day child care center facility, premises of the home day care provider, residential child-occupied facility or nursery school, the owner shall notify the prospective buyer of the environmental lead hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period.

Sec. 9. 22 MRSA §1322, 2nd ¶, as amended by PL 1999, c. 276, §15, is further amended to read:

If ~~Until~~ the owner ~~decides to bring~~ brings any residential dwelling or premises into compliance with this Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a substitute dwelling unit upon reasonable notice. The department may, on a case-by-case basis, waive this requirement if the department determines that the implementation of interim controls sufficiently protects the residents of the unit until full abatement is achieved. The owner shall pay reasonable moving expenses and any use and occupancy charges for a substitute dwelling unit that exceed the rent for the vacated dwelling unit for which the tenant remains responsible. "Substitute dwelling unit" means a dwelling unit of like or similar accommodation and in like or similar location that is lead-safe. If the tenant fails to accept the substitute dwelling unit selected by the owner while the owner is required to bring the vacated dwelling unit into compliance with this Act or the tenant fails to remain current in rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the statutory period of right to cure, the owner is not obligated beyond 10 days after completion of remediation to reimburse the tenant for any expense or inconvenience other than moving expenses and any use and occupancy charges for the substitute dwelling unit selected by the owner that exceed the rent for the vacated dwelling unit.

Sec. 10. 22 MRSA §1326, as amended by PL 1995, c. 453, §18, is further amended to read:

§1326. Injunction requiring removal

If the lead-based substance remains an environmental lead hazard at the expiration of 30 days or at the expiration of an extension given by the commissioner pursuant to section 1321, the State, in addition to any other remedies it has, may seek a mandatory injunction ordering the environmental lead hazard removed by a suitable 3rd party at the expense of the owner of the dwelling, premises, residential ~~child-care~~ child-occupied facility, child care facility, premises of the home day care provider or ~~preschool facility~~ nursery school.

Sec. 11. 22 MRSA §1402, first ¶, as amended by PL 1995, c. 292, §1, is further amended to read:

All hospitals and other health care facilities providing screening, diagnostic or therapeutic services with respect to cancer shall report to the Department of Human Services all persons diagnosed as having a malignant tumor or certain benign tumors as determined by rule no later than 30 days 6 months from the date of diagnosis ~~or discharge from a hospital~~. The report must include information on the person's usual occupation and industry of employment and other elements determined by rule to be appropriate. The Commissioner of Human Services shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 422

H.P. 1194 - L.D. 1616

An Act To Promote Stewardship of Forest Resources

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

PART A

Sec. A-1. 12 MRSA c. 805, sub-c. 3-A, §8866 is enacted to read:

§8866. Purpose

The Legislature finds and declares that the State's forests are resources of great significance to the people of the State. These resources have great economic value, environmental value, scenic beauty and unique characteristics and unsurpassed recreational, cultural and historical values of present and future benefit to the citizens of the State. The well-being of communities of the State depends upon sustainable forest management. Liquidation harvesting is a serious and direct threat to forest management, forest industries