

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
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or account standing on its books to the credit of any person is not effectual to cause that institution to recognize the adverse claimant, unless the adverse claimant either procures a restraining order, injunction or other appropriate process against the institution from a court of competent jurisdiction in a civil action to which the person to whose credit the deposit or account stands is made a party or executes to that institution, in a form and with sureties acceptable to the institution, a bond indemnifying the institution from all liability, loss, damage, costs and expenses for and on account of the payment of such adverse claim or the dishonor of checks or other orders of the person to whose credit the deposit or account stands on the books of the institution.

This subsection does not apply to the creation, perfection or enforcement of a security interest in a deposit or account other than an assignment of a deposit or account in a consumer transaction as defined in Title 11, section 9-1102, subsection 26.

Sec. 2. 14 MRSA §4751, as amended by PL 1985, c. 187, §5, is further amended to read:

§4751. Goods sold on execution

All chattels, real and personal liable at common law to attachment and not exempted therefrom by statute, may be taken and sold on execution as prescribed in this subchapter and subchapter ~~IV~~ 4. Credits of a sole proprietorship doing business under an assumed or trade name, partnership, limited liability company or corporation, other than payroll accounts expressly so designated to the credit holder by the account owner, may be taken on execution by an officer and turned over to the judgment creditor to be applied to the judgment, together with interest and costs.

See title page for effective date.

CHAPTER 89

S.P. 228 - L.D. 711

An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients

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

Sec. 1. 5 MRSA §19509, sub-§3 is enacted to read:

3. Department. The Department of Health and Human Services shall, within 3 days of receipt, forward to the agency all notices received pursuant to Title 34-B, section 3861, subsection 1, paragraph E.

Sec. 2. 34-B MRSA §3861, sub-§1, ¶E is enacted to read:

E. The chief administrative officer of a nonstate mental health institution shall provide notice to the department and such additional information as may be requested by the department when a person who was involuntarily admitted to the institution has died, attempted suicide or sustained a serious injury resulting in significant impairment of physical condition. For the purposes of this paragraph, "significant impairment" includes serious injuries resulting from burns, lacerations, bone fractures, substantial hematoma and injuries to internal organs whether self-inflicted or inflicted by another person. The notice must be provided within 24 hours of occurrence and must include the name of the person; the name, address and telephone number of that person's legal guardian, conservator or legal representative and parents if that person is a minor; a detailed description of the occurrence and any injuries or impairments sustained; the date and time of the occurrence; the name, street address and telephone number of the facility; and the name and job title of the person providing the notice.

See title page for effective date.

CHAPTER 90

H.P. 101 - L.D. 109

An Act To Require a Model Radon Standard for New Residential Construction

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

Sec. 1. 25 MRSA §2466 is enacted to read:

§2466. Radon standard

1. Maine model radon standard for new residential construction. "Maine model radon standard for new residential construction" means the standard published by the American Society for Testing and Materials designated as E-1465-06 Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings.

2. Standard or code adoption by municipalities. A municipality may not adopt a radon standard or code for new residential construction other than the Maine model radon standard for new residential construction. Nothing in this section requires a municipality to adopt a radon standard or code for new residential construction.

3. Municipal standards or codes adopted. A radon standard or code for new residential construction adopted by a municipality prior to the effective date of this section is not invalidated by this section, except that if the municipality replaces that standard or

code it must adopt the Maine model radon standard for new residential construction.

4. References within standard. Codes and standards other than E-1465-06 Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings that are referenced within the Maine model radon standard for new residential construction are not automatically adopted as part of the Maine model radon standard for new residential construction.

See title page for effective date.

CHAPTER 91

H.P. 245 - L.D. 301

An Act Relating to Alternate Directors for Public Waste Disposal Corporations

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

Sec. 1. 38 MRSA §1304-B, sub-§5, as amended by PL 1995, c. 81, §1, is further amended to read:

5. Public waste disposal corporations. Notwithstanding any law, charter, ordinance provision or limitation to the contrary, pursuant to ~~any an~~ interlocal agreement entered into in accordance with Title 30-A, chapter 115, ~~any~~ 2 or more municipalities may organize or cause to be organized or may participate in one or more corporations organized as nonprofit corporations under Title 13, chapter 81; or Title 13-B for the purpose, among other permissible purposes, of owning or operating ~~any~~ one or more waste facilities described in subsection 4, paragraph A, ~~and a.~~ A subscribing municipality may agree in ~~any such an~~ interlocal agreement to pay fees, assessments or other payments as described in subsection 4, paragraph B; for such a term of years and on such other terms as the interlocal agreement may provide and may pledge the full faith and credit of the municipality to the same extent provided in subsection 4, paragraph C. The applicable interlocal agreement or the articles of incorporation or the bylaws of the corporation may provide that the municipal officers of a municipality participating in the corporation may appoint an alternate director or alternate directors to act as the municipality's representative to the corporation's board of directors in the absence of the director or directors elected by the municipal officers. A corporation described in this subsection is a public municipal corporation as that term is used in Title 36, section 651, subsection 1, paragraph D, and its real and personal property located in subscribing, participating and associate member municipalities is exempt from municipal property taxation to the extent provided by Title 36, section 651, sub-

section 1, paragraph D. The applicable interlocal agreement or the articles of incorporation or bylaws of the corporation must provide that:

A. The corporation must be organized and continuously thereafter operated as a nonprofit corporation, no part of the net earnings of which may inure to the benefit of any member, director, officer or other private person;

B. The directors of the corporation must be elected by the municipal officers of the municipalities participating in the corporation; and

C. Upon dissolution or liquidation of the corporation, title to all of its property vests in one or more of the municipalities participating in the corporation.

Any interlocal agreement complying with the requirements of this subsection and subsection 6 must be a properly authorized, legal, valid, binding and enforceable obligation of the municipality, regardless of whether the agreement was authorized, executed or delivered prior to or after the effective date of this subsection. Any corporation organized in a manner that satisfies the requirements set forth in this subsection and subsection 6, whether organized prior to or after the effective date of this subsection, is deemed for all purposes as organized pursuant to this subsection. If so provided in the applicable interlocal agreement, any such corporation has the power, in addition to any other powers that may be delegated under Title 30-A, chapter 115, to issue, on behalf of one or more of the municipalities participating in the corporation, in order to finance the facilities, revenue obligation securities issued in accordance with Title 10, chapter 110, subchapter ~~IV~~, 4 and any other bonds, notes or debt obligations that municipalities are authorized to issue by applicable law. For these purposes, the term "municipal officers" as used in Title 10, chapter 110, subchapter ~~IV~~, 4 means the board of directors of any corporation described in this subsection. Title 10, section 1064, subsection 6; may not be construed to prohibit the assignment or pledge as collateral security of any contract of a municipality authorized by this section or of any or all of the payments under this section, regardless of whether the provisions of subsection 4, paragraph C; are applicable to the contract or payments. The provisions of Title 10, sections 1063 and 1064, subsection 1, paragraph A and paragraph C, subparagraph (4) do not apply to revenue obligation securities issued by any public waste disposal corporation described in this subsection.

See title page for effective date.