

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2272

9 S.P. 905

In Senate, March 26, 1986

10 Approved for introduction by a majority of the Legislative Council
11 pursuant to Joint Rule 27.

12 Referred to the Committee on Judiciary and ordered printed. Sent down
for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Make Corrections of Errors and
20 Inconsistencies in the Laws of Maine.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, Acts of this and previous Legislatures
26 have resulted in certain technical errors and incon-
27 sistencies in the laws of Maine; and

28 Whereas, these errors and inconsistencies create
29 uncertainties and confusion in interpreting legisla-
30 tive intent; and

31 Whereas, it is vitally necessary that these un-
32 certainties and this confusion be resolved in order
33 to prevent any injustice or hardship to the citizens
34 of Maine; and

1 qualified by virtue of the requirements of para-
2 graph A, or for neglect of any duty required by
3 law, or for incompetency or dishonorable conduct.

4 D. Each appointed member of the committee shall
5 be compensated according to Title 5, chapter 379.

6 E. Five members of the committee shall consti-
7 tute a quorum. Actions of the committee shall be
8 by majority vote.

9 Sec. 46. 22 MRSA §307, sub-§3, as amended by PL
10 1985, c. 418, §7, and as enacted by PL 1985, c. 443,
11 §1, is repealed and the following enacted in its
12 place:

13 3. Reviews. To the extent practicable, a review
14 shall be completed and the department shall make its
15 decision within 90 days after the date of notifica-
16 tion under subsection 1. The department shall estab-
17 lish criteria for determining when it is not practi-
18 cable to complete a review within 90 days. Whenever
19 it is not practicable to complete a review within 90
20 days, the department may extend the review period up
21 to an additional 60 days.

22 Any review period may be extended with the written
23 consent of the applicant. The request to extend the
24 review period may be initiated by the applicant or
25 the department. If the request is initiated by the
26 department, it shall not be effective unless con-
27 sented to by the applicant in writing. If the re-
28 quest is initiated by the applicant, the department
29 shall agree to the requested extension if it deter-
30 mines that the request is for good cause. The de-
31 partment shall acknowledge the extension of the re-
32 view period in writing.

33 Sec. 47. 22 MRSA c. 265-A is enacted to read:

34 CHAPTER 265-A

35 SMOKING IN RETAIL STORES

36 §1621. Definitions

1 As used in this chapter, unless the context oth-
2 erwise indicates, the following terms have the fol-
3 lowing meanings.

4 1. Smoking. "Smoking" includes being in posses-
5 sion of or responsible for a lighted cigar, ciga-
6 rette, pipe or other lighted smoking equipment.

7 §1622. Smoking to be prohibited in retail stores

8 1. Prohibition. Smoking is prohibited in all
9 sections of retail stores, except as provided in sub-
10 section 2.

11 2. Exceptions. A retail store is exempt from
12 this chapter if the total area open to the public
13 does not exceed 4,000 square fee. Except as other-
14 wise provided by law, smoking may be permitted in all
15 or parts of private offices or work areas not gener-
16 ally open to the public at the discretion of the em-
17 ployer, other person or persons who have been given
18 that authority. Private offices or work areas not
19 generally open to the public may be designated "no
20 smoking," "smoking permitted" or sectioned into dif-
21 ferent areas at the discretion of the employer or re-
22 sponsible persons or person in charge.

23 §1623. Responsibility of proprietors, employers

24 1. Persons responsible. The person actually in
25 charge of the operation of the establishment is re-
26 sponsible for implementation of this chapter.

27 2. Posting signs. There shall be posted, in
28 conspicuous places, a sufficient number of signs pro-
29 hibiting smoking. The letters in the sign shall be
30 at least 1 1/2 inches high and proportionately wide.

31 §1624. Civil violation

32 Failure of an individual to comply with section
33 1623 is a civil violation for which a forfeiture of
34 not more than \$50 may be adjudged.

35 Sec. 48. 22 MRSA c. 266-A is enacted to read:

36 CHAPTER 266-A

1 INFORMATION AND REFERRAL SERVICES

2 §1641. Parkinson's Syndrome

3 The Department of Human Services shall establish,
4 maintain and operate an information and referral ser-
5 vice for Parkinson's Syndrome to assist in promoting
6 the general health and welfare of Maine's citizens,
7 including, but not limited to, the following specif-
8 ic purposes:

9 1. Information. To provide educational materi-
10 als to the medical community and other interested in-
11 dividuals relating to the nature and treatment of
12 Parkinson's Syndrome; and

13 2. Referral. To maintain a referral service to
14 make available, upon request, the names, addresses
15 and phone numbers, when known, of:

16 A. Physicians who have an interest or expertise
17 in Parkinson's Syndrome; and

18 B. Local or statewide support groups for
19 Parkinson's Syndrome victims or their families
20 and friends.

21 Sec. 49. 22 MRSA c. 269-A, as enacted by PL
22 1985, c. 115, is repealed.

23 Sec. 50. 22 MRSA c. 270, as enacted by PL 1985,
24 c. 102, and c. 351, is repealed and the following en-
25 acted in its place:

26 CHAPTER 270

27 SHOPPING CENTERS

28 §1671. Definitions

29 As used in this chapter, unless the context oth-
30 erwise indicates, the following terms have the fol-
31 lowing meanings.

32 1. Shopping center. "Shopping center" means any
33 building or facility containing 6 or more separate
34 retail establishments which are planned, developed,

1 elections laws, now Maine Revised Statutes, Title
2 21-A.

3 Section 42. Incorporates changes made by Public
4 Law 1985, chapter 248, section 6, and chapter 469.

5 Section 43. Repeals provisions in Maine Revised
6 Statutes, Title 21 which was replaced by the Maine
7 Revised Statutes, Title 21-A by Public Law 1985,
8 chapter 161.

9 Section 44. Incorporates into the Maine Revised
10 Statutes, Title 21-A changes made to House of Repre-
11 sentatives districts by Public Law 1985, chapter 116,
12 and chapter 425.

13 Section 45. Incorporates changes made by Public
14 Law 1983, chapter 722, and chapter 812, section 115.

15 Section 46. Incorporates changes made in Public
16 Law 1985, chapter 418, section 7, and chapter 443,
17 section 1.

18 Sections 47, 48, 49 and 50. These sections
19 clarify provisions whereby 4 substantially different
20 chapters of the Maine Revised Statutes were enacted
21 using the same section numbers.

22 Sections 51, 52 and 53. Corrects inconsisten-
23 cies enacted by Public Law 1983, chapter 730, and
24 chapter 812.

25 Section 54. Corrects conflict between Public
26 Law 1983, chapter 730, section 6 and chapter 812,
27 section 130.

28 Section 55. Resolves a conflict between Public
29 Law 1985, chapter 185, section 4, and chapter 193,
30 using the law earlier enacted which actually defines
31 "profession review committee."

32 Section 56. This section reallocates a statuto-
33 ry provision which was inadvertently enacted in the
34 wrong Title.

35 Section 57. Corrects a numbering error.