

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

lature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain county budgets as required by law to be submitted to the Legislature by January 15th of each year; and

Whereas, the Legislature recognizes the need to extend this deadline to February 15th for the first year the law is in operation with new county delegations; 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:

Extension for submission of proposed county budgets. Notwithstanding the provisions of law for submitting proposed county budgets to the Legislature provided in the Maine Revised Statutes, Title 30, chapters 10-A, 10-B and 10-C, those counties required to submit proposed budgets by January 15th shall have until February 15, 1987, to make their submissions.

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

Effective January 21, 1987.

CHAPTER 7

H.P. 12 — L.D. 10

AN ACT Relating to Statutory Dates for Certain Reports to the Legislature.

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

Whereas, the Legislature has established, by law, certain dates for study committees and commissions to report their findings and recommendations to the Legislature; and

Whereas, it is important that additional time be granted in certain cases to enable committees and commissions to complete the task assigned to them by that legislation; 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. 3 MRSA §505, sub-§2, as repealed and replaced by PL 1979, c. 654, §2, is repealed and the following enacted in its place:

2. Findings and recommendations of the joint standing committee of the Legislature having jurisdiction over audit and program review. The joint standing committee of the Legislature having jurisdiction over audit and program review shall submit to the Legislature the findings, recommendations and legislation required to implement its study of the departments and independent agencies listed in section 507 by the dates listed in section 507.

The joint standing committee of the Legislature having jurisdiction over audit and program review shall submit to the Legislature its evaluations and analyses of justification reports submitted pursuant to section 507-A no later than 14 months after those reports are submitted to the Legislature.

Sec. 2. PL 1985, c. 732, §7, sub-§5, is amended to read:

5. Report. The Board of Commissions shall report its findings and recommendations, including any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over ~~State Government~~ state and local government at the First Regular Session of the 113th Legislature no later than ~~January 7, 1987~~ February 7, 1987.

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

Effective January 21, 1987.

CHAPTER 8

S.P. 126 — L.D. 331

AN ACT to Alter Implementation of Requirement to Provide Rest Rooms in Restaurants.

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

Whereas, recently introduced legislation requires that all restaurants have public rest rooms beginning January 1, 1987; and

Whereas, such facilities would represent a considerable expense in construction costs, maintenance and space for restaurants; and

Whereas, the requirement for such facilities is a particular hardship for already established restaurants; and

Whereas, many restaurants have not had sufficient time to comply with the law; 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 c. 270-A, as enacted by PL 1985, c. 171, is repealed.

Sec. 2. 22 MRSA c. 270-B is enacted to read:

CHAPTER 270-B

PUBLIC REST ROOM FACILITIES IN EATING PLACES

§1685. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Eating establishment. "Eating establishment" means an eating establishment licensed by the Department of Human Services under chapter 562 which prepares and serves food to the public for consumption inside the premises. "Eating establishment" does not include catering establishments, establishments dispensing food solely from vending machines, pushcarts and mobile eating places, roadside stands, retail frozen dairy product establishments or any other such places where customers do not consume food inside the building where the food is prepared and served.

§1686. Rest room facilities required

An eating establishment shall provide at least one toilet facility for the use of its customers. The toilets provided shall be clearly marked, maintained in a sanitary condition and in good repair. There shall be no charge for their use. Lavatory facilities shall be located within or immediately adjacent to all toilet rooms or vestibules.

§1687. Rules

The Department of Human Services may adopt, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, rules to administer this chapter and thereby protect the public health.

§1688. Enforcement

This chapter shall be enforced by the Division of Health Engineering. Anyone violating this chapter or rules under this chapter commits a civil violation for which a forfeiture of not more than \$200 may be ad-

judged. Each day of violation shall be considered a separate offense.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that section 2 of the Act shall take effect July 1, 1987.

Effective February 19, 1987, unless otherwise indicated.

CHAPTER 9

H.P. 307 — L.D. 393

AN ACT to Clarify the Authority of the Executive Department with Respect to Unclassified Employees.

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

Whereas, Acts of the previous Legislature have resulted in uncertainties and confusion regarding legislative intent; and

Whereas, certain provisions of Public Law 1985, c. 785, "AN ACT to Reorganize the Department of Finance and Administration and the Department of Personnel," create an uncertainty regarding the job status of certain unclassified employees; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of the State; 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. 5 MRSA §931, sub-§1, ¶K is enacted to read:

K. All major policy-influencing positions listed in sections 932 to 953;

Sec. 2. 5 MRSA §931, sub-§1, ¶M, as enacted by PL 1985, c. 785, Pt. A, §44, is amended to read:

M. Other positions in the Executive Branch made unclassified by law which fall within a bargaining unit.

Sec. 3. 5 MRSA §7051, sub-§7, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

7. Dismissal and disciplinary action. An appointing authority may dismiss, suspend or otherwise discipline