

MAINE STATE LEGISLATURE

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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

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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

Effective September 29, 1987.

Effective March 24, 1987.

CHAPTER 18

H.P. 158 — L.D. 199

AN ACT Regarding the Maine Land Use Regulation Commission.

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

Whereas, there are several members of the Maine Land Use Regulation Commission serving beyond their statutory terms; and

Whereas, the commission is facing many important issues and requires a full contingent of members who are not in this situation; 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. 12 MRSA §683, as amended by PL 1985, c. 345, is further amended by adding at the end a new paragraph to read:

Any member who has not been renominated by the Governor within 90 days of the expiration of his term shall not continue to serve on the commission, unless the Governor notifies the Legislature in writing and within 90 days of the expiration of that member's term of his finding that extension of that member's term is required to ensure fair consideration of specific major applications pending before the commission. That member's term shall end upon final commission decisions on the specific applications identified in the Governor's communication. A vacancy during an unexpired term shall be filled as provided in this section, but only for the unexpired portion of the term.

Sec. 2. Application. The provisions of this Act shall apply to all future members of the Maine Land Use Regulation Commission. It is the intent of the Legislature that any current members of the commission whose terms expired before the effective date of this Act shall not continue to serve on the commission, unless the Governor exercises his authority under the provisions of the Maine Revised Statutes, Title 12, section 683, within 90 days of the effective date of this Act.

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

CHAPTER 19

S.P. 40 — L.D. 28

AN ACT to Permit the Identification of Licensed Gasoline Distributors.

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

Sec. 1. 36 MRSA §191, sub-§2, ¶J, as amended by PL 1985, c. 764, §4, is further amended to read:

J. The disclosure to a state agency seeking setoff of a liquidated debt against a tax refund pursuant to section 5276-A of information necessary to effectuate the intent of that section; and

Sec. 2. 36 MRSA §191, sub-§2, ¶K, as enacted by PL 1985, c. 764, §5, is amended to read:

K. The disclosure by a municipal assessor, or by the State Tax Assessor with regard to the unorganized territory, of information contained on the declaration of value form required by section 4641-B, to a person who has filed an application for abatement pursuant to section 841. Information which may be disclosed is limited to information which is relevant to the determination of just value of the property for which the form was filed; and

Sec. 3. 36 MRSA §191, sub-§2, ¶L is enacted to read:

L. The listing of gasoline distributors possessing a certificate under section 2904.

Effective September 29, 1987.

CHAPTER 20

H.P. 183 — L.D. 227

AN ACT Relating to the Administrative Council of the University of Maine System.

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

Sec. 1. 1 MRSA §402, sub-§2, ¶B, as amended by PL 1985, c. 695, §1, and c. 779, §1, is repealed and the following enacted in its place:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Vocational-Technical Institute System and any of its committees

and subcommittees; and

Sec. 2. 22 MRSA §1578, sub-§3, ¶B, as amended by PL 1985, c. 779, §61, is further amended to read:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, ~~the Administrative Council of the University of Maine System~~, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees; and

Sec. 3. P&SL 1865, c. 532, §4-A, as enacted by P&SL 1967, c. 229, §3, is further amended to read:

Sec. 4-A. Administration; chancellor; campus heads; advisory committees. The board of trustees shall appoint a chancellor of the university who shall serve at its pleasure and be chief administrative and education officer thereof. The chancellor may maintain an office at Augusta and such other offices as the board of trustees may designate. The chancellor shall nominate and the board of trustees shall appoint the persons to head the various campuses and shall give ~~said~~ the persons such titles as shall be deemed appropriate. The head of a campus shall not serve concurrently as chancellor or as a member of the board of trustees. ~~An administrative council composed of the heads of each institution shall be formed.~~ The board of trustees shall appoint such advisory committees on behalf of the various campuses and such other advisory committees as may appear desirable.

Sec. 4. P&SL 1865, c. 532, §4-B, as enacted by P&SL 1967, c. 229, §3, is amended to read:

Sec. 4-B. Duties of the board of trustees, chancellor and heads of the various campuses.

1. Board of trustees; duties. The board of trustees, in consultation with the chancellor, shall be the governing and planning body of the university and in addition shall have responsibility for preparing and approving the operating and capital budgets of the university and presenting them in accordance with the direction in Title 5, section 1665, and Title 5, chapter 153.

2. Chancellor; duties. The chancellor shall exercise such powers and fulfill such responsibilities as shall be delegated by the board.

3. Head of each campus; duties. The head of each campus shall be the chief administrative and educational officer thereof and shall be responsible for the day to day operation and development of its academic program within the limits defined by the board of trustees and the chancellor; and in addition, shall exercise such rights and privileges as are generally recognized in the administering of admissions, curriculum development, extra curricular programs, long ~~rang~~ range planning within the framework of the overall university plan, and super-

vision of faculty.

4. ~~Administrative council.~~ The administrative council shall exercise the following responsibilities: ~~To make to the board of trustees, through the chancellor, recommendations which require board action or pertain to policy development; serve as a clearing house for matters referred to it by appropriate officers of individual institutions; act on matters referred to the council by the chancellor or the board of trustees.~~

Effective September 29, 1987.

CHAPTER 21

H.P. 451 — L.D. 606

AN ACT to Change the Location of District Court for the Municipality of Wayne Augusta.

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

4 MRSA §153, sub-§13, as amended by PL 1983, c. 23, is further amended to read:

13. Northern Kennebec. Northern Kennebec consists of the municipalities of Albion, Belgrade, Mount Vernon, Sidney, Vassalboro, ~~Wayne~~, Winslow and all municipalities in Kennebec County lying to the north of these. The District Court for Northern Kennebec shall be held at Waterville.

Effective September 29, 1987.

CHAPTER 22

H.P. 86 — L.D. 89

AN ACT Relating to Fencing of Swimming Pools.

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

22 MRSA §1631, sub-§2, as enacted by PL 1983, c. 436, is amended to read:

2. Swimming pool. "Swimming pool" means an outdoor ~~body of water enclosed in an~~ artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 24 inches or more.

Effective September 29, 1987.