

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 80

S.P. 59

In Senate, January 21, 1993

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HANLEY of Oxford

Cosponsored by Representative TRUE of Fryeburg and Senator SUMMERS of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-THREE

**An Act to Permit the Saco River Corridor Commission to Adopt
Ordinances Governing Alcohol Use within the Corridor.**

(EMERGENCY)

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

4
Whereas, the Saco River is an important natural resource,
6 which is threatened by misuse of alcohol by some of the river's
recreational users; and

8
Whereas, it is necessary for the Saco River Corridor
10 Commission to enact rules controlling this behavior as soon as
possible; and

12
Whereas, in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18
Be it enacted by the People of the State of Maine as follows:

20
Sec. 1. 38 MRSA §954-C, sub-§3 is enacted to read:

22
3. Rules to regulate alcohol. The commission may adopt
24 rules in accordance with Title 5, chapter 375, subchapter II to
regulate the use or possession of alcoholic beverages on land and
26 water within the Saco River Corridor. Rules adopted under this
subsection preempt municipal ordinances governing the same
28 activities. In addition to other law enforcement officials
authorized to enforce this chapter, municipal law enforcement
30 officials are specifically authorized to enforce rules adopted
pursuant to this subsection.

32
Sec. 2. 38 MRSA §961, as affected by PL 1989, c. 890, Pt. A,
34 **§40 and amended by Pt. B, §204, is further amended to read:**

36 **§961. Relation to municipal, state and federal regulations**

38 Nothing Except as provided in section 954-C, subsection 3,
40 nothing in this chapter prevents municipal, state or federal
authorities from adopting and administering more stringent
42 requirements regarding performance standards or permitted uses
within use districts established by the commission or within
44 districts overlapping the districts established pursuant to this
chapter. Where Except as provided in section 954-C, subsection
46 3, when there is a conflict between a provision adopted under
this chapter and any other municipal, state or federal
48 requirement applicable to the same land or water areas within the
corridor, the more restrictive provision takes precedence. All
50 performance standards, rules and regulations proposed for hearing
by the commission must be submitted to the Commissioner of

2 Environmental Protection, the State Planning Office, the Greater
4 Portland Council of Governments and the Southern Maine Regional
6 Planning Commission at least 7 days prior to the hearing for
8 review and comment. The commission shall may not promulgate
10 adopt any rule establishing air or water quality standards within
12 the corridor in conflict with the rules of the ~~Department--of~~
14 ~~Environmental-Protection~~ department without the prior approval of
16 the Board of Environmental Protection.

18 **Emergency clause.** In view of the emergency cited in the
20 preamble, this Act takes effect when approved.
22
24

STATEMENT OF FACT

26 This bill grants authority to the Saco River Corridor
28 Commission to regulate the use of alcohol on land and water
30 within the corridor. It authorizes the commission to adopt rules
32 to regulate that behavior, provides that the rules preempt
34 municipal ordinances related to alcohol use and specifically
36 authorizes municipal law enforcement officials to enforce those
38 rules.
40