

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

the validity of such petitions and shall within 25 days after the final date for filing such petitions in his office pursuant to the Constitution, Article IV, Part Third, Sections 17 or 18, issue a written decision which shall state the reasons for such decision.

2. Superior Court. Any voter named in the application pursuant to section 1351, or any person who has validly signed such petitions, if these petitions are determined to be invalid, or any other voter, if these petitions are determined to be valid, may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action shall be conducted in accordance with Rule 80B, Maine Rules of Civil Procedure, except as modified by this section. This action shall be commenced within 5 days of the date of the decision of the Secretary of State and shall be tried, without a jury, within 15 days of the date of this decision. Upon timely application, anyone shall be permitted to intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and setting forth the reasons for such decision within 30 days of the commencement of the trial or within 45 days of the date of the decision of the Secretary of State, if there is no trial.

3. Supreme Judicial Court. Any aggrieved party may take an appeal, on questions of law, from the decision of the Superior Court by filing a notice of appeal within 3 days of this decision. The appellant shall file the required number of copies of the record with the clerk within 3 days after filing notice of appeal. After filing of a notice of appeal, the parties shall have 10 days in which to file briefs with the clerk of courts. As soon as the record and briefs have been filed, the court shall consider the case forthwith. The court shall issue its decision within 30 days of the date of the decision of the Superior Court.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on April 1, 1976.

Effective April 1, 1976

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## CHAPTER 683

### AN ACT to Allow the Board of Environmental Protection to Grant Limited Variances to Statutory Time Schedules.

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

38 MRSA § 451-B is enacted to read:

#### § 451-B. Variances

The Board of Environmental Protection may grant a variance from any statutory water pollution time schedule to any industrial licensee, upon application by any industrial licensee, if the board finds that:

1. Seventy-five percent completion of treatment facility. Actual construction of an approved industrial project deemed necessary in achieving statutory water quality classifications and regulatory requirement is at least 75% completed.

An approved project shall include but not be limited to a new manufacturing facility which will replace the source of the licensee's existing discharge;

2. Contractual and financial commitments. Contractual and financial commitments to complete the approved project have been made; and

3. Cause for the failure. The cause for the failure to have completed the approved project in time to meet the statutory time schedule is not directly attributable to the licensee and shall include but not be limited to acts of God, labor disputes, failure of 3rd parties to deliver ordered construction materials, equipment or services on time.

Variances shall be issued for a term certain, not to extend past July 1, 1977, and the board shall modify any existing license to make it consistent with this variance.

Effective July 29, 1976

## CHAPTER 684

### AN ACT Relating to Requests for Absentee Ballots.

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

21 MRSA § 1253, sub-§ 2, last sentence, as enacted by PL 1973, c. 414, § 46, is repealed and the following enacted in place thereof:

The clerk shall not issue a 2nd absentee ballot to an applicant, unless the applicant in person or in writing requests one and states good cause, including but not limited to loss of, spoiling of or damage to the first absentee ballot.

Effective July 29, 1976

## CHAPTER 685

### AN ACT Concerning the Seining of Mackerel in the Territorial Waters of Washington County.

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

Whereas, the City of Eastport suffered a disastrous blow to its economy by the ground hog gale of recent date; and