

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 101

H.P. 365 - L.D. 485

AN ACT to Clarify the Fire Prevention and
Inspection Laws in Regard to Municipal
Enforcement.

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

Whereas, the State Fire Marshal's office and state attorneys prosecute violations of the fire prevention laws and rules on a statewide basis; and

Whereas, manpower available statewide is limited; and

Whereas, many municipalities have trained personnel available to enforce fire prevention laws; and

Whereas, proper enforcement can prevent loss of life and property from fires; and

Whereas, the statutory scope of municipal authority to prosecute violations of the state laws and rules is ambiguous; 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:

25 MRSA §2361 is enacted to read:

§2361. Proceedings by municipality

1. Municipal enforcement. Duly appointed fire chiefs or their designees, municipal building inspectors and code enforcement officers may bring a civil action in the name of the municipality to enforce any of the state laws, duly promulgated state rules or local ordinances enacted pursuant to chapters 313 to 321; and

2. Notice. In any proceeding brought by or against the State which involves the validity of a municipal ordinance, the municipality shall be given notice of the proceeding and shall be entitled to be made a party to the proceeding and to be heard. In any proceeding brought by or against the municipality which involves the validity of statute, ordinance or regulation, the Attorney General shall be served and shall be made a party to the proceeding and be entitled to be heard. This section shall apply to enforcement of statutes, rules or ordinances enacted pursuant to chapters 313 to 321.

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

Effective April 18, 1985.

CHAPTER 102

H.P. 814 - L.D. 1140

AN ACT to Require Public Rest Rooms in all Shopping Centers.

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

22 MRSA c. 270 is enacted to read:

CHAPTER 270

SHOPPING CENTERS

§1671. Definitions

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

1. Shopping center. "Shopping center" means any building or facility containing 6 or more separate retail establishments which are planned, developed, owned or managed as a unit, with an off-street public parking area of not less than 2 acres.

§1672. Public rest room facilities required