

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

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

CHAPTER 85

S.P. 190 — L.D. 517

AN ACT Relating to Active Retired Judges in the Administrative Court.

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

Sec. 1. 4 MRSA §1151, sub-§3, ¶H is enacted to read:

H. Any Administrative Court Judge who retires or terminates his service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Judge of the Administrative Court as provided. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, may appoint any eligible judge to be an Active Retired Judge of the Administrative Court for a period of 7 years, unless sooner removed. That judge may be reappointed for a like term. Any judge so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in those cases and matters and hold court only at those sessions and times as he may be directed and assigned by the Administrative Court Judge or by the Chief Justice of the Supreme Judicial Court. An Active Retired Judge of the Administrative Court, who performs judicial service at the direction and assignment of the Administrative Court Judge or the Chief Justice of the Supreme Judicial Court, shall be compensated for those services at the rate of \$75 a day or \$45 for 1/2 day, provided that the total per day compensation and retirement pension received by an Active Retired Judge of the Administrative Court in any calendar year may not exceed the annual salary of the Associate Judge of the Administrative Court.

Sec. 2. 4 MRSA §1158, as enacted by PL 1979, c. 12, §3, is amended to read:

§1158. Judge of Administrative Court assigned to sit in District Court

A Judge or an Active Retired Judge of the Administrative Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the District Court in any district and when so directed he shall have authority and jurisdiction therein as if he were a regular Judge of the District Court; and whenever the Chief Justice of the Supreme Judicial Court so directs, he may hear all matters and issue all orders, notices, decrees and judgments that any Judge of the District Court is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judi-

cial Court directing a Judge or an Active Retired Judge of the Administrative Court to sit in the District Court shall be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by him.

Effective September 29, 1987.

CHAPTER 86

S.P. 371 — L.D. 1106

AN ACT to Exempt Certain Eating Establishments from the Requirements to Provide a Public Toilet Facility.

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, the need for such facilities in small restaurants is not great; and

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

Whereas, the requirement for such facilities is a particular hardship for already established smaller restaurants; 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 §1682, as enacted by PL 1985, c. 171, §§1 and 2, is repealed and the following enacted in its place:

§1682. Toilet facilities required

Unless it is licensed for fewer than 13 seats and is not licensed for on-premise consumption of alcoholic beverages, an eating establishment shall provide at least one toilet facility for the use of its customers. Toilet facilities which require access through the food preparation area or the use of which would in any way cause the establishment to be in violation of any state law or rule shall not be considered as fulfilling this requirement. The location of the toilets shall be clearly marked, maintained in a sanitary condition, in good repair and their location identifiable from the eating area. There shall be