

# 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  
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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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

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## 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

no charge for their use. Lavatory facilities shall be located within or immediately adjacent to all toilet rooms or vestibules.

Upon appeal, the Division of Health Engineering may exempt from the requirements of this chapter eating establishments of 13 to 25 seats which are not licensed for on-premise consumption of alcoholic beverages and which were in existence prior to September 30, 1985, and which:

1. Shopping malls. Are part of an enclosed mall which provides customer toilet facilities which are part of the public portion of the mall and not part of a business within the mall;

2. Other locations. Have submitted evidence of an agreement with a 2nd party that customers of the eating establishment may use toilet facilities which are on the premises owned or rented by the 2nd party in cases where such use would not create a substantial inconvenience to the customer of the eating establishment;

3. Construction costs. Are housed in buildings of unique construction which makes installation of a toilet facility cost prohibitive; or

4. Space loss. Would lose 1/4 or more of their existing seating space if required to provide a toilet facility of a minimum size of 3 feet by 6 feet.

Any eating establishment which does not have a toilet facility available shall post a sign to that effect which may be seen upon entry to the eating establishment.

Sec. 2. 22 MRSA §1682-A is enacted to read:

§1682-A. Eating establishments that permit consumption of alcoholic beverages

Any eating establishment regardless of the number of seats that permits on-premise consumption of alcoholic beverages shall be bound by the provision of section 1682 regarding the provision of a toilet facility.

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

Effective May 1, 1987.

## CHAPTER 87

S.P. 62 — L.D. 129

### AN ACT Providing for Judicial Review of Agency Refusals to Consent to Adoptions.

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

19 MRSA §532, sub-§1, ¶C, as enacted by PL 1979,

c. 733, §9, is repealed and the following enacted in its place:

C. The person or agency having legal custody or guardianship of the child or to whom the child has been surrendered and released; provided that the person's or agency's lack of consent, if adjudged unreasonable by a judge of probate, may be overruled by the judge; and

Effective September 29, 1987.

## CHAPTER 88

H.P. 904 — L.D. 1206

### AN ACT Concerning Snowmobile Registration Fees.

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

Whereas, snowmobiling is an important asset for Maine, both in terms of recreational opportunities and economic stimuli; and

Whereas, there is an extensive trail system within the State that is supported and maintained through the Snowmobile Trail Fund, municipal and snowmobile club contributions, as well as substantial volunteer efforts; and

Whereas, these trails are open for use to any persons; and

Whereas, the fund can no longer continue to support the current system of trails without an increase in revenues; 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 §7824, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

2. Fee. The annual snowmobile registration fee is ~~\$11.25~~ \$16.

Sec. 2. 12 MRSA §7824, sub-§3, ¶A, as amended by PL 1985, c. 459, Pt. C, §2, is further amended to read:

A. The registration fee for residents shall be credited as follows: