

# 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.

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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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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:

(1) \$4.75 of each fee shall be credited to the department;

(2) ~~50¢~~ \$5.25 of each fee shall be credited to the Snowmobile Trail Fund of the Bureau of Parks and Recreation; and

(3) \$6 of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate, except that in unorganized territory, \$6 of each fee shall be annually distributed to the county of the owner's residence as shown on his registration certificate and credited to the unorganized territory fund of that county established in Title 30, section 5902.

Sec. 3. 12 MRSA §7824, sub-§3, ¶B, as amended by PL 1981, c. 698, §76, is further amended to read:

B. The registration fee for nonresidents shall be credited as follows:

(1) \$10.75 of each fee shall be credited to the department; and

(2) ~~50¢~~ \$5.25 of each fee shall be credited to the Snowmobile Trail Fund of the Bureau of Parks and Recreation.

Sec. 4. Allocation. The following funds are allocated from dedicated revenues to carry out the purposes of this Act.

<u>CONSERVATION, DEPARTMENT OF</u>	<u>1987-88</u>	<u>1988-89</u>
Snowmobile Trail Fund		
All Other	\$234,503	\$234,503

This allocation provides funds for the current snowmobile grants program.

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

Effective May 1, 1987.

## CHAPTER 89

H.P. 905 — L.D. 1207

### AN ACT Concerning Penalties for Caribou and Big Game Violations.

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

Sec. 1. 12 MRSA §7901, sub-§2, as repealed and replaced by PL 1985, c. 177, §1, is amended to read:

2. Class D crimes. A violation of section 7406, subsection 1 as it applies to deer; of section 7406, subsec-

tion 5; of section 7406, subsection 10, when the wild animal or bird was taken in violation of section 7406, subsection 5; of section 7458, subsection 1, 2 or 3; or of section 7464, subsection 1, 2 or 8, is a Class D crime, provided that the convicted person shall be imprisoned for not less than 3 days for the first offense and for not less than 10 days for each succeeding offense, this imprisonment not to be suspended, and shall be fined not less than ~~\$500~~ \$1,000, this fine not to be suspended.

Sec. 2. 12 MRSA §7901, sub-§2-A and 3-A are enacted to read:

2-A. Bear. A violation of section 7406, subsection 1, as it applies to bear, or section 7452, subsection 3, 4 or 9 is a Class D crime. A convicted person shall be imprisoned for not more than 180 days and shall be fined not less than \$1,000. This fine is not to be suspended.

3-A. Caribou. Any person found guilty of violating section 7456-B shall be assessed a fine of not less than \$2,000 or more than \$10,000 and given a jail sentence of not less than 30 days or more than 6 months, which penalties may not be suspended.

Sec. 3. 12 MRSA §7901, sub-§4, as amended by PL 1983, c. 440, §15, is repealed.

Sec. 4. 12 MRSA §7901, sub-§4-A, as enacted by PL 1985, c. 177, §2, is amended to read:

4-A. Dogs chasing or attacking deer. A violation of section 7505, subsection 3, paragraph A or B, is a civil violation for which a forfeiture of not less than ~~\$200~~ \$500 nor more than ~~\$500~~ \$1,000 may be adjudged, this forfeiture not to be suspended.

Sec. 5. 12 MRSA §7901, sub-§8, as repealed and replaced by PL 1985, c. 737, Pt. A, §33, is amended to read:

8. Wild turkey. A violation of section 7456, ~~subsections 3, 4, 5 and 6, as they apply to turkeys;~~ 7469, subsection 1, 2 or 9 is a Class E crime. A convicted person shall be fined not less than ~~\$200~~ \$500 and this fine is not to be suspended. In addition, a convicted person shall be fined ~~\$200~~ \$500 for each turkey illegally possessed or killed and this fine is not to be suspended.

Effective September 29, 1987.

## CHAPTER 90

S.P. 388 — L.D. 1208

AN ACT to Amend the Bank Holding Company Law.

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