

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

**AN ACT Concerning Prizes Awarded by
Charitable Organizations.**

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

Sec. 1. 17 MRSA §330, sub-§5, ¶D, as amended by PL 1981, c. 412, §1, is further amended to read:

D. A holder of a winning chance does not receive something of value worth more than ~~the amount~~ applicable under section 331-A.

Sec. 2. 17 MRSA §331, sub-§2, as amended by PL 1977, c. 350, §2, is repealed.

Sec. 3. 17 MRSA §331, sub-§§6 and 7 are enacted to read:

6. Raffles with prizes under \$10,000. Notwithstanding subsection 1, no license to conduct or operate a raffle as defined in section 330, subsection 5, in which the holder of the winning chance does not receive something of value worth more than \$10,000, is required of the following:

A. Any agricultural society eligible for the state stipend under Title 7, section 62, or any bona fide, non-profit organization which is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or any auxiliary of such organization;

B. Any volunteer police force, fire department or ambulance corps; or

C. Any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State.

Any exempt organization, department or class or combination listed in paragraph A, B or C may sponsor, operate and conduct a raffle without a license only for the exclusive benefit of that organization, department or class or combination thereof and that raffle shall be conducted only by duly authorized members of the sponsoring organization, department or class or combination thereof.

7. Special exempt raffle license; prizes over \$10,000. The Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000.

Sec. 4. 17 MRSA §331-A is enacted to read:

§331-A. Raffle prize values

1. Special exempt raffle licensees. The holder of a special exempt raffle license issued under section 331, subsection 7, may conduct or operate one raffle per year in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000.

2. Other raffles. All other persons, either licensed under this chapter to conduct or operate a raffle or exempt under section 331, subsection 6, may conduct or operate raffles in which the holder of a winning chance receives something of value worth no more than \$10,000.

Effective September 29, 1987.

CHAPTER 191

H.P. 1174 — L.D. 1600

AN ACT Concerning Smoking in Restaurants.

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

22 MRSA §1579-A is enacted to read:

§1579-A. Smoking in restaurants

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Restaurant" means any enclosed indoor restaurant or other enclosed indoor establishment which invites the public to be served food for consumption on the premises.

B. "Smoking" means carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off tobacco smoke.

2. Restaurants. Smoking in restaurants shall be governed by the following policies.

A. Restaurants shall provide for their patrons a no smoking area reasonably calculated to address the needs of the nonsmoking public.

B. Restaurants shall display prominently, at or near the entrance, a sign indicating its policy on seating smokers and nonsmokers and shall encourage patrons to make their seating requests known. A sign need not be displayed if a host or hostess seats patrons and indicates verbally at the time of seating the restaurant's policy.

3. Violations. Failure to post a sign or announce a policy, or to establish, post or be responsible for implementation of a policy, is a civil violation for which a forfeiture of not more than \$100 may be adjudged.

Effective September 29, 1987.

CHAPTER 192

H.P. 641 — L.D. 864

AN ACT to Amend the Laws Relating to and Administered by the Department of Environmental Protection.

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

Sec. 1. 4 MRSA §152, sub-§6, as amended by PL 1985, c. 746, §2, is repealed and the following enacted in its place:

6. Land use laws. Original jurisdiction, concurrent with that of the Superior Court, to grant equitable relief in proceedings involving alleged violations of a local land use ordinance or regulation or a state land use law or regulation, which shall include, but shall not be limited to, the following:

A. The law pertaining to the Maine Land Use Regulation Commission, Title 12, chapter 206-A;

B. Minimum lot size law, Title 12, sections 4807 to 4807-G;

C. The plumbing and subsurface wastewater disposal rules adopted by the Department of Human Services pursuant to Title 22, section 42;

D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263;

E. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648;

F. Local ordinances pursuant to Title 22, section 2642;

G. Laws pertaining to fire prevention and protection which require enforcement by local officers pursuant to Title 25, chapter 313;

H. Laws pertaining to the construction of public buildings for the physically disabled pursuant to Title 25, chapter 331;

I. Local land use ordinances adopted pursuant to Title 30, section 1917;

J. Local building codes adopted pursuant to Title 30, sections 1917 and 2151;

K. Local housing codes adopted pursuant to Title 30, sections 1917 and 2151;

L. Local ordinances regarding automobile junkyards pursuant to Title 30, chapter 215, subchapter I;

M. Local ordinances regarding electrical installations pursuant to Title 30, chapter 215, subchapter III;

N. Regulation and inspection of plumbing pursuant to Title 30, chapter 215, subchapter X;

O. Local ordinances regarding malfunctioning domestic sewage disposal units pursuant to Title 30, section 4359;

P. The subdivision law pursuant to Title 30, section 4956; local subdivision ordinances adopted pursuant to Title 30, section 1917; and subdivision regulations adopted pursuant to Title 30, section 4956;

Q. Local zoning ordinances adopted pursuant to Title 30, section 1917 and in accordance with Title 30, section 4962;

R. The Great Ponds Program, Title 38, sections 386 to 396;

S. The freshwater wetlands laws, Title 38, sections 405 to 410-D;

T. Laws pertaining to the discharge of wastes, Title 38, sections 413, 414, 417, 418 and 420;

U. The alteration of rivers, streams and brooks laws, Title 38, sections 425 to 431;

V. The alteration of coastal wetlands laws, Title 38, sections 471 to 478;

W. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447;

X. The site location of development laws, Title 38, sections 481 to 485 and 488 to 490; and

Y. The oil discharge prevention and pollution control laws, Title 38, sections 543, 545, 563, 564, 565, 566, 567 and 568.

Sec. 2. 22 MRSA §2642, sub-§2, as enacted by PL 1975, c. 751, §4, is amended to read:

2. Penalty. Whoever willfully violates any regulation established under the authority of this section shall, upon conviction, be punished by a fine of not more than \$500 penalized in accordance with Title 30, section 4966.

Sec. 3. 22 MRSA §2648, first ¶, as enacted by PL 1975, c. 751, §4, is amended to read:

Any water utility or municipality is authorized to designate by buoys in water or markers on the ice in an area on a lake or pond from which water is taken, with a radius commencing at its point of intake. Such radius shall not exceed 200 feet and within that area no person shall anchor or moor a boat or carry on ice fishing. Any such buoys placed in the water shall be plainly marked