

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

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(4) The name of the person making the claim and his attorney, if any, including their addresses; and

(5) The following statement: "To dissolve this lien, please contact (the person making the claim or his attorney). A bond may be given to the claimant to replace the lien."

C. A lien created under this subsection is void 90 days after the date on which the statement described in paragraph A was filed unless, within the 90-day period, an action to enforce the lien is commenced and a clerk's certificate of the commencement of the action is filed in the place where the statement is filed. Upon the filing of the clerk's certificate, the lien shall continue until a final judgment. Thereafter, extensions of the lien shall be governed by the provisions for extensions of attachments in Title 14, section 4601.

D. An employer may, at any time after he receives notice of a lien under paragraph B, give bond, with sufficient sureties, in the amount of the claim to the person claiming the lien. Within 7 days of receipt of the bond, the person claiming the lien or someone on his behalf shall discharge the lien.

Effective September 29, 1987.

CHAPTER 232

S.P. 543 — L.D. 1645

AN ACT Relating to Qualifications for a Hotel Liquor License.

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

28-A MRSA §1061, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Required number of sleeping rooms. Except as provided in paragraph C, each hotel must be equipped with at least the required number of adequate sleeping rooms. These rooms must be in addition to the rooms used by the owner or the employees.

A. The number of rooms required is based on the population of the municipality in which the hotel is located.

(1) If the hotel is located in a municipality of 3,000 or less population, the hotel must have at least 14 adequate sleeping rooms.

(2) If the hotel is located in a municipality of more than 3,000, but not more than 7,500 population, the hotel must have at least 20 adequate sleeping rooms.

(3) If the hotel is located in a municipality of more than 7,500 or more population, the hotel must have

at least 30 adequate sleeping rooms.

B. Any increase in population as shown by a subsequent Federal ~~census~~ Census does not affect the eligibility for license of premises licensed before that census.

C. The room requirements of this subsection do not apply to:

(1) With respect to number of rooms, premises licensed on August 13, 1947; or

(2) With respect to the 14-room requirement, premises licensed during 1969.

Effective September 29, 1987.

CHAPTER 233

S.P. 339 — L.D. 994

AN ACT to Coordinate the Review Process of the Department of Environmental Protection and Maine Land Use Regulation Commission.

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

38 MRSA §1478, sub-§3-A is enacted to read:

3-A. Maine Land Use Regulation Commission. For facilities proposed to be located within areas subject to the jurisdiction of the Maine Land Use Regulation Commission and reviewed by the board under this subchapter, the reviewing agency shall be the board and no permit or other approval may be required from the commission.

In reviewing facilities proposed within the commission's jurisdiction, the board shall ensure that:

A. There will not be adverse effects on the resources or uses of areas zoned as protection subdistricts; and

B. The public health and safety will be protected.

Effective September 29, 1987.

CHAPTER 234

S.P. 422 — L.D. 1302

AN ACT to Modify the State's Appeal Law to Permit Appeals of Adverse Intermediate Appellate Court Rulings by the State.

Emergency preamble. Whereas, Acts of the Legis-

lature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 15, section 2115-A, does not presently allow the State to take an appeal to the Supreme Judicial Court, sitting as the Law Court, from the vacation of an underlying criminal judgment in whole or in part by the Superior Court sitting as an appellate court relative to District Court criminal cases appealed by an aggrieved defendant pursuant to Title 15, sections 2111 and 2114; and

Whereas, this disability exists because, by oversight, the Maine Revised Statutes, Title 15, section 2115-A, was not adjusted to accommodate the single trial procedure instituted in 1981 for Class D and Class E criminal proceedings, a procedure replacing the de novo trial; and

Whereas, this disability has and will continue to result in serious prejudice to the State; 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. 15 MRSA §2115-A, sub-§2-A is enacted to read:

2-A. Appeals from an adverse decision of the Superior Court sitting as an appellate court relative to District Court criminal cases. If an appeal to the Superior Court by an aggrieved defendant from a judgment of the District Court results in the vacating of the underlying criminal judgment in whole or in part, an appeal may be taken by the State from the adverse decision of the Superior Court to the Law Court.

Sec. 2. 15 MRSA §2115-A, sub-§4, as amended by PL 1983, c. 105, is further amended to read:

4. Time. An appeal taken pursuant to subsection 1 or 2 or 2-A shall be taken within 20 days after the entry of the order or such further time as may be granted by the court pursuant to a rule of court, and an appeal taken pursuant to subsection 1 shall also be taken before the defendant has been placed in jeopardy. An appeal taken pursuant to this subsection shall be diligently prosecuted.

Sec. 3. 15 MRSA §2115-A, sub-§5, as enacted by PL 1979, c. 343, §2, is amended to read:

5. Approval of Attorney General. In any appeal taken pursuant to subsections subsection 1 or 2 or 2-A, the written approval of the Attorney General shall be required; provided that if the attorney for the State filing the notice of appeal states in the notice that the Attorney General has orally stated that the approval will be

granted, the written approval may be filed at a later date.

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

Effective June 5, 1987.

CHAPTER 235

H.P. 1066 — L.D. 1449

AN ACT to Establish an Exemption from the Waste Water Discharge Licensing Requirement for Certain Holders of Aquatic Pesticide Permits.

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

Whereas, the 90-day period may not terminate until after the end of the summer months; and

Whereas, the trustees of public water supplies must take effective measures to protect the health and well-being of citizens who rely upon such supplies; and

Whereas, nuisance growths of algae in such water supplies may most effectively be controlled by the application of copper sulfate to them during the summer months; and

Whereas, the Department of Inland Fisheries and Wildlife needs to be able to apply rotenone to certain waters of the State during the summer and fall of 1987 in order to protect and maintain the well-being of the fisheries thereof; and

Whereas, the Board of Environmental Protection now lacks the statutory authority to allow the use of the aquatic pesticides for the purposes described in this Act; 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:

38 MRSA §413, sub-§2-E is enacted to read:

2-E. Exemptions; pesticide permits. The following activities have been determined to have no significant adverse effect on the quality of the waters of the State and do not need to obtain an aquatic pesticide permit from the Department of Environmental Protection:

A. The application of aquatic pesticides by the