

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
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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

Department of Inland Fisheries and Wildlife to waters of the State for the purpose of restocking, including the elimination of undesirable species; or

B. The treatment of public water supplies by the application of copper sulfate or copper sulfate compounds where those water supplies are closed to swimming and fishing.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect at the close of the First Regular Session of the 113th Legislature or July 1, 1987, whichever comes first.

Effective June 30, 1987.

CHAPTER 236

S.P. 542 — L.D. 1639

AN ACT to Allow Farm Wineries to Pay Taxes Twice a Month.

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

28-A MRSA §1652, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Until July 1, 1989, the excise tax imposed on wine produced by a licensed Maine farm winery, is 5¢ per gallon on the first 10,000 gallons of wine produced in one year; 10¢ per gallon on all wine produced in excess of 10,000 gallons, but not in excess of 25,000 gallons; and 20¢ per gallon on all wine produced in excess of 25,000 gallons. The full amount of excise tax on table wine produced by a Maine farm winery is due semi-monthly.

Effective September 29, 1987.

CHAPTER 237

H.P. 806 — L.D. 1080

AN ACT Concerning Interstate or Intrastate Operating Permits.

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

29 MRSA §2703, as amended by PL 1983, c. 818, §29, is further amended by adding at the end a new paragraph to read:

Only one operating permit interstate or intrastate shall be required.

Effective September 29, 1987.

CHAPTER 238

S.P. 475 — L.D. 1438

AN ACT to Improve Public Lands' Camp Lot Management.

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

Sec. 1. 30 MRSA §4162, sub-§9, as enacted by PL 1981, c. 396, §1, is repealed and the following enacted in its place:

9. Lease rates. The annual fee for camp leases under subsection 4 shall not exceed 10% of the fair market value of the land, as determined once during each 5-year lease term by the State Tax Assessor. Notwithstanding this subsection, there shall be a minimum annual camp lease fee of \$150.

Sec. 2. 30 MRSA §4163, 3rd¶, as repealed and replaced by PL 1985, c. 299, §4, is repealed.

Effective September 29, 1987.

CHAPTER 239

H.P. 1180 — L.D. 1609

AN ACT to Amend the Postgraduate Residency Requirements for Certain Physicians.

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

Whereas, Maine requires 2 years of postgraduate training for registration with the Board of Registration in Medicine; and

Whereas, most states only require one year of postgraduate training; and

Whereas, this requirement is currently preventing doctors from practicing medicine in this 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:

32 MRSA §3279, sub-§5, as repealed and replaced by PL 1983, c. 741, §8, is amended to read:

5. Contract students. Any applicant who is qualified