

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,
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Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

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(b) Minors are not permitted to consume any product with an alcohol content greater than 1/2 of 1%.

C. The holder of a brewery license may sell on the brewery premises during regular business hours a specialty package of malt liquor produced at the brewery, the volume of which is not to exceed one gallon, to be consumed off the premises.

D. The holder of a brewery license may sell the brewery's product to wholesalers.

E. The holder of a brewery license may be issued one license under chapter 43 for the sale of liquor to be consumed on the premises for a location other than the brewery.

(1) The retail license must be held exclusively by the holder of the brewery license.

(2) This retail license authorizes the sale of products of the brewery, other than the specialty package under paragraph C, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(3) Notwithstanding section 1361, the brewery licensee may sell products of the brewery directly to the retail licensee under this paragraph without selling to a wholesale licensee. The brewery licensee shall keep and maintain complete records on all sales to the retail licensee.

(4) All records of the brewery licensee shall be kept separate from the records of the retail licensee.

Effective September 29, 1987.

CHAPTER 249

H.P. 1214 — L.D. 1656

AN ACT Relating to Property Abandoned by Tenants.

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

Sec. 1. 14 MRSA §6013, 2nd ¶, as enacted by PL 1981, c. 428, §7, is repealed and the following enacted in its place:

The landlord shall place in storage in a safe, dry, secured location any property with a total value of less than \$100 which is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit. The landlord shall send written notice by first class mail with proof of mailing to the last known address of the tenant concerning the landlord's intent to dispose of the abandoned property. The notice must include an itemized list of the items and containers of items of property aban-

doned. If the tenant claims the property within 14 days after the notice is sent, the landlord shall continue to store the property for at least 10 days after the tenant's response to allow the tenant time to take possession of the property. If the property remains unclaimed after the 14th day after notice has been sent or after the 10th day after the tenant claims the property, the landlord may sell the property for a reasonable fair market price and apply all proceeds to rental arrearages, damages and costs of storage and sale. All remaining balances shall then be forwarded to the Treasurer of State.

Sec. 2. 33 MRSA §1313, sub-§1, as enacted by PL 1979, c. 327, §3, is amended to read:

1. Presumption of abandonment. All property held by a landlord that has been left on the premises after a tenant has terminated his tenancy or vacated the premises shall be presumed abandoned if it has not been claimed within 30 days of the termination, vacating or service of a writ of possession 14 days after written notice has been sent by first class mail with proof of mailing to the last known address of the tenant.

Effective September 29, 1987.

CHAPTER 250

H.P. 1217 — L.D. 1660

AN ACT to Provide School Approval for Nontraditional Limited Purpose Schools.

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

20-A MRSA §2907 is enacted to read:

§2907. Nontraditional limited purpose school approval

1. Requirements. A nonprofit institution, not otherwise approved under this subchapter, may operate as an approved nontraditional limited purpose school if it demonstrates a commitment to the educational process and to the State's youth by possessing the following:

A. An incorporated council, board of trustees, board of directors or other governing board composed of a cross section of the community served by the school;

B. An established educational plan;

C. A written curriculum with appropriate goals, objectives and instructional strategies;

D. Specific instructional time commensurate with the educational activities planned;

E. Facilities that comply with state health, safety and fire codes;

F. An instructional staff certified by the Department of Educational and Cultural Services where appropriate and endorsement by professional boards in areas where the State does not have certification standards or professional standards agreed upon by the department and the respective institution;

G. School health services that include a registered nurse in residence when students are in attendance or the appointment of a school or consulting physician;

H. Established written emergency and safety procedures, including periodic fire drills whenever appropriate;

I. The unique up-to-date equipment necessary to the services provided;

J. A demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students; and

K. Scholarship assistance to the State's youth.

The commissioner shall promulgate rules, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, which shall incorporate the requirements set forth in this subsection.

2. Approval. The commissioner shall base approval of a school under this section on the school's ability to meet the requirements set forth in subsection 1 and on an annual on-site review by the department.

3. Removal of basic approval. Notwithstanding any other provision of law, the commissioner may remove approval from any nontraditional limited purpose school for failure to meet applicable approval requirements.

4. Ineligible for state subsidy. A school eligible for approval under this section shall not be eligible for state subsidy.

5. Credit. High school credit for programs completed at a school approved under this section may be granted to students by the school in which they are enrolled full time.

6. Taxation. Notwithstanding any other provision of law, the commissioner's approval of an institution as a nontraditional, limited purpose school shall not alter that institution's current status for the purpose of state or local taxation.

Effective September 29, 1987.

CHAPTER 251

H.P. 511 — L.D. 684

AN ACT to Enhance the Activities of the Maine Highway Safety Committee.

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

Whereas, costs of the activities of the Maine Highway Safety Committee are absorbed by the Federal Government; and

Whereas, this legislation makes changes which will require immediate and necessary changes in office supplies in order for the committee to carry out its purposes; 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. 5 MRSA §12004, sub-§10, ¶A, sub-¶(80-A) is amended to read:

(80-A)	Transportation: Highway	Maine Safety Committee	Highway Expenses Only	25 MRSA §2902

Sec. 2. 25 MRSA §2901, as amended by PL 1981, c. 98, §3, is further amended to read:

§2901. Department; commissioner }

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State of Maine, to consist of the Commissioner of Public Safety, hereafter in this chapter called "commissioner," who shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government joint standing committee of the Legislature having jurisdiction over state and local government and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as heretofore created and established: The Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Maine Highway Safety Committee and the Vehicle Equipment Safety Commission.

Sec. 3. 25 MRSA §2902, sub-§4, as amended by PL 1983, c. 812, §153, is further amended to read:

4. Maine Highway Safety Commission. The Maine Highway Safety Committee Commission, as authorized by Title 5, section 12004, subsection 10, which shall be under the direction of the Commissioner of Public Safety and advisory to the Governor. The committee commission shall consist of not more than 25 members selected by the Governor from state, civic and industrial organizations and individuals with interests relating to highway safety. The Commissioner of Public Safety, the Commissioner of Transportation, the Commissioner of