

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

of the board in refusing to issue or renew a license or to waive application of a particular rule may appeal the board's decision to the department's hearings unit for a full adjudicatory hearing and for a final decision by the commissioner. The board's decision shall stand until such time as the commissioner issues a decision to uphold, modify or overrule the board's decision.

Any person or organization aggrieved by a final decision of the commissioner in refusing to issue or renew a license or to waive application of a particular rule may appeal the commissioner's decision to the Superior Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

Effective September 29, 1987.

CHAPTER 274

S.P. 81 — L.D. 167

AN ACT to Expedite the Processing of Environmental Permits.

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

Sec. 1. 38 MRSA §344, sub-§2, ¶E, as amended by PL 1985, c. 746, §9, is further amended to read:

E. Applications under section 483 for site location development permits for subdivisions and for structures at an existing industrial or commercial facility, approved pursuant to section 483 or 484, which do not increase the square footage of the total ground area of the facility by more than 50%;

Sec. 2. 38 MRSA §344, sub-§2, ¶H, as enacted by PL 1983, c. 453, §1, is amended to read:

H. Applications under section 590 pertaining to air emissions licenses for all petroleum storage facilities, for incinerators or boilers with capacities of less than ~~150,000,000~~ 250,000,000 British Thermal Units per hour, or which do not result in a net increase in emissions at any industrial or commercial facility, and for all general process sources;

Effective September 29, 1987.

CHAPTER 275

H.P. 662 — L.D. 895

AN ACT to Extend Maine's Bottle Bill.

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

Sec. 1. 32 MRSA §1862, sub-§1, as enacted by PL 1975, c. 739, §16, is amended to read:

1. Beverage. "Beverage" means beer, ale or other drink produced by fermenting malt, soda water or other nonalcoholic carbonated drink in liquid form and intended for human consumption. "Beverage" also includes wine coolers. "Wine cooler" means a beverage containing wine and more than 15% added natural or artificial blending material, such as fruit juices, flavors, flavorings or adjuncts; plain, carbonated or sparkling water; coloring; or preservatives, and which contains less than 7% of alcohol by volume.

Sec. 2. **Effective date.** This Act shall take effect July 1, 1988.

Effective July 1, 1988.

CHAPTER 276

S.P. 499 — L.D. 1516

AN ACT to Clarify the Laws Pertaining to Payment for Medical Services.

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

34-A MRSA §3031, sub-§2, as amended by PL 1985, c. 752, §3, is further amended to read:

2. Medical care. Adequate professional medical care, not including medical treatment requested by the prisoner committed offender which the correctional facility's treating physician deems unnecessary. The State may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the State on behalf of any prisoner committed offender incarcerated in a correctional facility. The following assets are not subject to judgment under this subsection:

A. Joint ownership, if any, that the offender may have in real property;

B. Joint ownership, if any, that the offender may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the offender's spouse or family;

Effective September 29, 1987.

CHAPTER 277

S.P. 521 — L.D. 1573

AN ACT to Amend the Maine Juvenile Code.

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

Sec. 1. 15 MRSA §3105, sub-§1, ¶A, as enacted by PL 1977, c. 664, §12, is amended to read:

A. A prosecution for an alleged juvenile crime, as defined by section 3103, subsection 1, ~~paragraphs~~ paragraph B, C, D or E or F, shall be commenced within one year after it is committed.

Sec. 2. 15 MRSA §3201, sub-§1, as amended by PL 1979, c. 681, §7, is further amended to read:

1. Warrantless arrests. Arrests without warrants of juveniles for juvenile crimes defined by section 3103, subsection 1, paragraphs A, D and E, and F by law enforcement officers or private persons shall be made pursuant to the provisions of Title 17-A, sections 15 and 16. For purposes of this section, a juvenile crime defined under section 3103, subsection 1, paragraph D, shall be deemed a Class D or Class E crime.

Effective September 29, 1987.

CHAPTER 278

H.P. 1173 — L.D. 1599

AN ACT to Exempt Liquid Asphalt from the Ground Water Oil Clean-up Fee.

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

38 MRSA §569, sub-§4, as enacted by PL 1985, c. 496, Pt. A, §14, is amended to read:

4. Funding. A fee of 3¢ per barrel of gasoline and 2¢ per barrel of refined petroleum products and their by-products other than gasoline and liquid asphalt, including #6 fuel oil, #2 fuel oil, kerosene, jet fuel and diesel fuel, shall be assessed on the transfer of those products by oil terminal facility licensees. These fees shall be paid monthly by the oil terminal facility ~~licensee~~ licensees on the basis of records certified to the department. All such transfer fees shall be credited to the Ground Water Oil Clean-up Fund upon receipt by the department.

Effective September 29, 1987.

CHAPTER 279

H.P. 1226 — L.D. 1675

AN ACT Relating to the Term of Air Emission Licenses.

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

38 MRSA §590-A is enacted to read:

§590-A. License terms

The term of air emission licenses is 5 years, except that the board may establish, by rule, shorter license terms for the following source categories as it deems necessary to protect the public health, safety and welfare:

1. Waste incinerators. Sources designed to burn solid waste for which a municipality is responsible pursuant to section 1305;

2. Innovative control. Sources utilizing new or innovative air pollution control technology; and

3. New sources. New sources that have not previously received an air emissions license from the department and those individual emission sources that have not previously been included in an air emissions license.

Effective September 29, 1987.

CHAPTER 280

H.P. 1228 — L.D. 1677

AN ACT Concerning the Reporting of Political Advertising Provided under the "Fairness Doctrine."

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

21-A MRSA §1051, as enacted by PL 1985, c. 161, §6, is amended by adding at the end a new paragraph to read:

This subchapter does not apply to any broadcast time concerning any referendum campaign, as defined in section 1, subsection 36, which is provided by a broadcaster in accordance with the requirements of the Federal Communications Act, United States Code, Title 47, Section 315, generally referred to as the "Fairness Doctrine."

Effective September 29, 1987.

CHAPTER 281

S.P. 563 — L.D. 1684

AN ACT to Revise Reporting Procedures Related to Criminal History Record Information.