

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

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Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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Twin City Printery
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1987

PUBLIC LAWS

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3-B. Member. "Member" means a bona fide member of a firm, corporation, association, organization, department, class or combination thereof, who has been duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing membership in the firm, corporation, association, organization, department, class or combination thereof.

Sec. 2. 17 MRSA §332, sub-§4, ¶B, as amended by PL 1981, c. 593, §2, is repealed and the following enacted in its place:

B. No other licensee may operate a game of chance on premises to which the general public has access. In any room where a licensed game of chance is being conducted, there shall be at least one member of the licensee present in that room for every 2 nonmembers who are present. That member shall have been a member of the licensee for at least one year. No member of the licensee, either directly or through another member or guest, may stake or risk something of value in the licensee's game of chance unless the member has been a member, as defined in section 330, subsection 3-B, of the licensee for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a licensed game of chance, to which the general public has access, once every 6 months for a period not to exceed 3 consecutive days. The licensed game of chance may be operated at any location described in the license and shall be conducted only by members of the licensee.

Effective September 29, 1987.

CHAPTER 315

S.P. 530 — L.D. 1582

AN ACT to Clarify the Powers of Arrest of a Probation and Parole Officer.

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

Sec. 1. 17-A MRSA §1205, sub-§1, as repealed and replaced by PL 1977, c. 510, §71, is amended to read:

1. If a probation officer has probable cause to believe that a person under his the supervision of the Division of Probation and Parole has violated a condition of his probation, he may arrest such person or he may deliver a summons to such person ordering him to appear for a court hearing on the alleged violation. If the probation officer cannot, with due diligence, locate the person in order to arrest him or serve a summons on him, he shall file a written notice of this fact with the court which placed the person on probation.

Sec. 2. 34-A MRSA §5404, sub-§2, as enacted by PL

1983, c. 459, §6, is amended to read:

2. Arrest. Arrest in the following circumstances:

A. Arrest and return probation and parole violators upon request of the chief administrative officer of a correctional facility; ~~and~~

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035; and

C. If the officer has probable cause to believe that a person under the supervision of the Division of Probation and Parole has violated a condition of his probation or parole, he may arrest that person.

Effective September 29, 1987.

CHAPTER 316

S.P. 580 — L.D. 1723

AN ACT to Amend the Laws Relating to Community Living Arrangements.

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

Sec. 1. 30 MRSA §4962-A, sub-§1, as enacted by PL 1981, c. 640, is repealed and the following enacted in its place:

1. Legislative intent. It is the intent of the Legislature that persons seeking to establish a community living facility in a single-family residential zone shall not be prohibited on the basis of the disability served. It is also the intent of the Legislature that community living facilities for mentally handicapped and developmentally disabled persons shall not be prohibited from single-family residential zones in a municipality. Municipal ordinances or actions which have the effect of preventing or prohibiting these community living facilities from single-family residential zones, particularly by establishing criteria for single-family residential zones in excess of the criteria in subsections 3 and 4, are a violation of legislative intent.

Sec. 2. 30 MRSA §4962-A, sub-§1-A is enacted to read:

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

A. "Board of appeals" means the board of appeals or any other board established by a municipality with the authority to hear appeals related to enforcement of the zoning ordinances.

B. "Community living facility" means a housing facility for 8 or fewer mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A community living facility may include a group home, foster home or intermediate care facility.

C. "Single-family residential zone" means a residential zone designated by a municipality for single-family housing, except as provided in this section. If there are no residential zones designated or considered by a municipality as single-family residential zones, all residential zones in the municipality in which community living facilities are not a permitted use shall be deemed single-family residential zones.

Sec. 3. 30 MRSA §4962-A, sub-§2, as enacted by PL 1981, c. 640, is repealed and the following enacted in its place:

2. Permitted or conditional community living use; definition. In order to implement the policy of this State that mentally handicapped or developmentally disabled persons shall not be excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a community living facility shall be considered a permitted or conditional single-family residential use of property for the purposes of zoning.

Sec. 4. 30 MRSA §4962-A, sub-§3, as enacted by PL 1981, c. 640, is amended to read:

3. Hearing. A municipality shall, within 30 60 days of action by the office charged with the enforcement of the zoning ordinance on an application to establish a community living use within a single-family residential zone, hold a public hearing, unless a community living use is a permitted use within the single-family residential zone. The failure to hold the public hearing required by this subsection within the 30 60 days, unless that time period is extended by mutual agreement of the parties, shall constitute approval of the application.

A. The public hearing shall be conducted by the body authorized by the municipality to act as a zoning board of appeals, and interested parties shall be notified. The notice period and procedure for zoning appeals, as established by the municipality, shall meet the notice requirements of this section.

B. The board of appeals shall receive public comment on the proposed community living use facility. The board may modify or disapprove the application only upon a finding of one or more of the following:

- (1) That the proposed use would create or aggravate a traffic hazard;
- (2) That the proposed use would hamper pedestrian circulation;
- (3) That the proposed use would not permit con-

venient access to commercial shopping facilities, medical facilities, public transportation, fire protection or police protection;

(4) That the proposed use would not be in conformance with applicable building, housing, plumbing and other safety codes, including municipal minimum lot size and building set-back requirements for new construction; or

(5) That the proposed use would not be in conformance with the density requirements of subsection 4.

Sec. 5. 30 MRSA §4962-A, sub-§7 is enacted to read:

7. Repeal of designation. If a municipality repeals the designation of single-family residential zones, community living facilities located in the other residential zones prior to the effective date of this subsection shall not be required to meet the criteria of subsections 3 and 4.

Effective September 29, 1987.

CHAPTER 317

S.P. 581 — L.D. 1724

AN ACT to Revise and Update Certain Fish and Wildlife Laws.

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

Sec. 1. 12 MRSA §7001, sub-§7-A is enacted to read:

7-A. Exotic. "Exotic" means of foreign nature or character, not native, introduced from abroad, but not fully naturalized or acclimatized.

Sec. 2. 12 MRSA §7060, as enacted by PL 1979, c. 420, §1, is amended to read:

§7060. Failure to stop for a law enforcement officer

A person is guilty of failure to stop for a law enforcement officer if he:

1. Motor vehicle or conveyance. Fails or refuses to stop a motor vehicle or other conveyance immediately upon request or signal of any officer in uniform whose duty it is to enforce chapters 701 to 721;

2. Watercraft. Fails to stop or move his watercraft upon being ordered or directed to do so by any law enforcement officer in uniform whose duty it is to enforce chapter 715, subchapter I; or

3. Snowmobile. Fails or refuses to stop any snowmobile on request or signal of any law enforcement officer in uniform whose duty it is to enforce chapter 715, subchapter II; or