

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

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Mental Health Institute, with the approval of the Commissioner of Public Safety.

Sec. 3. 25 MRSA §2906, first ¶, as enacted by PL 1977, c. 138, §3, is amended to read:

The Commissioner of Public Safety is authorized and empowered to make and enforce rules, subject to the approval of the Governor, governing the use of public ways and parking areas maintained by the State ~~at the seat of government at the capitol area or other state controlled locations in Augusta.~~ Said These rules and ~~regulations~~ shall become effective upon deposit of a copy thereof with the Secretary of State, who shall forward a copy thereof attested under the Great Seal of the State to the District Court for Southern Kennebec.

Sec. 4. 25 MRSA §2908, first ¶, as amended by PL 1985, c. 785, Pt. B, §114, is further amended to read:

The Commissioner of Public Safety is authorized and empowered to appoint and employ, subject to the Civil Service Law, security officers who shall have the powers of arrest of a sheriff in the Capitol Area, parks, grounds, buildings and appurtenances owned or leased by the State ~~at the seat of government capitol area of other state controlled locations in Augusta.~~

Sec. 5. 25 MRSA §2910, as enacted by PL 1977, c. 138, §3, is repealed and the following enacted in its place:

Any person found guilty of violating any rule made pursuant to sections 2904 to 2907 shall, upon conviction, pay a fine of not less than \$10 for each offense.

Effective September 29, 1987.

CHAPTER 417

H.P. 1355 — L.D. 1854

AN ACT to Clarify the Authority of Municipalities to Construct Sewer Systems or Sewage Disposal Systems.

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

30 MRSA §4352, first ¶ is amended to read:

The municipal officers of a town or a committee duly chosen by the town may, at the expense of the town, construct public drains or sewers, sewer systems or sewage disposal systems along or across any public way therein and through or upon any lands of persons or corporations when they deem it necessary for public convenience or health. Neither the municipal officers of the town nor such committee shall construct any public sewer, sewer system or sewage disposal system therein until the same shall be authorized by vote of said town and an appropriation made for the purpose, and when con-

structed, such sewers, sewer systems or sewage disposal systems shall be under the control of the municipal officers.

Effective September 29, 1987.

CHAPTER 418

H.P. 1365 — L.D. 1869

AN ACT to Temporarily Allow the Sale of Liquor on Sunday in Restaurants in Certain Municipalities.

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

Whereas, many liquor licensees have been selling liquor on Sunday in municipalities which have never voted on local option questions concerning sale of liquor on Sundays; and

Whereas, municipalities have permitted these liquor sales; and

Whereas, neither the licensees, the municipalities nor anyone else was aware that such sales were not legal; and

Whereas, many of these businesses rely greatly on the summer tourist season for their existence and these same businesses have for years innocently sold liquor on Sunday; and

Whereas, to prohibit these businesses from engaging in the sale of liquor, which they have in good faith engaged in for years, will seriously damage their viability this summer; 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:

28 MRSA §104 is enacted to read:

§104. Interim sale of liquor on Sunday

1. Application. This section applies only to a licensee which:

A. Is located in a municipality which has not voted against the sale of liquor to be consumed on the premises on Sunday since 1970;

B. Has sold liquor on Sunday for at least 2 years as of June 1, 1987; and

C. Has not been convicted as of June 1, 1987, of the illegal sale of liquor on Sunday in violation of local option provisions in that municipality.

2. Interim sales on Sunday. Notwithstanding any other law, a licensee may continue to sell liquor to be consumed on the premises on Sunday until August 15, 1987, after the following requirements have been met:

A. The municipal officers vote affirmatively to allow the continued sale of liquor on Sunday in that municipality until August 15, 1987; and

B. The municipal clerk files with the bureau a copy of the record of the vote of the municipal officers taken under paragraph A.

3. Repeal. This section is repealed on August 16, 1987.

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

Effective June 24, 1987.

CHAPTER 419

S.P. 641 — L.D. 1868

AN ACT to Amend the Laws Administered by the Department of Environmental Protection.

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

Whereas, certain changes in the environmental laws of the State are required for effective administration and enforcement for protection of public welfare and the environment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the 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. 4 MRSA §152, sub-§7 is enacted to read:

7. Air quality laws. Original jurisdiction, concurrent with that of the Superior Court, to grant equitable relief in proceedings involving alleged violations of local or state air quality ordinances, regulations or laws, which shall include, but not be limited to, the following:

A. Laws pertaining to registration and licensing, Title 38, sections 589 and 590;

B. Municipal air pollution control laws adopted pursuant to Title 38, section 597; and

C. Laws pertaining to air quality standards, emission standards and visible emissions adopted pursuant to Title 38, sections 584-A, 585, 585-A, 598, 600, 601, 602, 603-A, 604 and 611.

Sec. 2. 5 MRSA §938, sub-§1, ¶C, as enacted by PL 1985, c. 746, §3, is repealed and the following enacted in its place:

C. Director, Bureau of Administration;

Sec. 3. 38 MRSA §342, sub-§5-A, ¶B, as enacted by PL 1985, c. 746, §6, is repealed.

Sec. 4. 38 MRSA §352, sub-§2, ¶A, as enacted by PL 1983, c. 574, §1, is amended to read:

A. Filing fees. Processing fees shall be assessed for direct costs incurred in determining the acceptability of an application for processing and in processing an application to determine whether it meets statutory and regulatory criteria.

Sec. 5. 38 MRSA §352, sub-§2, ¶B, as enacted by PL 1983, c. 574, §1, is repealed.

Sec. 6. 38 MRSA §352, sub-§3, as enacted by PL 1983, c. 574, §1, is repealed and the following enacted in its place:

3. Maximum fee. Except as provided in this subsection, no fee may exceed the maximum established in Table 1. If the commissioner determines that a particular application, by virtue of its size, uniqueness, complexity or other relevant factors, is likely to require significantly more costs than those listed on Table 1, he may designate that application as subject to special fees. A special fee shall not exceed \$40,000. Such a designation must be made at, or prior to, the time the application is accepted as complete and may not be based solely on the likelihood of extensive public controversy. All department staff who have worked on the review of the application will submit quarterly reports to the commissioner detailing the time spent on the application and all expenses attributable to the application. The processing fee for that application shall be the actual cost to the department. The application shall be billed quarterly and all fees must be paid prior to receipt of the permit.

Sec. 7. 38 MRSA §352, sub-§4, as repealed and replaced by PL 1985, c. 746, §14, is repealed and the following enacted in its place:

4. Accounting system. In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions shall keep accurate and regular daily time records