

# 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.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
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dent cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor shall be computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 7.5% 10% of a school's legal tuition rate per student in any one year beginning with the 1988-89 school year.

For the 1988-89 school year only the state share of the increase in the insured value factor shall be paid in the year of allocation.

Effective September 29, 1987.

## CHAPTER 464

S.P. 439 — L.D. 1334

### AN ACT to Improve Fire Prevention Activity of Railroads.

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

Sec. 1. 12 MRSA §9405, sub-§§1 to 6 are enacted to read:

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

A. "Clear" means to cut and burn or to remove from the right-of-way.

B. "Inflammable materials" include grass, weeds, brush, logs, waste railroad ties, refuse material, debris and all materials which burn easily.

C. "Right-of-way" means a distance not less than 25 feet away from the track measured horizontally from each outer rail or the entire width of a railroad company's ownership, whichever is less.

2. Right-of-way clearance plan. Every railroad company, prior to October 1st of each year, shall submit a plan to clear its right-of-way of inflammable materials to the Bureau of Forestry, subject to approval by the director, setting forth the company's plans for clearance of its right-of-way during the following calendar year. That plan shall set forth action to be taken by the company to clear its right-of-way. The plan shall include the following:

A. A description of action to be taken;

B. A timetable of operations;

C. The location of operations, identified by mile-post number where available; and

D. Such other information as the director, by rule, shall require.

3. Action by the director. In addition to any other action authorized by law, the director shall:

A. Receive and review right-of-way clearance plans as submitted pursuant to this section. He has the authority to make alterations or amendments to any plan prior to approval and to request a refile of the plan. If the plan contains the information required by this section and the director determines that execution of the plan will sufficiently control the hazard of fire on the railroad right-of-way, the director shall notify the company by December 31st of the calendar year that its plan has been approved.

If it is determined by the director that the execution of the plan will not sufficiently control the fire hazard on the railroad right-of-way, he shall notify the railroad within 21 days of receiving the plan. The railroad will in turn have 21 days to submit a revised plan. A final approved plan shall be adopted by December 31st of each calendar year. The director, if determined necessary, may extend the deadline for filing of an approved plan;

B. Inspect annually or more frequently the company's right-of-way;

C. Monitor plan compliance; and

D. Suspend the execution of any plan and order the refile of an amended plan within 14 days of any determination that conditions giving rise to a fire hazard have so changed, or that new information has been made available, since the date of plan approval as to require a plan amendment.

4. Compliance. The railroad shall comply with all of the terms of the approved plan. If failure to comply with the plan is the result of circumstances beyond the control of the railroad, those circumstances shall constitute an affirmative defense to any action for violation of this subsection.

5. Filing fee. The owner of the right-of-way shall be assessed an annual filing fee of \$2 per mile of right-of-way within this State which is payable upon submission of the plan. Refiled or amended plans shall be exempt from any such fee. All revenues derived from filing fees shall be deposited in a special revenue account in the Bureau of Forestry, to be used to carry out the purposes of this chapter. This account shall be allocated by the Legislature.

6. Rules. The director shall have general supervision over compliance with this section. Subject to any applicable requirement of the Maine Administrative Procedure Act, Title 5, chapter 375, the director shall make rules, prescribe forms and make suitable orders as to procedures adopted to assure compliance with this

section.

Sec. 2. 12 MRSA §9703, as enacted by PL 1979, c. 545, §3, is amended to read:

§9703. Partial payment of costs of suppressing forest fires

Any person who intentionally or negligently causes a fire which burns forest, brush, grass or other lands or intentionally fails to take reasonable action to control a fire on his own land shall be liable civilly up to a maximum of \$2,000 of the suppression costs to the State or municipality which aids in suppressing the same. Compliance with an approved plan pursuant to section 9405 does not relieve a railroad company of liability under this section.

Effective September 29, 1987.

## CHAPTER 465

S.P. 502 — L.D. 1519

### AN ACT to Amend the Laws Relating to the Maine State Museum.

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

Sec. 1. 27 MRSA §85, as amended by PL 1985, c. 785, Pt. B, §124, is repealed.

Sec. 2. 27 MRSA §85-A is enacted to read:

§85-A. Powers and duties of Museum Director

The Museum Director shall have the powers and duties established under the following provisions governing the administration and operation of the Maine State Museum activities:

1. Duties prescribed. To perform the duties which are prescribed for him by the commission;

2. Administration. To administer the office of Museum Director. In exercising his administration, the Museum Director shall promulgate operating policies, establish organizational and operational procedures and exercise supervision of museum activities. He shall employ, subject to the Civil Service Law and the approval of the Commissioner of Educational and Cultural Services, such assistants as may be necessary to carry out the purposes of this chapter. The Museum Director shall adopt a seal for use in the official business of the museum;

3. Rules. To promulgate such rules as necessary to effectuate the purposes of this chapter. No unreasonable restrictions or limitations shall be imposed on the use of museum records or objects that are defined by law as records or objects open to public inspection. With the

exception of matters concerning collections security and preservation, decisions made by the director concerning access, use and reproduction of museum collections may be appealed to the commission within 30 days for final determination by the commission;

4. Acceptance of gifts and bequests. To accept gifts, bequests and endowments for purposes consistent with the purposes of this chapter. Any funds, if given as an endowment or trust, shall be invested by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made;

5. Biennial report. To report biennially to the Governor and Legislature facts and recommendations relating to the work and needs of his office.

6. General. To carry out the policies and directives of the Maine State Museum Commission;

7. Collection. To institute and maintain a program of systematic collection in the several fields of museum activity with particular emphasis on those fields relating to this State;

8. Preservation and restoration. To preserve, identify, catalogue, document and safeguard the collections of the museum;

9. Research and publications. To carry on research to increase knowledge in the several fields of museum activity and to provide interpretive and information services, including the dissemination and recording of information gathered through research. Protection through copyright law may be obtained;

10. Information. To provide reference services to individuals and local historical, natural history, scientific and other groups and societies interested in museum activities;

11. Exhibitions. To exhibit the collections of the museum, including permanent and temporary exhibits, and to provide a loan service for films, artifacts, specimens and other exhibits of the museum to such persons, groups and schools and under such terms and conditions as determined by the director;

12. Services. To provide ancillary museum services such as operation of a museum library, consultation concerning museum activities, sale of publications, provision of speakers, participation in special events and any other activities which will promote the effectiveness of the museum.

13. Educational stipends. To provide educational field school opportunities in concert with archaeological and conservation projects by providing educational stipends from funds secured from nongeneral fund sources.