

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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

Sec. 1. 30 MRSA §3223-B, sub-§1, as enacted by PL 1987, c. 381, is amended to read:

1. Inspection. The disposal system has been inspected within the preceding 180 days by a person licensed pursuant to Title 22, section 42, and ~~not found to be malfunctioning~~ who shall report his findings and provide any documentation as required by rules adopted by the Department of Human Services; and

Sec. 2. 30 MRSA §3223-B, as enacted by PL 1987, c. 381, is amended by adding at the end a new paragraph to read:

The Department of Human Services shall adopt rules for the implementation of this section on or before June 1, 1988. The rules shall govern the scope of the inspection necessary for compliance, the findings necessary and the content and distribution of the documentation required. At a minimum, the rules shall provide for inspections sufficient to determine whether or not the system is in compliance with the Maine State Plumbing Code. The department shall send copies of the proposed rules to all persons licensed pursuant to Title 22, section 42. The department shall report on its progress in implementing this section together with draft rules and any necessary legislative recommendations to the joint standing committee of the Legislature having jurisdiction over energy and natural resources on or before March 1, 1988. The requirements of this section for transfers of property in the shoreland area apply to transfers on or after June 1, 1988.

Sec. 3. Transition. This Act shall apply to all transfers of title to property which occurred on or after September 29, 1987.

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

Effective October 19, 1987.

CHAPTER 554

H.P. 1395 — L.D. 1894

AN ACT to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989.

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

Whereas, the Judicial Department needs certain employees for the proper operation of the courts whose employment with the department will be terminated unless permanent positions are authorized and funded; 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. PL 1985, c. 813, §2, sub-§1, 6th sentence is repealed and the following enacted in its place:

All members of the Task Force shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at task force meetings and shall also receive reimbursement for expenses upon application to the Executive Director of the Legislative Council.

Sec. 2. PL 1987, c. 349, Pt. H, §38, sub-§5 is amended to read:

5. **Report.** The commission shall report its findings and recommendations, including any implementing legislation, to the Second Regular Session of the ~~113th~~ 114th Legislature by February 15, ~~1988~~ 1990.

Sec. 3. PL 1987, c. 349, Pt. H, §38, sub-§6, next to last paragraph is amended to read:

The departments shall utilize the General Fund support as matching funds for any available federal funds on a 25% state, 75% federal cost share basis. The contractor shall report at least monthly to the commission and shall be required to submit a ~~final~~ interim report to the commission by December 1, ~~1987~~ 1988, and a final report no later than December 1, 1990.

Sec. 4 Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>FINANCE, DEPARTMENT OF</u>		
Employer Stipend Fund		
Personal Services	\$(100,000)	
Deappropriates funds no longer needed		
<u>JUDICIAL DEPARTMENT</u>		
Courts — Supreme, Superior, District and Administrative		
Positions	(17)	(17)
Personal Services	\$273,689	\$284,637
Provides fund to establish 17 permanent positions originally hired on a temporary basis. It is the intent of the Legislature that the Judicial Department shall not establish any temporary employee positions prior to receiving legislative approval for those positions.		
TOTAL	<u>\$173,689</u>	<u>\$284,637</u>

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

Effective October 19, 1987.

CHAPTER 555

H.P. 1388 — L.D. 1887

AN ACT to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products.

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

Whereas, legislation is urgently needed to restore the State's authority to take action in response to another jurisdiction's attempt to impose unusual conditions upon the State's truckers; and

Whereas, this legislation restores that needed authority removed by technical error at a prior legislative session; 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:

29 MRSA §2709, sub-§1-A, as enacted by PL 1985, c. 812, Pt. C, §8, is amended to read:

1-A. Exemptions. There is exempt from this chapter the operation over the highways of motor vehicles transporting freight and merchandise for hire, except that sections 2707 and 2711 shall apply to all motor carriers whether private or for-hire:

A. While engaged exclusively in the transportation of which the person, firm or corporation is the actual and bona fide owner, if the ownership is in pursuance of a primary business, other than the transportation business, of the person, firm or corporation;

B. While being used within the limits of a single city or town in which the vehicle is registered by the Secretary of State or in which the owner maintains a regular and established place of business, or within 15 miles, by highway in this State, of the point in that single city or town where the property is received or delivered, but no person, firm or corporation may operate, or cause to be operated, any motor vehicle for the transportation of property for hire beyond those limits without a permit as required by this chapter; nor may any such person, firm or corporation participate in the transportation of property originating or terminating

beyond the limits without holding such a permit unless the property is delivered to or received from a carrier over the highways operating under a permit issued by the bureau or railway, railway express or water common carrier, but nothing in this section may prevent a carrier from delivering and picking up with his exempt motor vehicle, in a city or town where he has a terminal, freight and merchandise transported or to be transported over territory for which a permit is required; nothing in this paragraph permits the transportation of freight or merchandise for hire, by motor vehicle, under any circumstances by any person, firm or corporation beyond the 15-mile limit as prescribed unless the person, firm or corporation holds a permit from the bureau;

C. While engaged directly or through a contractor, exclusively in construction or maintenance work for any branch of the Federal Government, or for any department of the State, or for any county, city, town or village;

D. While engaged exclusively in the transportation of the United States mail;

E. While engaged exclusively in the transportation of fresh fruits and fresh vegetables from farms to processing plants or quick freezing plants, places of storage or places of shipment, or the products of vining and cutting plants to processing plants or quick freezing plants during the harvesting season to points within 100 miles thereof, by highway;

F. While engaged exclusively in the hauling of wood, pulpwood, logs, sawed lumber, wood chips, bark, hogged fuel or sawdust from the woodlot or forest area where cut, sawed or chipped to points within 100 miles thereof, by highway, or while hauling, within the distance, horses, crew, equipment and supplies to or from that woodlot or forest area;

G. While engaged exclusively in the transportation of livestock for exhibition purposes, including race horses, to and from agricultural fairs, race tracks and other exhibits;

H. While engaged exclusively in the hauling of milk and cream to receiving stations from points within a distance of 100 miles by highway from them;

I. Of any bona fide agricultural cooperative association transporting property exclusively for the members of that association on a nonprofit basis, or of any independent contractor transporting property exclusively for the association;

J. Of any independent contractor while engaged exclusively in the transportation of seed, feed, fertilizer and livestock for one or more owners or operators of farms directly from the place of purchase of the seed, feed, fertilizer and livestock by the owners or operators of the farms to the farms, or in the transporta-