

# 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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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A. Regulating the design, construction materials and construction of new buildings and additions to and alterations of existing buildings; regulating the alteration, demolition, maintenance, repair, use, change of use, safety features, light, ventilation and sanitation facilities of all buildings; regulating the installation, alteration, maintenance, repair and use of all equipment in or connected to all buildings; and requiring permits and establishing reasonable permit fees for all of the operations mentioned in this paragraph; and

B. Establishing adequate standards for all features of means of egress, fire protection, fire prevention, accident prevention and structural safety of buildings which are used occasionally or regularly for public assembly; compelling the owners to make improvements to bring such buildings up to the established standards; requiring the owner or lessee of a building used for public assembly which is regulated by an ordinance authorized by this section and operated with the intent of financial gain to obtain a permit for which a fee may be imposed commensurate with its size or capacity; and requiring the owner or lessee of such a building to file a plan of it showing all safety features as a condition precedent to the issue of a permit or the further use of one already issued.

(1) The building inspector shall send a written order to the owner or lessee of a building used for public assembly requiring any conditions which exist in violation of an ordinance to be corrected within 30 days after the order is sent.

(2) After the expiration of the 30-day period, the owner or lessee is liable for all injury caused by his failure to do so, and the building inspector shall order the building vacated.

(3) "Building used for public assembly" means a room or space in or on any structure which is used for the gathering of 100 or more persons for any purpose, and includes any room or space on the same level, above or below, which has a common entrance; and

Sec. 3. 30 MRSA §5622, sub-§1, ¶C is enacted to read:

C. Requiring persons, firms, corporations or any other organizations other than a dealer licensed by the State with a sales tax certificate issued by the State Tax Assessor which intend to construct or site new manufactured housing, as defined in section 4965, subsection 1, in the plantation without a valid bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the firm, corporation or person who sold or provided the manufactured housing to the buyer siting this housing in the plantation. Any person without such valid bill of sale must produce certification of payment of the sales tax in accordance with Title 36, section 1760, subsection 40, and section 1952-B.

In any plantation for which a permit for manufactured housing is required, the permit shall not be deemed approved or valid until payment of the sales tax has been certified with the assessors or the Maine Land Use Regulation Commission.

Sec. 4. 36 MRSA §1952-B is enacted to read:

§1952-B. Manufactured housing

The tax imposed by chapters 211 to 225 on the sale or use of any type of manufactured housing, as defined in Title 30, section 4965, subsection 1, shall, except where the dealer has collected the tax in full, be paid by the purchaser to the State Tax Assessor. The State Tax Assessor shall provide a tax receipt to the purchaser which, upon request by the municipal officials, assessors of a plantation or the Maine Land Use Regulation Commission, shall be made available by the purchaser to certify that the tax imposed by chapters 211 to 225 has been paid, pursuant to Title 30, section 4965, subsection 3 or Title 30, section 5622, subsection 1, paragraph C.

A valid bill of sale from a dealer showing that the tax has been collected in full shall serve to certify that the tax imposed by chapters 211 to 225 has been paid, pursuant to Title 30, section 4965, subsection 3, or Title 30, section 5622, subsection 1, paragraph C, in lieu of a tax receipt provided by the State Tax Assessor.

Effective August 4, 1988.

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## CHAPTER 648

H.P. 1760 — L.D. 2409

### AN ACT to Waive Filing Fees for the State in Asset Forfeiture Proceedings.

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

Whereas, the laws pertaining to asset forfeiture in criminal drug cases serve as a deterrent to drug trafficking; and

Whereas, the asset forfeiture provisions also provide a financial benefit to the State and its political subdivisions by requiring that all money instruments, conveyances, real property and other property used in drug trafficking be subject to forfeiture by the State; and

Whereas, the Maine Rules of Civil Procedure, Rule 54A, requires a \$100 filing fee for any civil action brought in the Superior Court; and

Whereas, neither the Department of the Attorney General nor the district attorneys' offices have specific funds allocated in their budgets for the filing of asset forfeiture petitions in the Superior Court; and

Whereas, it is in the best interests of the State to waive these filing fees; 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:

15 MRSA §5822, sub-§1, ¶C is enacted to read:

C. A petition for forfeiture filed pursuant to this section by the Attorney General or a district attorney shall be accepted by any court having jurisdiction without assessment or payment of civil entry or filing fees otherwise provided for by rules of court.

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

Effective March 30, 1988.

## CHAPTER 649

S.P. 959 — L.D. 2544

### AN ACT to Change the Definition of Wine Coolers.

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

Whereas, Public Law 1987, chapter 275, extended Maine's bottle bill to include wine coolers but not other wine products; and

Whereas, under that legislation, wine products which are not wine coolers were inadvertently included in the definition; and

Whereas, that provision is to take effect April 1, 1988, pursuant to Public Law 1987, chapter 543, this legislation is immediately necessary to clarify the definition; 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.** 32 MRSA §1862, sub-§1, as amended by PL 1987, c. 275, §1, and c. 543, is further 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.

A. "Wine cooler" means a beverage of less than 8% alcohol content by volume consisting of wine and:

(1) Plain, sparkling or carbonated water; and

(2) Any one or more of the following:

(a) Fruit juices;

(b) Fruit adjuncts;

(c) Artificial or natural flavors or flavorings;

(d) Preservatives;

(e) Coloring; or

(f) Any other natural or artificial blending material.

**Sec. 2. Report.** The Bureau of Public Services shall submit a report and any necessary implementing legislation, to the Joint Standing Committee on Business Legislation of the First Regular Session of the 114th Legislature on January 15, 1989, concerning the effectiveness of the definition of "wine cooler" contained in section 1 of this Act and its implementation.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect April 1, 1988.

Effective April 1, 1988.

## CHAPTER 650

H.P. 1842 — L.D. 2522

### AN ACT to Promote Harmony between Agriculture and Adjacent Development and to Protect the Public Health, Safety and General Welfare.

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

Whereas, with the rapid pace of land development in the State, it is desirable to take action as soon as possible to minimize the incompatibility between agricultural uses and the development of adjacent areas;