

# 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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unparalleled natural and recreational values, out of a total of 32,000 miles of rivers and streams in the State; and

Whereas, the Legislature recognized in 1983 that construction of new dams and reconstruction of existing dams on these particular outstanding river stretches could jeopardize their unparalleled natural and recreational values. Therefore, the Legislature prohibited the construction of new dams without specific Legislative approval and permitted the redevelopment of existing dams only if the significant resource values of these river segments would not be diminished; and

Whereas, since the passage of the Maine Rivers Act it has become clear to the Legislature that hydropower water diversion projects at or near these outstanding river stretches are technically possible as an alternative to the construction of new dams on or near the river segments; and

Whereas, the hydropower water diversions jeopardize the unparalleled natural and recreational values of the State's outstanding river segments in the same way as do new dams, by changing the water flow regime and otherwise altering the natural river ecosystem; and

Whereas, in passing the Maine Rivers Act it was always the Legislature's intent to fully protect these river segments from the harmful environmental effects of the projects, whether they arise from dams or hydropower water diversions; 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.** 12 MRSA §403, first and 2nd ¶¶, as enacted by PL 1983, c. 458, §1, are amended to read:

The Legislature declares that certain rivers, because of their unparalleled natural and recreational values, provide irreplaceable social and economic benefits to the people in their existing state. It is the Legislature's intent that no new dams be constructed on these river and stream segments without the specific authorization of the Legislature, that no new water diversion, which would constitute a hydropower project pursuant to Title 38, section 632, and which would bypass all or part of the natural course of these river and stream segments, be constructed without the specific authorization of the Legislature and that additional development or redevelopment of dams existing on these segments, as of the date of the enactment of this section September 23, 1983, shall be designed and executed in a manner that either enhances or does not diminish the significant resource values of these river segments identified by the 1982 Maine Rivers Study. No license or permit under Title 38, sections 630

to 636 may be issued for construction of new dams on the river and stream segments subject to this special protection without the specific authorization of the Legislature, for the construction of any water diversion project which would constitute a hydropower project pursuant to Title 38, section 632, and which would bypass all or part of the natural course of river and stream segments subject to this special protection without the specific authorization of the Legislature or for additional development or redevelopment of existing dams on the river and stream segments subject to this special protection where the additional development or redevelopment diminishes the significant resource values of these river and stream segments.

Further, the Legislature finds that projects inconsistent with this policy on new dams and diversion projects, which constitute hydropower projects pursuant to Title 38, section 632, and redevelopment of existing dams will alter the physical and chemical characteristics and designated uses of the waters of these river and stream segments. It finds that these impacts are unacceptable and constitute violations of the state's State's water quality standards. The Legislature directs that no project which fails to meet the requirements of this section may be certified under the United States Clean Water Act, Section 401.

**Sec. 2.** 12 MRSA §403-A is enacted to read:

**§403-A. Definitions**

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

1. Existing dam. "Existing dam" means any man-made barrier across a river segment identified in this chapter which impounds water and has not deteriorated or been breached or modified to the point where it no longer impounds water at 50% or more of its design level at normal flows.

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

Effective April 14, 1988.

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## CHAPTER 718

H.P. 1717 — L.D. 2356

**AN ACT to Require Service Stations to Post the Price of Fuel Sold.**

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

**10 MRSA §1661-A is enacted to read:**

§1661-A. Requirement for gasoline stations to post prices of fuels sold

A retail seller of fuel to be used by vehicles on public highways shall post the price on each pump of the fuel available at that pump by a sign no less than 64 square inches and in a manner that is clearly visible to a driver approaching the pump. On multi-grade pumps, the posted price shall be for the lowest priced unleaded regular gasoline. The sign should indicate the difference in price for full-service, mini-service and self-service if more than one grade of service is available at that pump.

Effective August 4, 1988.

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## CHAPTER 719

S.P. 895 — L.D. 2324

### AN ACT Establishing a Medicare Assignment Program.

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

32 MRSA §3297, as enacted by PL 1983, c. 325, is amended by adding at the end a new paragraph to read:

The Board of Registration in Medicine, the Board of Osteopathic Examination and Registration, the Board of Examiners of Podiatrists and the Board of Chiropractic Examination and Registration shall enforce the provisions of this section and shall inform each licensee of their obligation under this law. Each board shall have the authority to discipline a licensee under its jurisdiction for failing to comply with this section and shall have the authority to impose a monetary penalty of not less than \$100 and not more than \$1,000 for each violation.

Effective August 4, 1988.

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## CHAPTER 720

H.P. 1486 — L.D. 2020

### AN ACT to Amend the Maine Juvenile Code to Expand Notice Provisions.

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

Sec. 1. 15 MRSA §3304, sub-§5, as amended by PL 1977, c. 664, §24, is further amended to read:

5. Service of summons on parents of juvenile. If the person or persons to whom a summons is served are not the parents or guardian of the juvenile, the summons shall also be issued to the parents or guardian or both notifying them of the pendency of the cause and of the time and place set for hearing. The court may waive this requirement if it finds that the service of the summons is not possible and explains this finding in writing, except as required by section 3314, subsection 1, paragraph C-1 or C-2.

Sec. 2. 15 MRSA §3304, sub-§6-A, as amended by PL 1985, c. 439, §13, is further amended to read:

6-A. Effect of nonappearance of parent or custodian. The failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, shall not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as provided required in section 3314, subsection 1, paragraphs ~~D~~ and ~~E~~ C-1 and C-2.

Sec. 3. 15 MRSA §3305, 2nd ¶, as enacted by PL 1977, c. 520, §1, is amended to read:

Upon the acceptance of such an answer, a dispositional hearing shall be set at the earliest practicable time that will allow for the completion of a predisposition study conducted pursuant to section 3311 and for service of notice as required by section 3314, subsection 1, paragraph C-1 or C-2.

Sec. 4. 15 MRSA §3312, sub-§3, as amended by PL 1979, c. 373, §5, is repealed and the following enacted in its place:

3. Continuation of dispositional hearing. A dispositional hearing may be continued in the following circumstances.

A. The court may continue the dispositional hearing, either on its own motion or on the motion of any interested party:

(1) For a period not to exceed one month to receive reports or other evidence;

(2) For a period not to exceed 2 months to allow for service of notice as required in section 3314, subsection 1, paragraph C-1 or C-2; or

(3) For a period not to exceed 12 months in order to place the juvenile in a supervised work or service program or a restitution program, or for such other purpose as the court in its discretion determines appropriate. If a supervised work or service program or restitution program has been ordered, the court shall on final disposition consider whether or not there has been compliance with the program so ordered.

B. If the hearing is continued, the court shall make an appropriate order for detention of the juvenile or for the juvenile's release in the custody of the juvenile's parents, guardian, legal custodian or other responsible person or agency under such conditions of supervision as the court may impose during the continuance. The court may order a juvenile into the temporary custody of the Department of Human Services only if the following conditions are met:

(1) That service of notice of the dispositional hear-