

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

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

Effective April 28, 1988.

CHAPTER 808

H.P. 1683 — L.D. 2312

AN ACT to Amend the Sentencing Provisions of the Maine Criminal Code.

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

Sec. 1. 17-A MRSA §1252, sub-§2, ¶A, as enacted by PL 1975, c. 499, §1, is amended to read:

A. In the case of a Class A crime, the court shall set a definite period not to exceed 20 40 years;

Sec. 2. 17-A MRSA §1252-B is enacted to read:

§1252-B. Imposition of sentence; court consideration of good time

If a court imposes a sentencing alternative pursuant to section 1152 which includes a term of imprisonment, in setting the appropriate length of that term, as well as any unsuspended portion of that term, if any, the court shall consider the potential impact of deductions for good time along with all other appropriate factors.

Sec. 3. Effective date. Section 1 of this Act shall become effective on July 1, 1989.

Effective August 4, 1988, unless otherwise indicated.

CHAPTER 809

H.P. 1687 — L.D. 2316

AN ACT to Consolidate State Land Use Statutes into the Natural Resources Protection Act.

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

Sec. 1. 38 MRSA c. 3, sub-c. I, Arts. 1-A, 1-C, 2-A and 5, as amended, are repealed.

Sec. 2. 38 MRSA c. 3, sub-c. I, Art. 5-A is enacted to read:

ARTICLE 5-A

PROTECTION OF NATURAL RESOURCES

§480-A. Findings; purpose

The Legislature finds and declares that the State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dunes systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State.

The Legislature further finds and declares that there is a need to facilitate research, develop management programs and establish sound environmental standards that will prevent the degradation of and encourage the enhancement of these resources. It is the intention of the Legislature that existing programs related to Maine's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and sand dunes systems continue and that the Department of Environmental Protection provide coordination and vigorous leadership to develop programs to achieve the purposes of this article. The well-being of the citizens of this State requires the development and maintenance of an efficient system of administering this article to minimize delays and difficulties in evaluating alterations of these resource areas.

The Legislature further finds and declares that the cumulative effect of frequent minor alterations and occasional major alterations of these resources poses a substantial threat to the environment and economy of the State and its quality of life.

§480-B. Definitions

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

1. Coastal sand dune systems. "Coastal sand dune systems" means sand deposits within a marine beach system, including, but not limited to, beach berms, frontal dunes, dune ridges, back dunes and other sand areas deposited by wave or wind action. Coastal sand dunes may extend into the coastal wetlands.

2. Coastal wetlands. "Coastal wetlands" means all tidal and subtidal lands, including all areas below any identifiable debris line left by tidal action; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action or annual storm flowage at any time excepting periods of maximum storm activity. Coastal wetlands may include portions of coastal sand dunes.

3. Fragile mountain areas. "Fragile mountain