

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

tive Marketing Agency are accumulating and there is no mechanism in the absence of this legislation to prevent this accumulation and to distribute the credits for the benefit of consumers; and

Whereas, it is necessary to take action in order to correct this situation prior to the convening of the next Legislature; 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:

7 MRSA §2954, sub-§11 is enacted to read:

11. Adjustments for over-order premiums. If following the establishment of minimum prices under subsection 1, which include an over-order premium as defined by section 3152, subsection 8-A, the commission receives new evidence showing that the actual over-order premium in effect in the period during which the minimum prices apply, or any portion thereof, are different from the over-order premium included in the prices, the commission may adjust minimum prices in a subsequent period to offset that difference. Any such adjustment shall be made equally applicable to wholesale and retail minimum prices.

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

Effective May 9, 1988.

CHAPTER 858

S.P. 1011 — L.D. 2653

AN ACT to Amend the Law Relating to the Land for Maine's Future Board.

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

Sec. 1. 5 MRSA §6204, sub-§§1 to 3, as enacted by PL 1987, c. 506, §§1 and 4, are amended to read:

1. Composition. The board shall consist of 9 11 members, 4 6 of whom shall be appointed private citizens and 5 of whom shall be permanent members. The permanent members shall be the Commissioner of Conservation; the Commissioner of Inland Fisheries and Wildlife; the Commissioner of ~~Transportation~~ Marine Resources; the Commissioner of Agriculture, Food and Rural Resources; and the Director of the State Planning Office.

2. Appointments. The 4 6 appointed private citizen

members shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over natural resources and to confirmation by the Legislature.

3. Qualifications. The 4 6 appointed members shall be selected based on their knowledge of the State's natural resources and landscape and their demonstrated commitment to land conservation. Appointments shall be made to provide broad geographic representation.

Sec. 2. 5 MRSA §6204, sub-§4, as enacted by PL 1987, c. 506, §§ 1 and 4, is repealed and the following enacted in its place:

4. Terms; compensation. The appointed private citizen members shall be appointed to staggered 4-year terms. The initial appointments shall be as follows: Two members for 2-year terms; 2 members for 3-year terms; and 2 members for 4-year terms. Appointed private citizen members may serve no more than 2 consecutive 4-year terms. The appointed members shall receive the legislative per diem pursuant to chapter 375.

Sec. 3. 5 MRSA §6205, sub-§4, as enacted by PL 1987, c. 506, §§1 and 4, is amended to read:

4. Quorum. A quorum of the board for the transaction of business shall be 6 7 members.

Sec. 4. 5 MRSA §6206, as enacted by PL 1987, c. 506, §§1 and 4, is repealed and the following enacted in its place:

§6206. Board responsibilities

1. Purpose. The purpose of the board is to:

A. By June 1988, complete an assessment of the State's public land acquisition needs and develop a strategy and guidelines, based on this assessment, for use in allocating the proceeds of the Land for Maine's Future Fund. Both the assessment and the development of a strategy and guidelines shall be conducted with opportunities for participation by the Maine Advisory Commission on Outdoor Recreation, interested state agencies and the public;

B. By September 1988, report the board's findings, strategy and guidelines to the joint standing committee of the Legislature having jurisdiction over natural resources;

C. Receive and review funding requests from state agencies and cooperating entities for acquisition projects meeting state guidelines;

D. Authorize distribution of proceeds from the fund for land acquisitions in accordance with the approved strategy; and

E. Report biennially to the joint standing committee of the Legislature having jurisdiction over natural resources on expenditure of the fund and revisions to the strategies and guidelines.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89	
<u>EXECUTIVE DEPARTMENT</u>	
State Planning Office: Land for Maine's Future Board	
Personal Services	\$1,320
All Other	1,200
Provides funds for per diem and travel expenses for the 2 additional public members.	
TOTAL	\$2,520

Effective August 4, 1988.

CHAPTER 859

H.P. 1953 — L.D. 2646

AN ACT to Clarify the Issuance of Securities by the Maine Court Facilities Authority.

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

Whereas, under current law, no securities may be issued by the Maine Court Facilities Authority without the prior approval of the Legislature; and

Whereas, the Legislature is unable to give such approval upon adjournment and legislation is needed to provide approval when the Legislature is not in 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:

Sec. 1. 4 MRSA §1606, sub-§1, as amended by PL 1987, c. 816, Pt. KK, §6, is repealed.

Sec. 2. 4 MRSA §1606, sub-§1-A is enacted to read:

1-A. Resolution for issuance of securities. The Maine Court Facilities Authority may provide by resolution, at one time or from time to time, for the issuance

and sale by it of securities, in its own name, for the purpose of paying the cost of any project, projects or part of any project, or the refinancing of existing indebtedness, approved by the authority. No securities of the authority may be authorized and issued except pursuant to a resolution adopted by the vote of not less than a majority of the members of the authority. The resolution shall describe the general purpose or purposes for which the securities are to be issued and state the maximum principal amount of the securities proposed to be issued. No securities may be issued by the authority without the prior approval of the Legislature.

Sec. 3. Effective date. Section 2 shall take effect on November 30, 1988.

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

Effective May 9, 1988, unless otherwise indicated.

CHAPTER 860

H.P. 1958 — L.D. 2652

AN ACT to Amend the Shoreland Property Transfer Law.

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

Whereas, the existing law, which becomes effective on June 1, 1988, regarding transfers of certain shoreland property may pose serious obstacles to timely transfers; and

Whereas, the remedy provided by this Act will not become effective until 90 days after adjournment; 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. 30 MRSA §3223-B, as enacted by PL 1987, c. 381, is repealed and the following enacted in its place:

§3223-B. Transfers of shoreland property

Any person transferring property on which a subsurface waste water disposal system is located within the shoreland area, as defined in Title 38, section 435, shall provide the transferee with a written statement by the transferor as to whether the system has malfunctioned during the 180 days preceding the date of transfer.