

# 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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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

EXECUTIVE DEPARTMENT

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
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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.

**Sec. 2.** 30 MRSA §4961-A, sub-§4, as enacted by PL 1987, c. 766, §6, is amended to read:

4. Application fees. Any application fee charged by a municipality for an application for any land use permit issued by the municipality may not exceed the reasonable cost of processing and, review, regulation and supervision of the application by the municipality and its consultants and the administration of any requirement for a certificate of compliance with any permit conditions.

**Sec. 3. Effective date.** Section 2 shall take effect July 21, 1988.

**Emergency clause.** In view of the emergency cited in the preamble, section 1 shall take effect on May 31, 1988, and section 2 shall take effect on July 21, 1988.

Effective May 11, 1988, unless otherwise indicated.

## CHAPTER 861

H.P. 1962 — L.D. 2657

### AN ACT Correcting Additional Errors and Inconsistencies in the Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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.** 1 MRSA §71, sub-§7-A, ¶B, as enacted by PL 1987, c. 705, §2, is amended to read:

B. In preparing any legislation which amends a section or larger division of the Maine Revised Statutes statutes, the Revisor of Statutes shall be authorized to change any masculine or feminine gender word to a gender-neutral word when it is clear that the statute is not exclusively applicable to members of one sex.

The Revisor of Statutes shall not otherwise alter the sense, meaning or effect of any statute.

**Sec. 2.** 1 MRSA §71, sub-§7-A, ¶C is enacted to read:

C. The rule of construction concerning gender on the effective date of an Act or resolve shall apply to that Act or resolve.

**Sec. 3. Effective date.** That section of this Act which amends the Maine Revised Statutes, Title 1, section 71, subsection 7-A, paragraph B, shall take effect 91 days after adjournment. That section of this Act which enacts the Maine Revised Statutes, Title 1, section 71, subsection 7-A, paragraph C, shall take effect 91 days after adjournment.

**Sec. 4.** PL 1987, c. 705 is amended by adding at the end the following:

**Sec. 3. Application.** This Act shall take effect 91 days after adjournment and shall only apply to Acts and resolves approved after that date.

**Sec. 5.** 4 MRSA §1057, sub-§2, as enacted by PL 1987, c. 339, §3, is amended to read:

2. Surcharge imposed. A surcharge of 10% shall be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, shall be considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge shall be deposited monthly in the Jail Operations Surcharge Fund.

**Sec. 6.** 5 MRSA §13111, first ¶, as enacted by PL 1987, c. 816, Pt. P, §14, is amended to read:

There is established within the Department of ~~Environmental Protection~~ Economic and Community Development the Office of Comprehensive Land Use Planning. The office shall assist communities in local and regional land use planning activities.

**Sec. 7.** 5 MRSA §19202, first ¶, as amended by PL 1987, c. 651, is further amended to read:

The Committee to Advise the Department of Human Services on AIDS, as established by section 12004, subsection 10, shall consist of not less than ~~26~~ 27 members nor more than ~~30~~ 31 members to include representation of: One allopathic physician from nominees submitted by the Maine Medical Association; one osteopathic physician from nominees submitted by the Maine Osteopathic Association; one nursing home administrator from nominees submitted by the Maine Health Care Association; one funeral director from nominees submitted by the Maine Funeral Directors Association; one social worker from nominees submitted by the Maine Chapter of the National Association of Social Workers; one public school administrator from a local school district from nominees submitted by the Maine Superintendents Association;