

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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be ramped to grade at one exit. Facilities with 6 or fewer beds with a nonambulatory resident shall be ramped to grade at both exits.

E. There shall be at least one staff person available on the premises of the facility when any resident is present. Additional staff may be required at night at the direction of the Office of the State Fire Marshal.

F. If a facility with 7 or 8 beds is of new construction, any doorway in the path of egress for a nonambulatory or mobile nonambulatory resident shall be at least 36 inches in width. If the facility is of existing construction, any doorway in the path of egress for a nonambulatory or mobile nonambulatory resident shall be at least 34 inches in width; and

2. Requirements when number of nonambulatory or mobile nonambulatory residents exceed limits. Boarding care facilities may provide services to more residents who are nonambulatory or mobile nonambulatory than allowed under subsection 1 if, in addition to those requirements:

A. The structure meets all the requirements of the residential board and care occupancy section for small facilities of the National Fire Protection Association Life Safety Code, chapter 21. The structure shall be of protected wood frame construction unless it is provided with either a National Fire Protection Association Standard No. 13 or a Life Safety sprinkler system. Additional staff may be required at the direction of the Office of the State Fire Marshal; and

B. A physician certifies that the nonambulatory resident does not require nursing care. This certification is required at least annually.

See title page for effective date.

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## CHAPTER 20

H.P. 75 - L.D. 106

**An Act to Allow Additional Veterans to be Eligible for Veterans' Preference for State Positions**

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

**5 MRSA §7054, sub-§1, ¶C**, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

C. "Veteran" means a person, ~~male or female~~, who served on full-time active duty, exclusive of active duty for training, in the Armed Forces of the United States ~~and who does not receive a nondisability retirement pension for Armed Forces service.~~

See title page for effective date.

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## CHAPTER 21

S.P. 97 - L.D. 116

**An Act to Amend the Law Regarding the State Forest Nursery**

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

**Sec. 1. 12 MRSA §8701, sub-§1**, as amended by PL 1983, c. 819, Pt. A, §37, is further amended to read:

1. Establishment; purpose. The director may establish and lease within the State one or more forest nurseries, ~~the maintenance of which shall be paid for from the appropriation for that purpose.~~ The object of these nurseries is to furnish ~~at cost~~ forest tree seedlings, transplants and shrub material for use in planting the present and potential forest lands within the State. ~~Christmas tree planting stock may be grown in the event that the director determines that additional stock is needed to sustain the Christmas tree industry in the State. The Christmas tree planting stock shall be sold at competitive market prices.~~

**Sec. 2. 12 MRSA §8701, sub-§3**, as amended by PL 1983, c. 819, Pt. A, §38, is repealed.

**Sec. 3. Application.** This Act applies to any lease entered into by the State after January 1, 1989.

See title page for effective date.

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## CHAPTER 22

H.P. 111 - L.D. 148

**An Act Relating to Destroyed Permanent or Seasonal Structures in the Unorganized Territories**

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

**Sec. 1. 12 MRSA §685-B, sub-§2-A** is enacted to read:

2-A. Priority for processing. Applications to replace destroyed seasonal or permanent structures shall be given top priority for processing when hardship can be demonstrated by the applicant provided that:

A. The dimensions of the new structure are not greater than the preexisting structure; and

B. The new structure will not adversely affect surrounding uses and resources.

**Sec. 2. 12 MRSA §685-B, sub-§7**, as amended by PL 1973, c. 569, §11, is further amended to read:

7. **Nonconforming uses and nonconforming structures.** To achieve the purposes set forth in this chapter after the adoption of permanent district standards and permanent districts, the commission may regulate and prohibit expansion and undue perpetuation of nonconforming uses. Specifically the commission may regulate and prohibit:

- A. Changes in nonconforming uses to another nonconforming use;
- B. Extension or enlargement of ~~nonconforming~~ nonconforming uses or nonconforming structures;
- C. Resumption of nonconforming uses, by prohibiting such resumption if such use is discontinued for 2 years or abandoned; and
- D. Movement or enlargement of a nonconforming structure or of a structure containing a nonconforming use.

The commission may also provide for the termination of commercial or industrial nonconforming uses by specifying in land use standards the period or periods in which nonconforming uses shall be terminated and by adjusting such compulsory terminations so as to allow reasonable time for the conversion of such nonconforming uses and reasonable schedules for the amortization of investment.

Any use for which a special exception has been granted by the commission, as provided for in section 685-A, subsection 10, shall not be deemed a nonconforming use, but shall be deemed a conforming use in such district.

For applications to reconstruct a damaged or destroyed nonconforming structure, the commission shall require the new structure to comply with provisions of this chapter to the maximum extent possible.

See title page for effective date.

## CHAPTER 23

H.P. 125 - L.D. 169

### An Act to Amend Certain Dates Relating to the County Budget Procedure

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

**30-A MRSA §701, sub-§§3 and 4**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, are amended to read:

3. **Public hearing.** The county commissioner shall hold a public hearing in the county on these estimates before December ~~1st~~ 31st. They shall publish a notice of the hearing at least 10 days before the hearing in a newspaper of general circulation within the county. Written notice and a copy of the estimates shall be sent by mail or delivered in person to

the clerk of each municipality in the county and to each member of the county legislative delegation at least 10 days before the hearing. The municipal clerk shall notify the municipal officers of the receipt of the estimates.

4. **Meeting with legislative delegation.** Before ~~the Legislature convenes~~ January 1st, the county commissioners of each county shall meet with the legislative delegation of their county to finalize estimates for the year.

See title page for effective date.

## CHAPTER 24

H.P. 163 - L.D. 228

### An Act to Alter Certain Provisions of the Weights and Measures Laws to Recognize the Recently Created National Institute of Standards and Technology

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

**Sec. 1. 10 MRSA §2351**, as repealed and replaced by PL 1973, c. 91, §3, is amended to read:

#### §2351. Systems of weights and measures

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized and either one or both of these systems shall be used for all commercial purposes in the State. The definitions of basic units of weight and measure, the tables of weight and measure and weights and measures equivalents as published by the National Bureau of Standards or its successor organization, the National Institute of Standards and Technology, are recognized and shall govern weighing and measuring equipment and transactions in the State.

**Sec. 2. 10 MRSA §2352**, as repealed and replaced by PL 1973, c. 91, §3, is amended to read:

#### §2352. Physical standards

Weights and measures that are traceable to the United States prototype standards supplied by the Federal Government, or approved as being satisfactory by the National Bureau of Standards, or its successor organization, the National Institute of Standards and Technology, shall be the state primary standards of weights and measures and shall be maintained in such calibration as prescribed by the National Bureau of Standards or the National Institute of Standards and Technology, as applicable. All secondary standards may be prescribed by the state sealer and shall be verified upon their initial receipt and as often thereafter as ~~deemed~~ determined necessary by the state sealer.

**Sec. 3. 10 MRSA §2353**, as repealed and replaced by PL 1973, c. 91, §3, is amended to read: