

# 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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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:

**§2353. Technical requirements for commercial devices**

The specifications, tolerances and other technical requirements for commercial weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in National Bureau of Standards Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices," or published in the National Institute of Standards and Technology Handbook 44, 1990, and supplements thereto or revisions thereof to those publications, shall apply to commercial weighing and measuring devices in the State, except insofar as modified or rejected by regulation.

**Sec. 4. 10 MRSA §2628**, as enacted by PL 1973, c. 91, §10, is amended to read:

**§2628. Conformity to national method of sale regulations**

The methods, units, terms and other requirements for the sale of commodities, as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards, or as published in the National Institute of Standards and Technology, "Model State Method of Sale of Commodities Regulation," and supplements thereto or revisions thereof to those publications, shall apply to the sale of commodities in the State of Maine, except insofar as specifically modified, amended or rejected by a regulation issued by the state sealer.

**Sec. 5. 10 MRSA §2629**, as enacted by PL 1973, c. 91, §10, is amended to read:

**§2629. Conformity to national packaging and labeling regulations**

The packaging and labeling requirements for consumer and nonconsumer packages, as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards, "Model State Packaging and Labeling Regulation," and supplements thereto or revisions thereof, or in publications of the National Institute of Standards and Technology, successor organization to the National Bureau of Standards, or in any supplements or revisions to those publications, shall apply to any package kept for the purpose of sale or offered or exposed for sale in the State of Maine, except insofar as specifically modified, amended or rejected by a regulation issued by the state sealer.

See title page for effective date.

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**CHAPTER 25**

**H.P. 173 - L.D. 238**

**An Act to Promote Thorough Consideration of  
Gubernatorial Appointments**

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

**3 MRSA §151, 3rd ¶ from the end**, as enacted by PL 1975, c. 771, §11, is amended to read:

The committee shall recommend confirmation or denial by majority vote of committee members present and voting. The vote of the committee shall be taken only upon an affirmative motion to recommend confirmation of the nominee. A tie vote of the committee shall be considered a recommendation of denial. ~~Such~~ The vote shall be taken no later than ~~29~~ 30 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives. The committee vote shall be by the yeas and nays.

See title page for effective date.

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**CHAPTER 26**

**S.P. 42 - L.D. 12**

**An Act to Clarify the Law Concerning  
the Inclusion of Nursing Home  
Benefits in Life Insurance Policies**

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

**24-A MRSA §2555** is enacted to read:

**§2555. Inclusion of nursing home benefits in life insurance policies**

1. In order to offer a life insurance policy providing for acceleration of life insurance or annuity benefits in advance of the time the benefits would otherwise be payable because of confinement to a nursing home or long-term care facility, receipt of home health care or hospice care benefits, diagnosis of terminal illness or for substantially similar reasons, the insurer must have a certificate of authority to transact life or life and health insurance in this State.

2. The superintendent shall promulgate reasonable rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to provide for the full and fair disclosure of information in connection with the sale of the policies referred to in subsection 1, and may include, but are not limited to, definitions, acceptable restrictions on benefit payments, coverage periods and nonforfeiture requirements.

See title page for effective date.

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**CHAPTER 27**

**S.P. 67 - L.D. 50**

**An Act to Amend the Chapter Applicable to  
Medicare Supplement Insurance Policies**