

# 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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patible with uses related to the agricultural and forest industry;

(7) Ensure that its land use policies and ordinances encourage the siting and construction of affordable housing within the community. The municipality shall seek to achieve a level of 10% of new residential development, based on a 5-year historical average of residential development in the municipality, meeting the definition of affordable housing. The municipality is encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to, cluster zoning, reducing minimum lot and frontage sizes and increasing densities;

(8) Ensure that the value of historic and archeological resources is recognized and that protection is afforded to those resources that merit it; and

(9) Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking; and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality shall identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting such protection.

**Sec. 2. Planning Advisory Council report on recreation and open space lands.** The Planning Advisory Council shall advise the Office of Comprehensive Land Use Planning on issues and needs for municipalities regarding the acquisition and management of open space and recreation lands. In addition, the council shall consider the need for developing within the office a program to help municipalities acquire conservation easements and protect recreation and open space lands. The council shall report to the Joint Standing Committee on Energy and Natural Resources by March 15, 1990, its recommendations, including any necessary implementing legislation. If the council establishes that there is a need for such a program, the report shall include recommendations on the program's structure.

See title page for effective date.

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## CHAPTER 36

S.P. 144 - L.D. 264

### An Act to Amend the Interpreter Service for the Hearing Impaired

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

**5 MRSA §48, sub-§3, ¶C**, as repealed and replaced by PL 1979, c. 88, §4, is amended to read:

C. An interpreter appointed under this section shall be reimbursed by the Bureau of Rehabilitation, upon certification by the appropriate agency or court of services performed, at a fixed rate reflecting the current fee schedule as established by the Bureau of Rehabilitation, plus travel expenses; provided that ~~the rate shall not exceed \$15 an hour and that~~ employees of the State or any of its political subdivisions, public employees and public or private school, university and college teachers or administrators for interpreting services or anyone who receives salary during regular work hours shall not be reimbursed under this section for interpreter services performed during their regular working hours. Nothing in this section ~~shall~~ may be construed as preventing any agency or court from employing a qualified interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate.

See title page for effective date.

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## CHAPTER 37

S.P. 146 - L.D. 266

### An Act to Designate April 9 as Former Prisoner of War Recognition Day

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

**Whereas**, veterans' organizations in Maine and the nation are preparing to recognize and remember former prisoners of war on April 9, 1989; and

**Whereas**, the immediate official designation of April 9 as Former Prisoner of War Recognition Day would provide official status to the activities planned for the remembrance of former prisoners of war; 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:

1 MRSA §131 is enacted to read:

#### §131. Former Prisoner of War Recognition Day

April 9th of each year shall be designated as Former Prisoner of War Recognition Day and the Governor shall annually issue a proclamation inviting and urging the people

of the State to observe this day in suitable places with appropriate ceremony and activity. Former Prisoner of War Recognition Day shall commemorate, honor and recognize the courage and heroism of all former prisoners of war who served the nation in times of crisis and emergency and who were captured in the defense of the nation.

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

Effective April 12, 1989.

## CHAPTER 38

H.P. 239 - L.D. 351

### An Act to Prohibit the Use of Plastic Beverage Stirrers in State Facilities

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

**Sec. 1.** 38 MRSA §1652, sub-§1-A is enacted to read:

1-A. Prohibition on plastic beverage stirrers. A food service providing or serving a beverage at a facility or function of the State or of a political subdivision shall not provide beverage stirrers that are composed of plastic. For the purposes of this subsection, the term, "beverage stirrer," is a device which is designed solely for the purpose of mixing liquids intended for internal human consumption in single serving containers.

**Sec. 2. Effective date.** This Act shall take effect January 1, 1990.

Effective January 1, 1990.

## CHAPTER 39

H.P. 349 - L.D. 468

### An Act to Ban the Use of Chlorofluorocarbons in All Plastic Foam Boards

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

38 MRSA §1603, as enacted by PL 1987, c. 752, §3, is amended to read:

#### §1603. Foam products

**1. Prohibition on extruded polystyrene foam sheets.** After January 1, 1989, no person may sell or offer to sell in this State any product composed in whole or in part of thermoformed extruded polystyrene foam sheets if the foam is manufactured using any fully halogenated chlo-

rofluorocarbon found by the United States Environmental Protection Agency to be an ozone-depleting chemical.

**2. Prohibition on foam board.** No person may sell or offer to sell in this State any product composed in whole or in part of ~~extruded polystyrene~~ foam board if:

A. The foam is manufactured using any fully halogenated chlorofluorocarbons found by the United States Environmental Protection Agency to be an ozone-depleting chemical; and

B. A substitute for fully halogenated chlorofluorocarbon blowing agents is available and found to meet public health and safety standards by all applicable federal and state agencies.

**3. Compliance.** ~~All distributors engaged in the sale or distribution of extruded polystyrene foam products in Maine which are manufactured using chlorofluorocarbons shall certify to the Department of Environmental Protection by January 31, 1989, their compliance with subsection 1, or their scheduled compliance with subsection 2~~ Compliance with this section shall be as follows.

A. All distributors engaged in the sale or distribution in Maine of products covered under subsection 1, shall certify to the Department of Environmental Protection by January 31, 1989, their compliance with subsection 1.

B. All distributors engaged in the sale or distribution in Maine of products covered under subsection 2, shall certify to the Department of Environmental Protection by July 1, 1990, their compliance or scheduled compliance with subsection 2.

See title page for effective date.

## CHAPTER 40

S.P. 229 - L.D. 559

### An Act to Amend the General Relocation Assistance Provisions to Achieve Compliance with Certain Federal Laws

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

Whereas, the Federal Government requires the provisions of state relocation laws governing federally-assisted programs and projects be consistent with the 1987 amendments to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

Whereas, consistency must be achieved no later than April 1, 1989; and