

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

clear Emergency Planning Fund of the following sum is allocated to carry out the purpose of this Act.

1988-89

**DEFENSE AND VETERANS' SERVICES,
DEPARTMENT OF**

**Radiological Emergency Preparedness
Committee**

Positions	(1)
Personal Services	\$4,285
All Other	750

Provides funds for one Planning and Research Associate I position who will be a full-time planner to conduct Maine Yankee off-site emergency planning.

DEPARTMENT OF DEFENSE AND VETERANS' SERVICES	
TOTAL	<u>\$5,035</u>

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

Effective April 20, 1989.

CHAPTER 44

H.P. 72 - L.D. 103

An Act to Amend the Law Regarding Food Services Operated by the Blind in Public Buildings

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

Sec. 1. 22 MRSA §3504, as amended by PL 1989, c. 14, §5, is repealed and the following enacted in its place:

§3504. Authority

For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, the officer, board or other authority in charge of any building or property of the State, any county or municipality shall grant to the Division for the Blind and Visually Impaired in the Department of Human Services authority:

1. Vending facility. To install in any such buildings or property a vending facility to be operated by a blind person duly licensed by the Division for the Blind and Visually Impaired whenever a vending facility may be properly and satisfactorily operated by a blind person; or

2. Vending machines. To place vending machines operated by the division in any such building or property if

a vending facility operated by a licensed blind operator is not warranted. Income from these vending machines shall be used for the purposes enumerated in this section.

Sec. 2. 22 MRSA §3505, first ¶, as amended by PL 1979, c. 541, Pt. A, §149, is further amended to read:

As used in sections 3504 to ~~3511~~ **3512**, unless the context otherwise indicates, the following terms shall have the following meanings.

Sec. 3. 22 MRSA §3505, sub-§8, as enacted by PL 1971, c. 88, is amended to read:

8. Vending facility. "Vending facility" means restaurant, cafeteria, including the cafeteria located in the State Office Building in Augusta, snack bar, vending machines for food and beverages and goods and services customarily offered in connection with any of the foregoing.

Sec. 4. 22 MRSA §3506, sub-§3, as enacted by PL 1971, c. 88, is amended to read:

3. Income. For the purpose of achieving and protecting the preference of blind persons in the operation of vending facilities as contemplated by sections 3504 to ~~3511~~ **3512**, arrange for the assignment of the income derived from vending machines located within reasonable proximity to and in direct competition with a vending facility for which authority has been granted pursuant to sections 3504 to ~~3511~~ **3512**, to the vending facility operator or operators affected. If a vending machine vends articles of a type authorized for vending pursuant to sections 3504 to ~~3511~~ **3512**, and is so located that it attracts customers who would otherwise patronize the vending facility, such machine will be considered to be in reasonable proximity to and in direct competition with the vending facility.

Sec. 5. 22 MRSA §3506, sub-§4-A is enacted to read:

4-A. Vending machines. Allow the division to place vending machines in any building where a vending facility operated by a blind operator would not be feasible. Income from these machines shall accrue to the division's set-aside account for purposes stated in section 3504; and

Sec. 6. 22 MRSA §3512, as enacted by PL 1971, c. 88, is repealed and the following enacted in its place:

§3512. Application

If a vending facility not under the control of the division exists in a building or on property of the State, a county or municipality, the person having jurisdiction over that building or property shall give preference to the division to continue operation of the vending facility when any existing lease or contract expires or is terminated.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1989-90 1990-91

**HUMAN SERVICES,
DEPARTMENT OF**

Division of Eye Care

Capital Expenditures \$1,500 \$2,000

Provides funds for capital repair and replacement associated with vending facilities operated by blind persons.

See title page for effective date.

CHAPTER 45

H.P. 296 - L.D. 408

**An Act to Extend Reporting Deadlines of the
Therapeutic Pharmaceutical Monitoring Panel**

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

Whereas, this legislation is necessary so that the requirement for the Therapeutic Pharmaceutical Monitoring Panel to report by a certain date will be repealed before the reporting date takes effect; 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:

32 MRSA §2428, sub-§6, as amended by PL 1987, c. 586, is repealed and the following enacted in its place:

6. Report. The panel shall prepare reports summarizing the findings of the panel regarding the use of therapeutic pharmaceutical agents.

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

Effective April 20, 1989.

CHAPTER 46

H.P. 410 - L.D. 553

**An Act Relating to Highway Maintenance
Compact Areas**

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

Sec. 1. 23 MRSA §705, as amended by PL 1981, c. 492, Pt. C, §5, is repealed and the following enacted in its place:

§705. Culverts

The Department of Transportation shall be responsible for administering the placement of culverts within the right-of-way on improved state and state aid highways lying outside the compact section, or within the compact section of a municipality having a population of less than 6,000. Whenever an abutter wants an entrance to be constructed on these highways, the abutter shall petition the department for a permit as provided under section 704. Should a permit be issued and a culvert is required, the abutter shall provide, at the abutter's expense, a culvert satisfactory to the department, which the department shall install and thereafter maintain.

For locations on town ways and on state and state aid highways within the compact area of a municipality having a population of 6,000 and over, the municipality shall be petitioned by the abutter pursuant to section 704. Should a permit be issued, the abutter shall provide, at the abutter's expense, a culvert satisfactory to the municipality, which the municipality shall install and thereafter maintain.

Sec. 2. 23 MRSA §754, as amended by PL 1981, c. 588, §1, is further amended to read:

§754. Town maintenance in compact areas

Except as otherwise provided, all state and state aid highways within compact or built-up sections of towns having a population of 6,000 and over, as determined by the department, shall be maintained in good repair by the town ~~wherein~~ in which the same highways are located at the expense of the town. For the purposes of this section, compact or built-up sections include compact areas as determined by the department in which compact sections may be intermittent and separated by a short interval or intervals of sections that are not compact. Municipalities shall be notified one year in advance of changes in compact or built-up sections which place additional maintenance responsibilities on the municipalities. Whenever any town ~~shall neglect~~ so neglects to maintain the highways within 14 days after notice given its municipal officers by the department, the department may proceed to make necessary repairs to ~~such that~~ way, which shall be paid for by the State and the cost thereof shall be withheld from funds due the town under chapter 19, subchapter VI, Local Road Assistance Program. The amounts ~~so~~ collected from such these towns shall be added to the fund for maintenance of state and state aid highways. The depart-