

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.

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

1989-90 1990-91

CHAPTER 46

H.P. 410 - L.D. 553

**HUMAN SERVICES,
DEPARTMENT OF**

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

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.

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 C, §5, is repealed and the following enacted in its place: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~~ 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-

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.

ment may take over the maintenance of ~~such~~ portions of controlled access highways within compact sections as it ~~deems~~ determines advisable. The department may ~~in respect thereto~~ grant ~~such~~ these towns ~~such~~ financial assistance as it ~~deems~~ determines advisable to carry out the purposes of this section.

See title page for effective date.

CHAPTER 47

S.P. 232 - L.D. 562

An Act to Establish Criteria for Adopting a Moratorium in the Jurisdiction of the Maine Land Use Regulation Commission

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

Whereas, emergencies arise from time to time which pose an immediate threat to public health and safety and to the environment; and

Whereas, the authority of the Maine Land Use Regulation Commission to impose a moratorium on development is not clear; and

Whereas, development pressures in Maine's unorganized territories have reached unprecedented levels threatening sensitive environmental resources; and

Whereas, moratoria have proven to be an essential land use management tool to allow regulatory bodies the opportunity to effectively plan for the future; and

Whereas, a lack of clear authority of the Maine Land Use Regulation Commission to adopt moratoria frustrates the ability of State Government to fulfill its responsibility to ensure the public health, safety and welfare and may lead to irreparable damage to the natural resources of the unorganized territories; 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. 12 MRSA §682, sub-§8-A is enacted to read:

8-A. Moratorium. "Moratorium" means a temporary land use regulation or ordinance approved by the commission or a municipal legislative body which prevents development or subdivision by withholding authorization or approval necessary for development.

Sec. 2. 12 MRSA §685-B, sub-§10 is enacted to read:

10. Moratorium. The commission may adopt a moratorium on the processing or issuance of development permits on a township-by-township basis, on portions of a township or on portions of the territory under its jurisdiction. Any moratorium adopted by the commission must meet the following requirements.

A. The moratorium must be necessary:

(1) To prevent the shortage or overburdening of public facilities which would otherwise occur during the effective period of the moratorium or which is reasonably foreseeable as a result of any proposed or anticipated development; or

(2) Because the application of existing comprehensive plans, land use or zoning regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.

B. The moratorium must be of a definite term not to exceed 180 days except that the moratorium may be extended for additional 180-day periods provided that the commission:

(1) Finds that the problem creating the need for a moratorium still exists; and

(2) Finds that reasonable progress is being made to alleviate the problem creating the need for a moratorium.

C. Any organized town or plantation which has petitioned the commission to remove that town or plantation from the jurisdiction of the Maine Land Use Regulation Commission in compliance with section 685-A, subsection 4, may, through a town meeting, vote to adopt a moratorium to provide a period of time for the town or plantation to adopt a local comprehensive plan and zoning ordinance and to establish a municipal reviewing authority. The moratorium must be in compliance with paragraphs A and B. The municipal officers, acting in place of the commission, may extend the moratorium pursuant to paragraph B after notice and hearing.

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

Effective April 20, 1989.