

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

(7) An order to pay to the complainant, including the commission when the commission is the complainant, civil penal damages not in excess of ~~\$1,000~~ \$5,000 in the case of the first order under this Act against the respondent, not in excess of ~~\$2,000~~ \$7,500 in the case of a 2nd such order against the respondent, and not in excess of ~~\$3,000~~ \$10,000 in the case of a 3rd or subsequent such order against the respondent; and

See title page for effective date.

CHAPTER 100

H.P. 429 - L.D. 594

An Act Concerning Antique Automobiles and Horseless Carriages

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

29 MRSA §114, 2nd ¶, as amended by PL 1987, c. 789, §5, is further amended to read:

The Secretary of State is authorized to design and issue registration plates for antique autos, horseless carriages and street rods. These plates shall bear the inscriptions "Antique Auto," "Horseless Carriage" or "Street Rod" and "Maine." Present owners of antique motor vehicles shall be permitted to keep their existing registration plate numbers for the new registration plates issued under this section. The Secretary of State shall allow the owner of an antique motor vehicle to use registration plates which were issued in the same year as the antique motor vehicle was manufactured, provided that the ~~date of manufacture was 1942 or earlier~~ motor vehicle is over 25 years old and the motor vehicle is registered as an antique motor vehicle under this section. Any antique motor vehicle bearing registration plates with the year of manufacture must also carry, within it, a valid antique motor vehicle registration certificate and the antique motor vehicle registration plates matching the certificate. The registration plates ~~from 1942 or earlier~~ must have matching plate numbers, must be affixed to both the front and rear of the antique motor vehicle and must conspicuously bear the year of manufacture. For purposes of this Title, "antique motor vehicle" means only an antique auto or horseless carriage. The fee for registration of an antique auto or horseless carriage shall be \$12. The fee for registration of a street rod shall be \$27.

See title page for effective date.

CHAPTER 101

H.P. 384 - L.D. 515

An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities

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

35-A MRSA §3504, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

§3504. Treatment of certain small consumer-owned electric utilities

1. Exemption. Upon request of a consumer-owned electric utility of not more than 150 customers, the commission may exempt the utility from any of the requirements of any commission rules and this Title, with the exception of sections 3502 and 3503.

2. Rulemaking considerations. The commission shall take into account the form of governance of consumer-owned electric utilities when promulgating rules and shall state in any notice of proposed rulemaking relating to those utilities what consideration has been given to the ability of those utilities to regulate matters covered under their own authority and, in promulgating those rules, shall not impose unreasonable requirements on consumer-owned electric utilities.

See title page for effective date.

CHAPTER 102

H.P. 541 - L.D. 738

An Act to Clarify the Relationship Between Woodcutters and Landowners

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

Whereas, changes in the wood measurement tally sheet should be instituted before the summer logging season; 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:

10 MRSA §2364-A, sub-§2, ¶F is enacted to read:

F. In the sale of wood, the measurement tally sheet recording the first measurement shall include the name of the landowner from whom the stumpage was purchased. The tally sheet also shall include the name or names of other parties involved in this original transaction.

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

Effective May 3, 1989.

CHAPTER 103

H.P. 91 - L.D. 126

An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1989

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Department of Inland Fisheries and Wildlife will become due and payable before the next fiscal year; 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 §7017, sub-§2, as enacted by PL 1983, c. 819, Pt. A, §17, is amended to read:

2. Unencumbered balances. Any unencumbered allocated balances, including existing balances, shall be carried forward into the next fiscal year and shall not be expended without allocation by the Legislature, except as provided in this section. Unencumbered balances in the boating access sites account shall be nonlapsing and shall be carried forward to be used for the same purpose.

Sec. 2. Additional allocation of Inland Fisheries and Wildlife funds. Income to the Department of Inland Fisheries and Wildlife for the fiscal year ending June 30, 1989 shall be segregated, apportioned and disbursed as designated in the following schedule.

1988-89

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Boating Access Sites

Capital Expenditures \$130,000

Allocates funds transferred from the Department of Conservation, Boating

Facilities Fund, in order to provide for boat access, acquisition and maintenance projects.

Sec. 3. Encumbered balances at year end. At the end of the fiscal year, all encumbered balances shall not be carried more than once.

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

Effective May 3, 1989.

CHAPTER 104

H.P. 859 - L.D. 1199

An Act to Correct Errors in the County and Municipal Law Recodification

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

Whereas, certain laws amending the former Maine Revised Statutes, Title 30, were enacted last year but were inadvertently omitted from the recodification of the county and municipal laws which took effect on February 28, 1989; and

Whereas, the reenactment of these laws into the Maine Revised Statutes, Title 30-A, is urgently needed in order to accomplish the purposes of that legislation and to preserve the ability of local government to effectively address issues of local concern; 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:

PART A

Sec. 1. 30-A MRSA §2, sub-§1, ¶¶A to N, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, are repealed and the following enacted in their place:

<u>A. Androscoggin County:</u>	<u>1988</u>
<u>(1) Commissioners</u>	
<u>(a) Chairman</u>	<u>\$ 5,755</u>
<u>(b) Members</u>	<u>4,926</u>
<u>(2) Treasurer</u>	<u>18,500</u>
<u>(3) Sheriff</u>	<u>24,617</u>