

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
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

C. After the town meeting, the clerk shall immediately issue a warrant directed to a constable containing the names of persons chosen for office who have not been sworn.

(1) The constable shall immediately summon the named persons to appear before the clerk within 7 days from the time of notice to take the oath of office.

(2) The constable shall make a return immediately to the clerk.

(3) The town shall pay the constable a reasonable compensation for these services.

D. The clerk shall record the election or appointment of each official or deputy, including the clerk's own, and the other information specified in paragraph A.

E. A record by the clerk that a person was sworn for a stated town office is sufficient evidence that the person was legally sworn for the office. The entire oath need not be recorded.

Sec. 4. 30-A MRSA §2552, sub-§2, ¶A, 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, is further amended to read:

A. Any city choosing a single assessor may adopt a board of assessment review by vote of the city council at least ~~30~~ 90 days before the annual city election.

Sec. 5. 30-A MRSA §2552, sub-§2, ¶D, 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, is further amended to read:

D. Any city adopting a board of assessment review may discontinue the board by vote of the city council at least ~~30~~ 90 days before the annual city election, in which case the board ceases to exist at the end of the municipal year.

Sec. 6. 30-A MRSA §2671, sub-§2, ¶E, 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, is further amended to read:

E. Arrest a person who travels beyond the limits of the municipality in which the officer is appointed when in fresh pursuit of that person. This paragraph applies to ~~felonies, misdemeanors~~ all crimes and traffic infractions. As used in this paragraph:

(1) With respect to ~~felonies~~ Class A, Class B and Class C crimes, the term "fresh pursuit" is defined in Title 15, section 152; and

(2) With respect to ~~misdemeanors~~ Class D and Class E crimes and traffic infractions,

"fresh pursuit" means instant pursuit of a person with intent to apprehend; or

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

Effective May 4, 1989, unless otherwise indicated.

CHAPTER 105

H.P. 758 - L.D. 1062

An Act to Enhance the Economic Corridor Action Grant Program

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

Whereas, the Second Regular Session of the 113th Legislature created and funded the Economic Corridor Action Grant Program to assist municipalities in the development of public facilities; and

Whereas, elements of that program, as enacted, are not in harmony with the Comprehensive Planning and Land Use Regulation Act, thereby making it impossible to implement the Economic Corridor Action Grant Program, and preventing the use of the grant by the State's municipalities; and

Whereas, the need of the State's municipalities to develop public facilities to encourage appropriate development and promote orderly growth remains significant; 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:

5 MRSA §13075, sub-§3, as enacted by PL 1987, c. 855, §1, is repealed and the following enacted in its place:

3. Municipal eligibility. The Department of Economic and Community Development may make grants to municipalities within economic growth corridors in support of capital investments in public service facilities or projects which support economic growth and development. Following the applicable date set forth in Title 30-A, section 4343, subsection 1, any municipality within an economic growth corridor is eligible to apply for grants under this article when it has adopted a comprehensive plan in accordance with the requirements of Title 30-A, chapter 187, subchapter II.

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

Effective May 4, 1989.

CHAPTER 106

S.P. 252 - L.D. 642

An Act to Amend the Lake Watershed District Enabling Laws

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

Whereas, municipalities wishing to form a lake watershed district for the next fiscal year need to act before the end of the current legislative session; 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. 38 MRSA §2001, as enacted by PL 1987, c. 711, is amended to read:

§2001. Watershed districts authorized

Watershed districts may be created pursuant to this section to protect, restore and maintain the water quality of great ponds and to manage and conserve the land and water resources of watersheds of great ponds within the jurisdictions of these districts. The terms "watershed district" and "lake management district" are used interchangeably in this chapter. The term "participating water district," as used in this chapter, means a water district, as defined by Title 35-A, section 6101, subsection 3, included in the application provided for by section 2002.

Sec. 2. 38 MRSA §2002, sub-§§1, 4, 5 and 6, as enacted by PL 1987, c. 711, are amended to read:

1. Application. The municipal officers of the municipality or municipalities, or portions thereof of the municipality or municipalities, or the residents of unorganized territory that who desire to form a watershed district shall file an application with the Board of Environmental Protection on a form or forms to be prepared by the board, setting forth the name or names of the municipality or municipalities, or portions thereof of the municipality or municipalities, or, in the case of residents of unorganized territory, the names of those residents that propose to be included in the district and they shall furnish such other data as the board may determine necessary and proper. The

application shall contain, but not be limited to, a description of the territory of the proposed district, the names of water districts which utilize water from surface or ground water supplies within the territory of the proposed district, the name proposed for the district which shall include the words "watershed district" or "lake management district" and a statement showing the existence in such territory of the need for a coordinated approach to lake watershed management as provided in this chapter.

4. Approval of application. After the public hearing on the evidence received at the hearing, the board shall make findings of fact and conclusions and determine of record whether or not the conditions requisite for the creation of a watershed district exist in the territory described in the application. If the board finds that such conditions do exist, it shall issue an order approving the proposed district as conforming to the requirements of this chapter and designating the name of the proposed district. The board shall give notice to participating water districts, the municipal officers within the municipality or municipalities involved and, when unorganized territory is involved, to the persons signing the application mentioned in subsection 1 and the commissioners of the county in which the unorganized territory is located of a date, time and place of a meeting of the municipal officers of the municipality or municipalities involved and, when unorganized territory is involved, a joint meeting of all the persons signing the application mentioned in subsection 1 and the commissioners of the county in which the unorganized territory is located. The notice shall be in writing and sent by registered or certified mail, return receipt requested, to the addresses shown on the application mentioned in subsection 1 and, in the case of county commissioners, to the addresses of those commissioners obtained from the county clerk. A return receipt properly endorsed shall be evidence of the receipt of notice. The notice shall be mailed at least 10 days prior to the date set for the meeting.

5. Denial of application. If the board, after that public hearing, determines that the creation of a watershed district in the territory described in the application is not warranted for any reason, it shall make findings of fact and conclusions and enter an order denying its approval. The board shall give notice of that denial by mailing certified copies of the decision and order to participating water districts, the municipal officers of the municipality or municipalities involved and, when unorganized territory is involved, to the persons signing the application mentioned in subsection 1 and the commissioners of the county in which the unorganized territory is located. No application for the creation of a watershed district, consisting of exactly the same territory, may be entertained within one year after the date of the issuance of an order denying approval of the formation of that watershed district, but this provision shall not preclude action on an application for the creation of a watershed district embracing all or part of the territory described in the original application, provided that another municipality or fewer municipalities, or other or fewer sections thereof, are involved or that a different area of unorganized territory is involved or, in the case of an application made solely by residents of unorganized territory, that an allegation of change in circumstances from those existing on