

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

25 MRSA §2441, as amended by PL 1983, c. 785, §7, is further amended to read:

**§2441. Explosives or inflammables; rules**

The Commissioner of Public Safety shall make, amend or rescind, after public hearing ~~thereon~~, notice of which has been duly advertised in the state paper, reasonable rules ~~and regulations~~ for the use of explosives; and the keeping, possession, storage, handling, dispensing or transporting from place to place in the State of all gunpowder, petroleum, coal oils, burning fluids, ~~naphtha~~ naphtha, benzine and all other explosives and illuminating substances which ~~such~~ the commissioner believes dangerous to the lives or safety of citizens.

This section shall not apply to the storage in underground tanks of petroleum, coal oils, burning fluids, ~~naphtha~~ naphtha, benzines and other hazardous substances, materials or waste which are regulated by the Department of Environmental Protection under Title 38.

This section shall not apply to the purchase, sale, transportation or storage of smokeless powder in amounts not in excess of 15 pounds, or primers not in excess of 1,000 in number.

~~Such~~ The rules ~~and regulations~~ shall become effective when reviewed by the Attorney General for form and legality and approved in writing by the Commissioner of Public Safety and when a certified copy ~~thereof~~ of the rules has been filed with the Secretary of State. Any person aggrieved by any ~~such rule or regulation~~ or the reasonableness of ~~same~~ a rule, or any act or order of the Commissioner of Public Safety in enforcing any ~~such rule or regulation~~, may appeal to the Superior Court ~~by filing a complaint therefor and the~~ The court shall fix a time and place of hearing and cause notice ~~thereof~~ to be given to the commissioner and, after the hearing, the court may affirm or reverse the rule, ~~regulation~~, act or order of the commissioner ~~and the~~ The decision of the court shall be final.

~~Said~~ The commissioner may waive the requirements of any ~~such rules or regulations~~ rule to cover any special circumstances, conditions or localities.

The following schedule of fees shall apply to all inspections and permits required by rule ~~and regulation~~ under this section:

1. **Inspection of explosive magazines.** Inspection of explosive magazines: \$10 to include any permit issued;
2. **Inspection of vehicle used to transport explosives.** Inspection of vehicle used to transport explosives: \$10 to include any permit issued; and
3. **Inspection of flammable liquid storage facility.** Inspection of flammable liquid storage facility: \$10 to include any permit issued.

No person ~~shall~~ may use explosives, nor keep or transport any such article explosive or flammable substance in any quantity or manner, except as prescribed in such regulations the rules, unless waived by the commissioner as provided, ~~under a penalty~~ . Any person who violates this section commits a civil violation for which a forfeiture of not less than \$20 \$100 nor more than \$100, \$500 may be adjudged for each offense. All such ~~articles~~ substances may be seized by any peace officer and forfeited; and, within 20 days after such seizure, may be libeled according to law. Cities and towns may make and enforce reasonable ordinances or by-laws, not inconsistent with ~~said~~ these rules ~~and regulations~~.

See title page for effective date.

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## CHAPTER 136

S.P. 163 - L.D. 320

### An Act to Increase the License Fees for Hospitals and Long-term Care Facilities

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

Sec. 1. 22 MRSA §1811, as amended by PL 1967, c. 231, §1, is further amended to read:

**§1811. License required; definitions**

No person, partnership, association or corporation, nor any state, county or local governmental units, ~~shall~~ may establish, conduct or maintain in the State any hospital, sanatorium, convalescent home, rest home, nursing home or other institution for the hospitalization or nursing care of human beings without first obtaining a license therefor. Hospital, sanatorium, convalescent home, rest home, nursing home and other related institution, within the meaning of this chapter, ~~shall mean~~ means any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Nothing in this chapter ~~shall may~~ apply to hotels or other similar places that furnish only board and room, or either, to their guests or to such homes for the aged or blind as may be subject to licensing under any other law.

Sec. 2. 22 MRSA §1813, as amended by PL 1967, c. 231, §3, is further amended to read:

**§1813. Existing hospitals must obtain licenses**

No person, partnership, association or corporation, nor any state, county or local governmental units may continue to operate an existing hospital, sanatorium, convalescent home, rest home or nursing home, nor open a hospital, sanatorium, convalescent home, rest home or nursing home unless ~~such~~ that operation shall have been approved and regularly licensed by the State.

**Sec. 3. 22 MRSA §1814**, as amended by PL 1971, c. 598, §34, is further amended to read:

**§1814. Application**

Any person, partnership, association or corporation, including state, county or local governmental units, desiring a license shall file with the department a verified application containing the name of the applicant desiring ~~said~~ the license; whether ~~such~~ the persons so applying are at least 18 years of age; the type of institution to be operated; the location; the name of the person in charge. Application on behalf of a corporation or association or governmental units shall be made by any 2 officers thereof or by its managing agents. All applicants shall submit satisfactory evidence of their ability to comply with the minimum standards of this chapter and all regulations adopted thereunder.

**Sec. 4. 22 MRSA §1815**, as amended by PL 1981, c. 703, Pt. A, §12, is further amended to read:

**§1815. Fees**

Each application for a license to operate a hospital, convalescent home or nursing home shall be accompanied by a nonrefundable fee of \$50 ~~for facilities less than 50 beds in size, a fee of \$100 for facilities 51 to 100 beds in size, and a fee of \$200 for facilities larger than 100 beds in size~~ \$10 for each bed contained within the facility. ~~No such fee shall be refunded.~~ All licenses issued shall be renewed annually upon payment of a like fee. The ~~state's~~ share of all fees received by the department under this chapter shall be deposited in the General Fund. No license granted ~~shall~~ may be assignable or transferable. State hospitals are not required to pay licensing fees.

See title page for effective date.

**CHAPTER 137**

**H.P. 241 - L.D. 353**

**An Act to Amend the Laws Relating to Notaries Public**

**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 immediately necessary to enable notaries public to perform marriage ceremonies for members of their families; and

Whereas, if this legislation is not enacted immediately, weddings which have been planned for long periods of time will need to be postponed causing financial and personal difficulties for the people of Maine; 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:**

**4 MRSA §954-A**, as enacted by PL 1987, c. 573, §1, is amended to read:

**§954-A. Conflict of interest if notary related**

A notary public shall not perform any notarial act for any person if that person is the notary public's spouse, parent, sibling, child, spouse's parent or child's spouse, except that a notary public may solemnize the marriage of the notary public's parent, sibling, child or spouse's parent if the ceremony is witnessed and the marriage certificate signed by another notary public unrelated by marriage or blood to the parties. This section does not affect or apply to notarial acts performed before the effective date of this section.

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

Effective May 17, 1989.

**CHAPTER 138**

**H.P. 362 - L.D. 493**

**An Act Relating to Theft of Services**

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

**17-A MRSA §357, sub-§3**, as amended by PL 1977, c. 183, §1, is further amended to read:

3. As used in this section, "services" includes, but is not necessarily limited to, labor, professional service, public utility and transportation service, ski lift service, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles or trailers for temporary use, telephone, telegraph, cable television or computer service, gas, electricity, water or steam, admission to entertainment, exhibitions, sporting events or other events or services for which a charge is made.

See title page for effective date.

**CHAPTER 139**

**H.P. 388 - L.D. 519**

**An Act to Change the Number of Rooms Required for Hotel Liquor Licenses**

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