

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7 MRSA §75, sub-§1, as repealed and replaced by PL 1987, c. 849, §2, is amended to read:

1. Permits. No person, firm, corporation or unincorporated society or association may conduct any public or private pulling event between animals or pairs of animals within the State without a permit from the commissioner. The commissioner shall charge a permit fee of \$10 per pull day, up to a maximum of \$50 for pulls held on consecutive days at the same location. All revenue derived from the permit fees shall be deposited in the General Fund.

Application for such a permit shall be made in writing to the commissioner at least 10 days prior to the date on which such event is contemplated, and shall give the name of the person, firm, corporation or unincorporated society or association holding such event and the date and place the event is to be held, provided that one application and one permit may include one or more separate events when so specified. Permits granted under this section shall not be transferable.

Any person, firm, corporation or unincorporated association or society which conducts or causes to be conducted any public or private pulling event between animals or pairs of animals within the State, without a permit from the commissioner, shall be guilty of a Class E crime.

No person, firm, corporation or unincorporated association or society required to be licensed under this section to conduct a pulling event may allow, after having received notice from the Department of Agriculture, Food and Rural Resources, any person, firm, corporation or unincorporated association or society which has been convicted within 5 years of violation of Title 17, section 1031, or which has been adjudicated within 5 years to have committed a civil violation of section 4011, to participate as an owner, handler or in any other capacity, directly or indirectly, in any pulling event. A violation of this provision shall be grounds, upon compliance with appropriate provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, for revocation or non-renewal of any license issued under this section.

Any person, firm, corporation or unincorporated association or society which, within the previous 5 years, has been convicted of a violation of Title 17, section 1031 or has been adjudicated to have committed a civil violation of section 4011, and which participates, as an animal owner, handler or in any other capacity, directly or indirectly, in any pulling event required to be licensed pursuant to this section, is guilty of a Class E crime.

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

Effective May 19, 1989.

CHAPTER 154

H.P. 200 - L.D. 280

An Act to Allow Raffling of Livestock by Charitable Organizations for Charitable Purposes

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

Sec. 1. 7 MRSA §3972, sub-§4 is enacted to read:

4. Exception. Notwithstanding subsection 1, paragraph C, livestock may be raffled by charitable organizations licensed under Title 17, section 332, subsection 6 for fund-raising purposes. For the purposes of this section, "livestock" means farm animals, including, but not limited to, cows, sheep, goats, swine and fowl and "charitable organization" has the same meaning as defined in Title 9, section 5003, subsection 1. Proceeds from a raffle under this subsection must be used for charitable purposes.

The animal shall be awarded in freezer-ready form.

Sec. 2. 17 MRSA §332, sub-§6 is enacted to read:

6. Charitable organizations; livestock raffling. A license is required before a charitable organization may raffle livestock for fund-raising purposes under Title 7, section 3972, subsection 4. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee shall make forms available for charitable organizations to apply for licenses for one or 3-year periods. If the commissioner or the commissioner's designee is satisfied that the charitable organization has not violated or will not violate the restrictions of Title 7, section 3972, a license shall be issued.

See title page for effective date.

CHAPTER 155

S.P. 136 - L.D. 221

An Act to Revise the Particulate Matter Air Quality Standard

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

Sec. 1. 38 MRSA §584-A, sub-§1, as amended by PL 1979, c. 381, §6-A, is repealed and the following enacted in its place:

1. Particulate matter. In regard to particulate matter:

A. The level of the 24-hour particulate matter ambient air quality standard is 150 micrograms per cubic meter, as measured in the ambient air as PM₁₀, based

on methods contained in 40 Code of Federal Regulations, Part 50, Appendix J.

The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with 40 Code of Federal Regulations, Part 50, Appendix K, is equal to or less than one; and

B. The level of the annual standard for particulate matter is 40 micrograms per cubic meter annual arithmetic mean, as measured in the ambient air as PM₁₀, based on methods contained in 40 Code of Federal Regulations, Part 50, Appendix J.

The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 Code of Federal Regulations, Part 50, Appendix K, is less than or equal to 40 micrograms per cubic meter.

Sec. 2. 38 MRSA §592-A is enacted to read:

§592-A. Soiling of property; nuisance

1. Total suspended particulate matter. No person may discharge total suspended particulate matter to the ambient air in an amount or concentration that soils property or creates a nuisance condition. Total suspended particulate matter concentrations of less than 150 micrograms per cubic meter for any 24-hour period in the ambient air shall be presumed not to constitute soiling or nuisance conditions. Any person who demonstrates on the basis of total suspended particulate ambient air quality monitoring information acceptable to the department that emissions discharged by that person have not substantially caused or contributed to total suspended particulate matter concentrations in excess of 150 micrograms per cubic meter over a 24-hour period at any applicable location may not be held in violation of this subsection.

2. Fugitive emissions. Any commercial and industrial source or facility, all municipalities and all state or federal facilities, whether or not requiring a license pursuant to this chapter, which cause or contribute to the discharge of fugitive emissions which the department determines to constitute a nuisance shall be required to establish and maintain a continuing program for best management practices for suppression of fugitive emissions during any periods of construction, renovation or normal operation. The department shall determine those procedures which constitute best management practices. A description of a source's program for suppression of fugitive emissions shall be made available to the department upon request.

See title page for effective date.

CHAPTER 156

H.P. 119 - L.D. 156

An Act to Increase the Age Limit for Child Support

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

Sec. 1. 19 MRSA §214, sub-§9, as repealed and replaced by PL 1985, c. 652, §3, is amended to read:

9. Support order. The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation.

After January 1, 1990, the court may order either parent to provide child support beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.

The court's order may include a requirement for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. If medical, hospitalization or dental insurance coverage for ~~his~~ that parent's child is available to an obligated parent on a group basis through ~~his~~ that parent's employment or other affiliation, the court's order shall include a provision requiring the obligated parent to obtain and maintain that coverage on behalf of ~~his~~ that parent's child. The court may enforce a support order as provided in chapter 14-A.

Sec. 2. 19 MRSA §303, as enacted by PL 1969, c. 175, is repealed and the following enacted in its place:

§303. Support of child by parent not having custody

1. Support for each child. When by court decree a parent is required to pay to the other parent money for the support of minor children, the decree shall indicate separately the amount of money to be paid for the support of each child.

2. Termination of decree. The decree of the court shall remain in force as to each child until that child either:

A. Attains the age of 18 years. For decrees issued after January 1, 1990, if the child attains the age of 18 years while attending secondary school as defined in Title 20-A, section 1, the decree shall remain in force until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs;