

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
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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;

B. Becomes married;

C. Becomes a member of the armed services; or

D. The decree is altered by the court.

Sec. 3. 19 MRSA §493, sub-§4, as enacted by PL 1975, c. 532, §3, is amended to read:

4. "Dependent child" means any minor child who is not emancipated.

Notwithstanding any other provision of this subchapter, if a person for whom child support has been established by a court order of support, as defined by subsection 2, attains the age of 18 years while attending secondary school as defined in Title 20-A, section 1, a support debt may be established under this subchapter with respect to child support accruing between that person's 18th birthday and that person's graduation, withdrawal or expulsion from secondary school or 19th birthday, whichever first occurs, if the court order of support has been issued after January 1, 1990.

Sec. 4. 19 MRSA §498, first ¶, as amended by PL 1985, c. 652, §26, is further amended to read:

If no court order of support exists, the department may, by hearing and other procedures set forth below, establish a periodic payment to satisfy the responsible parent's support obligation under sections 442 and 443, establish the debt accrued under section 495, establish a periodic payment to satisfy that debt and establish the responsible parent's obligation to maintain medical insurance coverage and to provide payment for other medical expenses incurred on behalf of ~~his~~ that parent's dependent children. Notwithstanding sections 442 and 443, after January 1, 1990, the responsible parent's support obligation shall continue 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.

Sec. 5. 19 MRSA §498-A, first ¶, as enacted by PL 1985, c. 652, §27, is amended to read:

If no court order of support exists, the department may, by hearing and other procedures set forth in this section, establish a periodic payment to satisfy the responsible parent's support obligation under sections 442 and 443, on behalf of ~~his~~ that parent's dependent children for whom the department has agreed to provide enforcement services pursuant to section 448-A. The department may also establish the responsible parent's obligation to maintain medical insurance coverage and to provide payment for other medical expenses incurred on behalf of ~~his~~ that parent's dependent children. Notwithstanding sections 442 and 443, after January 1, 1990, the responsible parent's support obligation shall continue 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.

Sec. 6. 19 MRSA §581, sub-§9, as repealed and replaced by PL 1985, c. 652, §42, is amended to read:

9. Support; prosecution money. The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child or an order to provide a policy or contract for coverage of those expenses. 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 employer or group 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 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.

Sec. 7. 19 MRSA §752, sub-§10, as amended by PL 1985, c. 652, §46, is further amended to read:

10. Support order. An order of the court for child support may run against the father or the mother in whole or in part or against both, irrespective of the fault of the father or mother in the divorce action. For divorces ordered after January 1, 1990, the order for child support may run until the child graduates, withdraws or is expelled from secondary school as defined in Title 20-A, section 1, or attains the age of 19 years, whichever first occurs after the child attains the age of 18 years. When the order is to run against both, the court shall specify the amount each shall pay. 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.

An order for child support may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child or an order to provide a policy or contract for coverage of these expenses. If medical, hospitalization or dental insurance coverage for the child is available to an obligated parent on a group basis through ~~his~~ that parent's employer or group 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.

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 may enforce a support order as provided in chapter 14-A.

See title page for effective date.

CHAPTER 157

H.P. 107 - L.D. 144

An Act Regarding Traffic and Residential Areas Adjacent to Proposed Solid Waste Facilities

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

38 MRSA §1310-N, sub-§§2-B and 2-C are enacted to read:

2-B. Traffic movement. In addition to any requirements under section 482, the board shall not issue a license for a solid waste facility when it finds that the developer has not made adequate provision for traffic movement of all types into, out of or within the proposed solid waste facility. The board shall consider traffic movement both on-site and off-site. In making its determination, the board shall consider the following factors:

- A. Vehicular weight limits;
- B. Road construction and maintenance standards;
- C. Vehicle types;
- D. Public safety and congestion on any public or private road traveled by vehicles transporting waste to or from the proposed facility; and
- E. Other relevant factors.

The board shall establish vehicle weight limits for any vehicle transporting solid waste to or from the proposed facility. The board shall base the vehicle weight limits on the road construction and maintenance standards of the roads likely to be traveled by vehicles transporting solid waste to or from the proposed facility.

2-C. Proximity to residential areas. The board shall not issue a license for a municipal solid waste transfer station in which the handling site will be located within 250 feet of any property boundary.

See title page for effective date.

CHAPTER 158

S.P. 68 - L.D. 56

An Act to Correct Liquor License Fees

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

Whereas, a restructuring of license fees for the sale of beer and wine to be consumed off the premises where sold was undertaken in the revision of liquor laws during the First Regular Session of the 113th Legislature; and

Whereas, the restructuring was designed to produce no net loss of revenue to the State because, as some license fees were lowered, others were raised; and

Whereas, one of the license fee increases was omitted from the legislation which made the changes; and

Whereas, without the collection of the additional \$5 intended in the restructuring, the State will experience a loss in revenue; 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. 28-A MRSA §2, sub-§15, ¶B, as repealed by PL 1987, c. 45, Pt. A, §4, is reenacted to read:

B. "Auditorium" means any commercially operated facility designed or used for the gathering of an audience for speeches and live performances of theater, music, dance or other performing arts, which charges a fee and which has adequate facilities for the sale and consumption of liquor.

Sec. 2. 28-A MRSA §122, sub-§1, as amended by PL 1987, c. 147, §2, and as repealed and replaced by PL 1987, c. 342, §17, is repealed and the following enacted in its place:

1. No local option election. No local option election may be held in unincorporated places.

Sec. 3. 28-A MRSA §1001, sub-§3, ¶B, as repealed by PL 1987, c. 45, Pt. A, §4, is reenacted to read:

B. Auditoriums;

Sec. 4. 28-A MRSA §1003, sub-§3, ¶B, as repealed by PL 1987, c. 45, Pt. A, §4, is reenacted to read:

B. Auditoriums;

Sec. 5. 28-A MRSA §1004, sub-§3, ¶B, as repealed by PL 1987, c. 45, Pt. A, §4, is reenacted to read:

B. Auditoriums;