

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

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;

Sec. 6. 28-A MRSA §1005, sub-§3, ¶B, as repealed by PL 1987, c. 45, Pt. A, §4, is reenacted to read:

B. Auditoriums;

Sec. 7. 28-A MRSA §1007, sub-§2, ¶B, as amended by PL 1987, c. 342, §67, is further amended to read:

B. Part-time (6 months).....\$ ~~62.50~~ 67.50; and

Sec. 8. 28-A MRSA §1007-A, as enacted by PL 1987, c. 632, is repealed.

Sec. 9. 28-A MRSA §1069-A is enacted to read:

§1069-A. Auditoriums

1. Issuance of licenses. The commission may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to auditoriums, as defined in section 2, subsection 15, paragraph B.

2. No sales at events for children. No liquor may be sold at an auditorium at any event primarily involving primary or secondary school children.

3. Conditions on sales. No liquor may be sold or consumed in any audience seating area at an auditorium licensed under this section.

Emergency clause. In view of the emergency cited in the preamble, sections 1 to 6, 8 and 9 shall take effect when approved.

Effective May 19, 1989, unless otherwise indicated.

CHAPTER 159

S.P. 161 - L.D. 309

An Act to Make Changes to the Public Utilities Commission Laws

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

Sec. 1. 35-A MRSA §117, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Filing fees expense; reimbursements and payment for services. All money collected by the commission in the form of filing fees, expense reimbursements ordered by the commission or payment for services, ~~such as reproduction and distribution of copies of commission decisions and photocopying or for the use of facilities;~~ shall be deposited with the Treasurer of State in an account to be known as the Public Utilities Commission Reimbursement Fund. Services for which the commission receives payment include the reproduction and distribution of copies of commission decisions, agenda and dockets, photocopying and the use of facilities. This account is a continuous carrying account, with appropriate subaccounts, for reimbursement of commission

expenses incurred in processing the associated matters or providing the associated services or facilities which generated the filing fee, ~~payment or expense reimbursement and so or payment.~~ So much of the filing fee, payment or expense reimbursement or payment as may be required by the commission is allocated for these purposes and for the refund of the unexpended portion of the filing fee.

Sec. 2. 35-A MRSA §707, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Consent by commission. No public utility may extend or receive credit, including the guarantee of debt, or make or receive a loan to or from an affiliated interest or make any contract or arrangement for the furnishing of management, supervision of construction, engineering, accounting, legal, financial or similar services, or for the furnishing of any service or real or personal property other than those enumerated with any affiliated interest until the commission finds that the contract or arrangement is not adverse to the public interest and gives the contract or arrangement its written approval.

A. Unless the commission disapproves it within 60 days of filing, a contract or arrangement filed with the commission under this section is deemed approved. The commission may, however, suspend the effective date of the contract or arrangement for an additional 60 days if necessary to enable the commission to complete its review of the contract or arrangement.

B. The commission may approve a contract or arrangement with an affiliated interest undertaken after October 24, 1977, subject to such terms, conditions and requirements as it determines necessary to safeguard the public interest. If the contract or arrangement is not consented to or approved by the commission as provided in this section, the commission may disallow, for rate-making purposes, payments or part of any such payments as the commission finds not to be in the public interest, and the commission may, after notice to the affected parties and opportunity for hearing, declare that contract or arrangement prospectively void as it applies to utility operations within the State. Unless otherwise invalid, that contract or arrangement shall remain in effect until declared prospectively void as it applies to utility operations within the State by an effective final order of the commission issued under this section no later than 90 days from the date of service of the notice.

C. The commission may, in the case of a utility or group of utilities, exempt from this section from time to time classes of transactions as it may specify by rule or order in advance and which in its judgment will not be adverse to the public interest.

D. Commission approval of a contract or arrangement under this section may not limit or restrict the powers of the commission in determining and fixing any rate, fare, toll, charge, classification, schedule or joint rate as provided in this Title.