

# 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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B. Within 25 days of the arbitrator's decision, the board shall prepare a contract which shall include all terms agreed to by the parties in bargaining or settled by voluntary or required mediation or by arbitration and shall present the contract to the parties, who shall sign the contract within 2 days of its presentation. After the parties have signed the contract, the terms of the contract may be modified by mutual agreement of the parties. A copy of any contract modified under this paragraph shall be filed with the board.

**Sec. 2. Sunset provision.** This Act is repealed on January 1, 1990.

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

Effective June 1, 1989.

## CHAPTER 202

H.P. 290 - L.D. 402

### An Act to Allow Flexibility in Establishing Regional Planning Commissions

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

**30-A MRSA §2321, sub-§1, ¶A** is enacted to read:

A. If 4 to 6 municipalities desire to form a regional planning commission, each proposed member municipality must receive the consent of the commissioners of the county in which the municipality is located.

(1) Upon receiving a request for the formation of a regional planning commission under this paragraph, the county commissioners shall notify all proposed member municipalities and any regional planning commission in the county of the request and shall hold a public hearing on the request.

(2) The county commissioners shall grant a request by a municipality to join in the formation of a regional planning commission composed of 4 to 6 municipalities if that formation furthers the purposes of this chapter.

See title page for effective date.

## CHAPTER 203

H.P. 212 - L.D. 292

### An Act to Improve the Regulation of Harness Racing

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

**Whereas,** it is the intent of the Legislature that the amended licensure procedures should apply to the 1989 racing season; and

**Whereas,** nonemergency Acts will not take effect until after the start of the 1989 racing season; 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. 5 MRSA §10051, sub-§1,** as amended by PL 1987, c. 141, Pt. B, §3, is further amended to read:

**1. Jurisdiction.** Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 29; and Title 35-A, section 3132, the Administrative Court shall have exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by the agency and shall have original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

**Sec. 2. 8 MRSA §271, sub-§3,** as enacted by PL 1985, c. 444, §2, is amended to read:

**3. Overlapping race dates.** The commission shall not award overlapping race dates for extended meets to licensees which are within 50 miles of each other without the approval of ~~2/3~~ 60% or more of the entire commission, ~~except that a majority of the commission upon request by the Commissioner of Agriculture, Food and Rural Resources may award up to 8 trial overlapping race dates during 1986 following an evaluation by the commissioner of the impact of overlapping race dates.~~

**Sec. 3. 8 MRSA §279-B,** as repealed and replaced by PL 1977, c. 694, §153, is amended to read:

**§279-B. Fines, suspensions and revocations**

In order to enforce the rules ~~and regulations~~ referred to in section 279-A, the commission is authorized to establish a schedule for fines not to exceed \$100 for each violation of the rules and regulations. The commission is authorized to levy a fine, after notice and hearing, for each violation of the rules ~~and regulations~~.

The commission is further authorized to establish a schedule of suspensions of licenses ~~and may levy suspensions~~ for each violation of the rules ~~and regulations~~.

Any person aggrieved by any fine or suspension imposed by the commission may seek judicial review pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

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

Effective June 2, 1989.

## CHAPTER 204

H.P. 520 - L.D. 705

### An Act Concerning Special Marine Resources Permits

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

**Sec. 1. 12 MRSA §6074, first ¶,** as amended by PL 1981, c. 189, is further amended to read:

The commissioner may, with the advice and consent of the advisory council, issue a special license for research, aquaculture or education, which exempts the holder from one or more marine resources' laws as to the time, place, length, condition, amount and manner of taking or possessing any marine organism. Special licenses issued by the commissioner to employees of the department when they are acting in their capacity as employees under the direction of the commissioner or the commissioner's designated representative do not require the advice and consent of the advisory council.

**Sec. 2. 12 MRSA §6074, sub-§5,** as amended by PL 1983, c. 662, §4, is further amended to read:

**5. Fees.** The annual fee for a special license shall be \$25. An annual fee of \$10 shall be paid for each individual after the first individual. No license fee may be required for a special license for raising and selling Pacific salmon. No license fee may be required from a municipality for a special license for using a hydraulic dredge under section 6623. No license fee may be required for employees of the department when they are acting in their capacity as employees under the direction of the commissioner or the commissioner's designated representative.

See title page for effective date.

## CHAPTER 205

H.P. 604 - L.D. 828

### An Act Concerning the Regulatory Authority of the Department of Marine Resources

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

**Whereas,** contaminated marine products and contaminated or polluted water affect the health of people who consume edible marine products; and

**Whereas,** this legislation extends the authority of the Department of Marine Resources to monitor contamination to ensure the public's health; and

**Whereas,** the department should begin this extended monitoring program as soon as possible; 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. 12 MRSA §6071, sub-§3** is enacted to read:

**3. Products embargoed and condemned.** The commissioner or the commissioner's agent may indefinitely embargo, condemn or order to be destroyed any marine species or marine species product imported and introduced to coastal waters in violation of this section whenever it is determined that the product is of unsound quality; contains any filthy, decomposed or putrid substance; may be poisonous or deleterious to health; or is otherwise unsafe. The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

If any marine species or marine species product is embargoed, condemned or ordered destroyed, the commissioner or the commissioner's agent shall, as soon as practical, notify the owner in writing of the amount and kind of marine species or marine species product embargoed, condemned or destroyed.

**Sec. 2. 12 MRSA §6076,** as enacted by PL 1985, c. 784, §1, is amended to read:

#### §6076. Marine Shellfish Toxins Monitoring Program

**1. Purpose.** A comprehensive ~~Paralytic Shellfish Poison~~ Marine Shellfish Toxins Monitoring Program is established to protect the public health while providing for the harvest of susceptible species of marine mollusks in areas not shown to be affected by contamination.

**2. Responsibilities.** The department shall be the state agency responsible for implementing the program. The department may adopt rules under section 6172 as may be warranted to provide for adequate protection of the public health.