

# 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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**Sec. 3. 12 MRSA §6172**, as amended by PL 1985, c. 268, §1, is further amended to read:

**§6172. Contaminated or polluted flats**

**1. Commissioner's powers.** The commissioner may examine the coastal waters and the intertidal zone and adopt ~~regulations~~ rules to close coastal waters or intertidal zone areas if ~~he~~ the commissioner determines that any marine ~~mollusks~~ species are or may become contaminated or polluted. The commissioner may adopt or amend ~~regulations~~ rules as ~~he deems~~ the commissioner determines necessary, setting forth standards for closure of contaminated or polluted areas, giving consideration to established state water quality standards, the most recently adopted federal sanitation standards, or other state or federal public health standards, the most recent generally accepted research data and known sources of pollution in any area, in a manner ~~so as~~ to protect the public health and safety while allowing reasonable use of the ~~state's shellfish~~ State's marine species.

**2. Emergency rules.** The commissioner may adopt or amend ~~regulations~~ rules under the emergency procedures, if immediate action is necessary to prevent the taking of polluted or contaminated marine ~~mollusks~~ species.

**3. Repeal.** The commissioner shall repeal a ~~regulation~~ rule closing an area or waters when the marine ~~mollusks~~ species are no longer contaminated or polluted or when the waters meet the sanitary standards set forth in any department ~~regulations~~ rules. The commissioner may use emergency regulatory procedures to open areas or waters that have been closed under emergency procedures of this section.

**4. Procedure.** The procedures of subchapter II shall be used in adopting or amending ~~regulations~~ rules authorized by this section.

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

Effective June 2, 1989.

## CHAPTER 206

H.P. 601 - L.D. 825

### An Act Relating to the Sale of Fraternal Life Benefit Certificates and Life Insurance by Funeral Directors and Cemetery Corporations

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

**Sec. 1. 24-A MRSA §2175**, as enacted by PL 1969, c. 132, §1, is amended to read:

**§2175. Insurer's ownership of funeral establishment or cemetery prohibited**

No insurer ~~shall~~ may own or manage or supervise or operate or maintain a mortuary establishment ~~or, a funeral establishment, a cemetery, a cemetery corporation or association, a crematorium, a mausoleum or a columbarium.~~

**Sec. 2. 24-A MRSA §2176**, as enacted by PL 1969, c. 132, §1, is amended to read:

### §2176. Funeral and burial service contracts prohibited

No insurer ~~shall~~ may contract or agree with any funeral director, funeral establishment ~~or, mortuary establishment, cemetery, cemetery corporation or association, crematorium, mausoleum or columbarium or any representative of any of these directors or establishments~~ to the effect that ~~such~~ the director or establishment shall conduct the funeral, burial, or cremation or other disposal of the remains of any individual insured by the insurer. Nothing in this section ~~shall prevent~~ prevents compliance with Title 39, section 59, or the use of an insurance policy to provide security for the payment for a funeral, burial or cremation.

**Sec. 3. 24-A MRSA §4139-A** is enacted to read:

### §4139-A. Funeral service contracts

Every society is subject to the provisions of section 2176.

See title page for effective date.

## CHAPTER 207

S.P. 164 - L.D. 321

### An Act to Certify and Register Municipalities under the Site Location of Development Act

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

**Sec. 1. 38 MRSA §489**, as amended by PL 1987, c. 812, §§17 and 18, is repealed.

**Sec. 2. 38 MRSA §489-A** is enacted to read:

### §489-A. Municipal review of development

The Department of Environmental Protection may register municipalities to grant permits required by section 483 under the following conditions.

**1. Kinds of projects.** The following kinds of projects may be reviewed by registered municipalities pursuant to this section:

A. Residential and nonresidential subdivisions of 20 or more acres but less than 100 acres;

B. Structures as described in section 482, subsection 6, paragraph A, which occupy a ground area in excess