

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

---

hours enter into and upon all buildings or premises within their jurisdiction and inspect the buildings or premises. The inspectors may enter any building only with the permission of the person having control thereof or, after hearing, upon order of the court. Whenever any such compliance officer shall find any burner installation in any building or structure which does not comply with the requirements of this chapter, he that officer shall order the burner to be removed or remedied, and the order shall forthwith be complied with by the owner or occupant of that building or structure or the installer of the equipment. The owner ~~or~~, occupant or installer may, within 7 days, appeal to the Oil and Solid Fuel Board, which shall, within 10 days, review the order and file its decision thereon, which decision shall be complied with within such time as may be fixed in the decision of the board. In the event any person, firm or corporation fails or refuses to carry out any such order of any oil or solid fuel burner compliance officer or decision of the board, a court may order appropriate injunctive relief. State oil and solid fuel compliance officers shall have the authority to review the burner installation records of any person licensed under this chapter.

**Sec. 4. 32 MRSA §2316**, as enacted by PL 1979, c. 569, §4, is amended to read:

**§2316. Failure to comply with order of compliance officer**

If the owner ~~or~~, occupant of any building or an installer neglects or refuses, without justification, for more than 10 days to comply with any order of an oil or solid fuel burner compliance officer concerning oil or solid fuel burner installations as provided by this chapter, he that person commits a civil violation for which a forfeiture of not less than \$5 for each day's neglect may be adjudged.

**Sec. 5. 32 MRSA §2402, sub-§1**, as amended by PL 1983, c. 413, §123, is further amended to read:

**1. Rules.** The board may make reasonable rules for the issuance of various types and classes of licenses to cover the various types of oil and solid fuel burner installations ~~as set forth in section 2314~~ and to set forth standards and rules for product approval. A license may cover one or more or all types of installations. The board may further make reasonable rules concerning the term and type of experience required by candidates for examination.

**Sec. 6. 32 MRSA §2406** is enacted to read:

**§2406. Corporations, firms and partnerships**

The board may issue a master oil burner or solid fuel burner technician license to a corporation, firm or partnership which submits an application for a license on a form prescribed by the board. Such a license shall not be issued unless the applicant provides satisfactory evidence that it has a licensed master oil burner or solid fuel burner technician directly in charge of its heating business activities who is an officer in the case of a corporation, or full-time employee, in the case of a firm or partnership, and the license shall be issued in the name of that master oil burner or solid fuel burner technician. Upon the death or severance from the

company of the licensed master oil burner or solid fuel burner technician in whose name the company license is held, the company license shall automatically terminate 30 days from the date of that death or severance, unless the company applies for reissuance of its license in the name of another licensed master oil burner or solid fuel burner technician who is qualified under this section.

See title page for effective date.

---



---

## CHAPTER 321

H.P. 978 - L.D. 1356

### An Act to Authorize County Commissioners to Provide Additional Facilities for Prisoners

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

Whereas, this legislation must be enacted and take effect at the earliest possible moment in order to address the statewide crisis of severe overcrowding in county jails; 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. 30-A MRSA §1658**, as enacted by PL 1987, c. 737, Pt. A, §2, and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. A, §49, is further amended by inserting at the end a new paragraph to read:

The county commissioners may purchase, lease, contract or enter into agreements for the use of facilities to house minimum security prisoners who have been sentenced to the county jail. These prisoners must be involved in restitution, work or educational release, or rehabilitative programs. The funds to purchase, lease or contract for these facilities and to provide any programs in these facilities may be taken from the funds received by the counties pursuant to Title 34-A, section 1210. Any facilities used to house prisoners pursuant to the authority granted by this section shall be subject to standards established by the Department of Corrections pursuant to Title 34-A, section 1208-A.

**Sec. 2. 34-A MRSA §1208-A** is enacted to read:

**§1208-A. Standards for additional accommodations**

The commissioner shall establish standards for facilities not covered by section 1208 which are used to house county prisoners and has the same power to enforce those standards as provided under section 1208.

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

Effective June 15, 1989.

## CHAPTER 322

H.P. 1061 - L.D. 1483

### An Act to Make General Assistance More Available to Homeless People and Clarify the Definition of Need

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

**Sec. 1. 22 MRSA §4301, sub-§1**, as enacted by PL 1983, c. 577, §1, is amended to read:

**1. Basic necessities.** "Basic necessities" means food, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons and any other commodity or service determined essential by the overseer in accordance with the municipality's ordinance and this chapter.

**Sec. 2. 22 MRSA §4304, sub-§3**, as enacted by PL 1983, c. 577, §1, is amended to read:

**3. Emergencies.** In any case when an applicant is unable, due to illness, disability, lack of transportation, lack of child care or other good cause, to apply in person for assistance or unable to appoint a duly authorized representative, the overseer shall accept an application by telephone subject to verification by mail and a visit to the applicant's home with the consent of the applicant. Municipalities may arrange with emergency shelters for the homeless to presume eligible for municipal assistance persons to whom the emergency shelter provides shelter services.

**Sec. 3. 22 MRSA §4308, first ¶**, as repealed and replaced by PL 1985, c. 489, §§5 and 14, is amended to read:

In order to receive assistance from any municipality, the applicant or a duly authorized representative must make written application to the overseer, except as provided in section 4304, subsection 3, and except that in an emergency the application may be made verbally and assistance shall be granted temporarily. Further assistance shall be granted upon completion of a written application and determination of eligibility.

See title page for effective date.

## CHAPTER 323

H.P. 1086 - L.D. 1508

### An Act to Regulate Water Flowage over Dams

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

**Sec. 1. 38 MRSA §840, sub-§1**, as amended by PL 1987, c. 402, Pt. A, §205, is further amended to read:

**1. Power.** The board may on its own motion and shall at the request of the owner, lessee or person in control of a dam, the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources, or upon receipt of petitions from the lesser of at least 25% or 50 of the littoral or riparian proprietors, conduct an adjudicatory hearing for the purpose of establishing a water level regime and, if applicable, minimum flow requirements for the body of water impounded by any dam that is neither:

A. Licensed by the Federal Energy Regulatory Commission;

B. Authorized under the Federal Power Act, Section 23;

C. Used to store water for a downstream facility licensed by the Federal Energy Regulatory Commission or authorized under the Federal Power Act, Section 23, provided that the owner of the downstream facility possessed a majority ownership of the upstream dam as of January 1, 1983; nor

D. Operating with a permit setting water levels issued under the ~~great ponds laws, sections 391 to 394; the alteration of coastal wetlands laws, sections 471 to 478; protection of natural resources laws, sections 480-A to 480-S;~~ the site location of development laws, sections 481 to 490; the small hydroelectric generating facilities laws, sections 631 to 636; the land use regulation laws, Title 12, sections 681 to 689; ~~the stream alteration laws, sections 425 to 430;~~ or any other statute regulating the construction or operation of dams.

**Sec. 2. 38 MRSA §840, sub-§4**, as enacted by PL 1983, c. 417, §6, is amended to read:

**4. Evidence.** At the hearing, the board shall solicit and receive testimony, as provided by Title 5, section 9057, for the purpose of establishing a water level regime and, if applicable, minimum flow requirements for the body of water. The testimony shall be limited to:

A. The water levels necessary to maintain the public rights of access to and use of the water for navigation, fishing, fowling, recreation and other lawful public uses;

B. The water levels necessary to protect the safety of the littoral or riparian proprietors and the public;

C. The water levels and minimum flow requirements necessary for the maintenance of fish and wildlife habitat and water quality;