

# 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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**State Board of Licensure  
for Professional Surveyors**

Personal Services                      \$3,000      \$3,000

**State Board of Funeral  
Service**

Personal Services                      \$900        \$900

**DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION**

**TOTAL**    \$70,700    \$74,200

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

Effective June 23, 1989.

**CHAPTER 451**

**H.P. 966 - L.D. 1344**

**An Act to Strengthen Maine's  
Restaurant Smoking Law**

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

**Sec. 1. 22 MRSA §1579-A, sub-§§2 and 3,** as enacted by PL 1987, c. 191, are amended to read:

**2. Restaurants.** Smoking in restaurants shall be governed by the following policies.

A. Restaurants shall provide for their patrons a ~~no smoking~~ no-smoking area reasonably calculated to address the needs of the nonsmoking public. The department shall, by rule, adopted under the Maine Administrative Procedure Act, Title 5, chapter 375, define "reasonably calculated." The rule, accompanied by a description of the department's experience in enforcing the rule, shall be submitted to the joint standing committee of the Legislature having jurisdiction over human resource matters by January 1, 1991, for review.

B. Restaurants shall display prominently, at or near the entrance, a sign indicating ~~its~~ their policy on seating smokers and nonsmokers and shall encourage ~~patrons~~ customers to make their seating requests known. A sign need not be displayed if a host or hostess seats ~~patrons~~ customers and indicates verbally at the time of seating the restaurant's policy and the location of the smoking and no-smoking areas in the restaurant.

C. Nothing in this subsection prohibits a restaurant from designating more than 50% of its indoor seating or all of its indoor seating as a no-smoking area.

**3. Violations.** Failure to post a sign or announce a policy, to provide a no-smoking area as required by subsection 2 or to establish, post or be responsible for implementation of a policy, comply with rules promulgated pursuant to subsection 2 is a civil violation for which a forfeiture of not ~~more~~ less than \$100 nor more than \$500 may be adjudged.

**Sec. 2. 22 MRSA §1579-A, sub-§4** is enacted to read:

**4. Licensure requirement.** The Department of Human Services shall implement rules, pursuant to section 2496, that make the failure to provide for a no-smoking area under the provisions of subsection 2 a violation of the eating establishment licensure rules. Employees of the department inspecting restaurants pursuant to their authority under chapter 562 shall determine whether the restaurant is in compliance with and enforce this section.

See title page for effective date.

**CHAPTER 452**

**H.P. 446 - L.D. 611**

**An Act to Clarify Procedural Aspects of  
the Forcible Entry and Detainer Law**

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

**Sec. 1. 14 MRSA §6003, 2nd ¶,** as enacted by PL 1981, c. 428, §5, is amended to read:

If either party in a forcible entry and detainer action requests a recorded hearing, the court shall schedule ~~it~~ and hold the hearing as soon as practicable, but no later than ~~7~~ 10 days after the return day. Any defendant requesting a recorded hearing shall ~~be prepared to~~ file a written answer enumerating all known defenses on or before the return day.

**Sec. 2. 14 MRSA §6005,** as amended by PL 1981, c. 428, §6, is further amended by adding after the first paragraph a new paragraph to read:

An additional writ of possession may be issued by the clerk at the request of the plaintiff after issuance of the first writ.

See title page for effective date.

**CHAPTER 453**

**H.P. 1167 - L.D. 1621**

**An Act to Ensure Notification and Participation by  
the Public in Licensing and Relicensing of Hydro-  
electric Dams and to Further Ensure the Equal  
Consideration of Fisheries and Recreational Uses  
in Licensing and Relicensing**

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

Sec. 1. 12 MRSA §407 is enacted to read:

**§407. Comprehensive river resource management plans**

The State Planning Office, with assistance from the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Environmental Protection and other state agencies as needed, shall develop, subject to the Maine Administrative Procedures Act, Title 5, section 375, a comprehensive river resource management plan for each watershed with a hydropower project licensed under the Federal Power Act or to be licensed under the Federal Power Act. These plans shall provide a basis for state agency comments, recommendations and permitting decisions and shall at a minimum include, as applicable, minimum flows, impoundment level regimes, upstream and downstream fish passage, maintenance of aquatic habitat and habitat productivity, public access and recreational opportunities. These plans shall update, complement and, after public notice, comment, and hearings in the watershed, be adopted as components of the State's comprehensive rivers management plan.

Sec. 2. 38 MRSA c. 5, sub-c. I, art. 1, sub-art. 1-C is enacted to read:

**Subarticle 1-C. Public Participation in the Licensing and Relicensing of Hydroelectric Dams**

**§640. Public participation**

Unless otherwise provided in accordance with regulations promulgated by the Federal Energy Regulatory Commission, for all existing hydropower projects located in Maine currently licensed under the Federal Power Act, and for all proposed hydropower projects requiring a license to operate under the Federal Power Act, all state agencies that review, comment on and consult in the proposed studies, plans, terms and conditions in the course of licensing or relicensing these projects, including the State Planning Office, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, shall cooperatively take the following steps to ensure that interested members of the public are informed of, and allowed to participate in, the review and comment process.

1. Publication. At the commencement of the consultation, review and comment process, the state agencies involved shall publish notification of this fact, informing the public of the issues anticipated to be involved in the licensing or relicensing process, the timetable for processing of the license and the opportunities the public has to comment on and participate in the process. The notice shall be designed to reach readership both statewide and in the vicinity of the hydropower project, including all persons that have contacted the agencies with an interest in this matter and all potentially interested persons.

2. Written notification of status. During the entire consultation process and including the filing of the license application under the Federal Power Act, the state agencies shall inform in writing all members of the public that have indicated an interest in the particular licensing process of the status of that process, including all requirements that the agencies may be placing upon the license applicant. That information shall be provided no less than once every 4 months.

3. Public comment. State agencies shall provide meaningful opportunities for public comment on the plans, studies, terms and conditions to be recommended by the agencies for inclusion in the license.

4. Release of public information. All information submitted to the agencies by the applicants for a license under the Federal Power Act shall constitute a public record pursuant to Title 1, section 402, unless such information is otherwise exempted from public disclosure by state law. Release of this information to members of the public shall be governed by Title 1, section 408.

See title page for effective date.

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**CHAPTER 454**

**H.P. 1136 - L.D. 1579**

**An Act Regarding the Training Costs of Police Officers**

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

**25 MRSA §2808, sub-§1, 1C**, as enacted by PL 1985, c. 506, Pt. A, §50, is repealed and the following enacted in its place:

C. The term "training costs" includes the following:

(1) The full cost of the salary paid to the officer while in training;

(2) The full cost of the tuition charged by the Maine Criminal Justice Academy;

(3) The full cost of uniforms provided to the officer in training; and

(4) The full cost of the salary, exclusive of overtime, paid to officers previously or newly employed by the municipality to provide police protection during the absence of the officer in training.

See title page for effective date.

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