

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

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

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1989

2. Coordinate with state authority and municipality. Coordinate the resources of the department with the resources of the state authority and the municipality to address residential housing deterioration;

3. Prepare information and notify municipalities. Prepare information about the program, including applications for designations as zones, and notify municipalities;

4. Provide technical assistance. Provide technical assistance to municipalities in developing plans to address residential and neighborhood deterioration. Technical assistance provided under this subsection shall include technical assistance provided by state agencies represented on the interagency task force;

5. Analyze problems and causes of problems that create residential blight. In implementing this subsection, the commissioner, the interagency task force and the state authority shall monitor the 4 demonstration zones and develop findings and recommendations concerning neighborhood deterioration and revitalization; and

6. Establish priorities for direct financial assistance. Establish priorities for direct financial assistance which may include, but are not limited to:

A. Financial assistance to owner-occupied rental and single-family homes for the restoration of dwelling units;

B. Financial assistance to shelters for the homeless;

C. Financial assistance for the removal of structures beyond rehabilitation; and

D. Financial assistance for the creation of recreational and park areas.

§5055. Models for urban housing revitalization; evaluation

The commissioner, the state authority and the interagency task force shall develop models for the revitalization of deteriorating residential areas in urban areas based on the results of the study and monitoring of the demonstration zones as provided in section 5052. The commissioner, the state authority and the interagency task force shall review and evaluate the plans and programs applied to the demonstration zones and report their findings and recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over housing matters by December 30, 1992. This report shall include:

1. Strategy. The strategy applied in each zone to revitalize housing and neighborhoods;

2. Number of buildings and units. The number of buildings and units of affordable housing developed, or rehabilitated in each zone;

3. Causes of blight and deterioration. The major causes of urban and blight and deterioration in each zone and the programs applied to these causes; and

4. Effectiveness of assistance and programs. The effectiveness of the assistance and programs provided in each zone, including, but not limited to, job training and educational programs, and law enforcement and crime prevention programs.

§5056. Integrated housing

In revitalizing urban housing zones, state agencies, municipalities and nonprofit housing corporations shall strive to establish integrated neighborhoods comprised of households of different income levels.

Sec. 20. 36 MRSA §1760, sub-§66 is enacted to read:

66. Nonprofit housing development organization. Sales to nonprofit organizations for the development of housing for low-income people.

Sec. 21. Legislative intent. It is the intent of the Legislature that the responsibilities imposed upon the Maine State Housing Authority by this Act shall be carried out to the extent that appropriations are made available for those purposes.

Sec. 22. Effective date. Section 17 of this Act shall take effect following ratification by the voters at referendum of a question to authorize the issuance of general obligation bonds to pay mortgage insurance costs or charges.

See title page for effective date, unless otherwise indicated.

CHAPTER 582

H.P. 896 - L.D. 1253

An Act to Prevent, Punish and Remedy Violations of Constitutional Rights

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

5 MRSA c. 337-B is enacted to read:

CHAPTER 337-B

CIVIL RIGHTS ACT

§4681. Violations of constitutional rights; civil action by Attorney General

Whenever any person, whether or not acting under color of law, intentionally interferes by threat, intimidation or coercion or attempts to intentionally interfere by threat, intimidation or coercion, with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured. The

civil action shall be brought in the name of the State and shall be instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

§4682. Violations of constitutional rights; civil actions by aggrieved persons

1. Remedy. Any person whose exercise or enjoyment of rights secured by the United States Constitution or laws of the United States, or of rights secured by the Constitution of Maine or laws of the State, has been interfered with, or attempted to be interfered with, as described in section 4681, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief.

§4683. Attorney's fees and costs

In any civil action under this chapter, the court, in its discretion, may allow the prevailing party, other than the State, reasonable attorney's fees and costs, and the State shall be liable for attorney's fees and costs in the same manner as a private person.

See title page for effective date.

CHAPTER 583

H.P. 108 - L.D. 145

An Act to Encourage Recycling of Lead-acid Batteries

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

38 MRSA §1604 is enacted to read:

§1604. Lead-acid batteries

For the purposes of this section, "lead-acid battery" means a device designed and used to store electrical energy through chemical reactions involving lead and acid.

1. Disposal. No person may dispose of a lead-acid battery by burial, incineration, deposit or dumping so that the battery or any of its constituents may enter the environment or be emitted into the air or discharged into any waters.

2. Lead-acid battery retailers. A person selling or offering for retail sale lead-acid batteries shall:

A. Accept, at the point of transfer, used lead-acid batteries in reasonably clean and unbroken condition from customers in a quantity at least equal to the number of new batteries purchased;

B. If a used lead-acid battery is not exchanged at the time of sale, collect a \$10 deposit on the new battery.

(1) The deposit shall be returned to the customer when the customer delivers a used

lead-acid battery within 30 days of the date of sale.

(2) All funds received by a dealer as a deposit on a lead-acid battery shall be held in trust and separately accounted for by the retailer. Any interest on those funds shall inure to the benefit of the retailer. Annually on July 1st, all deposits not returned to customers in exchange for lead-acid batteries during the previous year ending June 30th shall inure to the benefit of the retailer; and

C. Post an 8 1/2" x 11" written notice that includes the display of the universal recycling symbol and the following language.

(1) "State law requires us to accept motor vehicle batteries or other lead-acid batteries for recycling in exchange for new batteries purchased."

(2) "A deposit of \$10 will be charged for each new lead-acid battery that is not exchanged with an old lead-acid battery."

(3) "It is illegal to dump, bury or incinerate a motor vehicle lead-acid battery or other lead-acid battery."

(4) "Recycle your used batteries."

3. Lead-acid battery wholesalers. Any person selling new lead-acid batteries at wholesale shall accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries in reasonably clean and unbroken condition from customers. A person accepting lead-acid batteries in transfer from an automotive battery retailer shall be allowed a period, not to exceed 90 days, to remove batteries from the retail point of collection.

4. Inspection and enforcement. The Department of Environmental Protection shall produce, print and distribute notices required under subsection 2. The department shall enforce the provisions of this section and may inspect places, buildings or premises governed by this section.

5. Violations. Any person who does not abide by this section commits a civil violation subject to section 349.

See title page for effective date.

CHAPTER 584

H.P. 183 - L.D. 248

An Act to Strengthen Land Use Management in Maine's Unorganized Territories