

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST SPECIAL SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**August 21, 1989 to August 22, 1989**

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**§1602. Negotiations with municipalities**

The Commissioner of Mental Health and Mental Retardation, or the commissioner's designee, shall negotiate with officials of the municipality in which state institutions for both juveniles and adults constructed after the effective date of this section are located to provide state reimbursement to that municipality for the net increased costs that a new state institution imposes on that municipality. Negotiations shall commence only upon request of municipal officials and only within 6 months after the net increased costs arise. As used in this section, unless the context otherwise indicates the following terms have the following meaning:

**1. State institution.** "State institution" means those facilities outlined in section 1001, subsection 8.

**2. Net increased costs.** "Net increased costs" means the costs of those services rendered to the facility by the municipality and the costs of any adverse impact proximately caused by the operation of the facility, subtracted from the fair market value of those services rendered by the facility to the municipality.

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
<b>CORRECTIONS, DEPARTMENT OF</b>		
<b>Bureau of Juvenile Corrections</b>		
Positions	(2)	(2)
Personal Services	\$41,627	\$57,722
All Other	1,500	2,000
Provides funds for planning and clerical capability to allow the Department of Corrections to establish the Bureau of Juvenile Corrections and to plan implementation of the Juvenile Corrections Planning Commission recommendations.		
<b>DEPARTMENT OF CORRECTIONS</b>		
<b>TOTAL</b>	<b>\$43,127</b>	<b>\$59,722</b>

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

Effective August 23, 1989.

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## CHAPTER 592

H.P. 1291 - L.D. 1784

### An Act to Improve Enforcement of Liquor Licensure Laws

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

**Whereas,** current law is, in some instances, inadequate to prevent issuance of a liquor license to a person acting on behalf of another who is ineligible for a liquor license; and

**Whereas,** issuance of a liquor license in these instances is tantamount to issuing the license to an ineligible person to whom current law denies a license for reasons of public safety; 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. 28-A MRSA §601, sub-§2, ¶¶G and H,** as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

G. The applicant was denied a license within the 6 months before the application was filed, unless the commission's denial of the license is overruled by the court under an appeal provided by section 805; ~~or~~

H. The applicant is the husband, wife, father, mother, child or other close relation of a person whose license or application for a license for the same premises was revoked by the Administrative Court Judge or denied by the commission within the 6 months before the application was filed: ; or

**Sec. 2. 28-A MRSA §601, sub-§2, ¶I** is enacted to read:

I. The commission determines that the purpose of the application is to circumvent the provisions of this section.

**Sec. 3. 28-A MRSA §653, sub-§2, ¶¶D and E,** as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; ~~and~~

E. A violation of any provision of this Title: ; and

**Sec. 4. 28-A MRSA §653, sub-§2, ¶F** is enacted to read:

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601.

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

Effective August 23, 1989.

## CHAPTER 593

H.P. 1294 - L.D. 1787

### An Act to Control the Installation of Underground Oil Tanks in the Shoreland Zone

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

**Whereas,** installation of underground oil storage tanks in close proximity to the surface waters of the State poses grave risks to water quality, the environment and public health; and

**Whereas,** remediation of underground oil contamination is substantially more expensive than prevention of this problem; 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. 38 MRSA §564, sub-§1, ¶C,** as amended by PL 1985, c. 626, §3, is further amended to read:

C. For new and replacement facilities in sensitive geologic areas or in the shoreland area, as defined in section 435, the owner shall install one of the following:

- (1) Secondary containment of all underground oil storage facility components;
- (2) Continuous electronic monitoring for free product in those monitoring wells installed in the excavated area around the tank or tanks, and additional wells with electronic monitoring to detect a leak or discharge of oil from the piping;
- (3) Continuous electronic monitoring in the unsaturated zone of all elements of the facility, using sufficient sampling points to detect

a leak or discharge of oil from any point in the facility; or

- (4) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility; sufficiently sampled and tested ~~that are sufficient~~ to detect any discharge of oil or contamination of ground water from a facility.

**Sec. 2. 38 MRSA §565, sub-§1, ¶D** is enacted to read:

D. For new and replacement facilities in sensitive geologic areas or in the shoreland area, as defined in section 435, the owner shall install one of the following:

- (1) Secondary containment of all underground oil storage facility components; or
- (2) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility sufficiently sampled and tested to detect any discharge of oil or contamination of ground water from a facility.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect on September 15, 1989.

Effective September 15, 1989.

## CHAPTER 594

H.P. 1296 - L.D. 1789

### An Act Permitting the Issuance of Certain Pending Revenue Obligation Securities

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

**Whereas,** the Legislature recently enacted Public Law 1989, chapter 552, effective September 30, 1989, providing for certain amendments to the Finance Authority of Maine Act, including sections 16 and 17, pertaining to the issuance of revenue obligation securities backed by capital reserve funds; and

**Whereas,** the Finance Authority of Maine is preparing to issue revenue obligation securities to finance the costs of 6 manufacturing projects within the State; and

**Whereas,** bond counsel to the authority has determined that the amendments effected by Public Law 1989, chapter 552, sections 16 and 17, must be in effect in order