

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.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

B. "CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-112, CFC-113, CFC-114, CFC-115 and CFC-502.

2. Service. After January 1, 1992, a person may not perform service on motor vehicle air conditioners for compensation, unless that person uses equipment that is certified by the Underwriters' Laboratories or an institution determined by the commissioner to be comparable, as meeting the Society of Automotive Engineers standard applicable to equipment for the extraction and reclamation of refrigerant from motor vehicle air conditioners.

3. Recordkeeping. After January 1, 1992, a commercial establishment servicing automobile air conditioners shall maintain records at the establishment of the following:

A. The number of automobile air conditioners serviced by the establishment;

B. The amount of CFC purchased by the establishment; and

C. The amount of CFC sold or used by the establishment.

The establishment shall maintain records for not less than 3 years and provide those records on request to the commissioner.

4. CFC coolant. After October 1, 1991, a person may not sell any CFC coolant in a container containing less than 15 pounds of that coolant, unless it bears a warning label indicating the product's danger to ozone in the stratosphere. After January 1, 1992, a person may sell or offer for sale CFC coolant, suitable for use in motor vehicle air conditioners, only:

A. For commercial or industrial use; or

B. In containers containing more than 15 pounds of that coolant.

5. Registration. A motor vehicle with a model year of 1994 or later may not be registered in the State or sold to a consumer or dealer in the State if it contains air conditioning equipment that uses CFCs.

See title page for effective date.

CHAPTER 623

H.P. 1349 - L.D. 1866

An Act to Amend the Law Concerning the Use of Replacement Motor Vehicles

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

14 MRSA §1454, as enacted by PL 1969, c. 263, is amended to read:

§1454. Cost of replacement motor vehicles

In any action where recovery is sought for the destruction or damage of a motor vehicle, the owner of such motor vehicle shall be entitled to recover reasonable rental costs actually expended for a replacement motor vehicle during such time, not to exceed ~~30~~ 45 days, as the damaged motor vehicle could not be operated or during such time, not to exceed ~~30~~ 45 days, as is required to obtain a replacement motor vehicle for the destroyed motor vehicle.

See title page for effective date.

CHAPTER 624

H.P. 1433 - L.D. 2001

An Act Regarding Maine Land Use Regulation Commission Requirements

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

Whereas, published notice of proposed land use zoning changes would make the Maine Land Use Regulation Commission's operations more efficient while reducing mailing costs; and

Whereas, landowners will continue to be notified in situations when a small number of parcels of land are affected by agency rule changes; 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:

12 MRSA §685-A, sub-§7, as amended by PL 1979, c. 497, §3, is further amended to read:

7. **Hearings and procedures.** Within 45 days after the proposed land use district boundaries or standards are prepared or received by the commission, the commission shall hold a public hearing at a time and place convenient to persons affected by the proposal.

At least 45 days prior to holding a public hearing on proposed land use district boundaries, the commission shall give notice of the hearing to the owners of directly affected lands by mail, according to their names and addresses as shown on the records of the Bureau of Taxation and plantation tax assessors or, if the number of owners of directly affected lands is more than 50, by publication as specified in this subsection.

That notice ~~shall~~ must state a citation of the statutory authority under which the maps or standards are pro-

posed to be adopted, the purpose, time and place of the hearing, the time and place where copies of the proposed maps or standards may be inspected or obtained prior to the hearing, and the manner and time within which comments may be submitted to the commission for consideration.

At least 30 days prior to all hearings held under this subsection, notices ~~shall~~ must be sent to appropriate state and federal agencies. Public notice ~~shall~~ must be given by 3 publications in ~~the state paper and such other daily papers~~ a newspaper of general circulation published in the State ~~as is determined will~~ to bring the proposals to the attention of interested parties; the date of the first publication to be at least 30, and the last publication to be ~~a~~ at least 3, days prior to the hearing.

At hearings, interested owners, lessees, officials, agencies and individuals may appear and be heard. They ~~shall~~ are allowed at least 15 days following the public hearing to file written statements with the commission. Except as provided in this chapter, any hearings required or authorized under this subsection or subsection 8 ~~shall~~ must be conducted in accordance with the requirements for ~~rule-making~~ rulemaking set forth in Title 5, chapter 375, subchapter II; provided that the requirements of Title 5, section 8052, subsection 5, section 8056, subsections 1, 3 and 4 and section 8057, subsection 2, ~~shall~~ do not apply to these procedures.

The commission, acting in accordance with Title 5, chapter 375, subchapter II, shall adopt, and may amend and repeal, rules for the conduct of public hearings held under this section, including adjournments and continuations ~~thereof~~ of those hearings. A complete verbatim recording ~~shall~~ must be made of all hearings held pursuant to this section.

The land use district boundaries or standards ~~shall~~ must be adopted within 45 days from final adjournment of the hearing.

Land use maps and standards so adopted ~~shall~~ become effective 15 days after their adoption by the commission, provided the applicable requirements of the Maine Administrative Procedure Act, as modified by this chapter, are met, and provided the maps and standards are available in the appropriate registry of deeds for each county. Notice of this adoption of land use maps, standards or amendments ~~thereto~~ to those maps or standards must be given by publication once in those newspapers in which notice to the public is provided for under this subsection. Notice of this adoption ~~shall~~ must also be filed with the Secretary of State indicating, in addition, that current copies of land use maps and standards are on file in the commission's offices and the method by which copies may be obtained.

Permanent land use standards so adopted ~~shall~~ be are effective immediately, but ~~shall~~ must be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards ~~shall~~ continue in full force and effect.

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

Effective February 23, 1990.

CHAPTER 625

H.P. 1452 - L.D. 2026

An Act to Amend Continuing Educational Requirements for Licensed Insurance Agents, Brokers and Consultants

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

24-A MRSA §1877, as enacted by PL 1989, c. 31, §4, is amended to read:

§1877. Educational requirements

As a prerequisite to renewal on or after ~~July~~ January 1, 1992 of any license subject to this subchapter, licensees must complete 30 hours of continuing education within 2 years prior to the date of renewal in programs or courses approved by the superintendent. The superintendent may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter.

See title page for effective date.

CHAPTER 626

H.P. 1352 - L.D. 1869

An Act to Require Consultation with the Department of Conservation on Abandoned Railroad Lines

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

23 MRSA §7105, sub-§3, 1A, as enacted by PL 1989, c. 398, §7 and as amended by PL 1989, c. 600, Pt. A, §§11 and 12, is further amended to read:

A. Before dismantling any track that results in a cessation of rail service upon all or part of a railroad line, or offering any railroad property for sale, or upon the abandonment of service along all or a portion of a railroad line, the department shall be given the first option to lease or purchase, on just and reasonable terms, the railroad line, any part of the railroad line or other property. In the event that a lease is negotiated for the rights-of-way, the department shall consult with municipal officials and officers in the municipalities affected by the