

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

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

abandonment of service along the line to determine the need for preserving the rights-of-way along the abandoned portion of the line for rail transportation. If the department finds that the welfare of the State would be significantly and adversely affected by the loss of the line for railroad transportation purposes, the department shall seek to negotiate the purchase of the abandoned portion of the line. In making this determination, the department shall consider, among other criteria deemed significant by the department, future economic development activities and opportunities in the area served by the abandoned railroad service. In addition, the department shall consult with the Department of Economic and Community Development, the Department of Conservation and the State Planning Office in making the determination required in this section.

The department shall, in good faith, seek to lease the railroad rights-of-way until it finds that the preservation of the rights-of-way is not necessary for the welfare of the State or until the voters of the State approve or disapprove, at a statewide election, the issue of bonds to purchase the rights-of-way along the abandoned portion of the line.

Nothing in this paragraph may require the department to lease or purchase the railroad rights-of-way to an entire railroad line or any portion of the line for which railroad service has been abandoned if the railroad corporation owner does not intend to sell, lease or in any other way dispose of the rights-of-way by which railroad service could be easily restored along the abandoned service portion of the line.

See title page for effective date.

CHAPTER 627

H.P. 1324 - L.D. 1826

An Act to Clarify Legislative Intent Governing a Position Assignment

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

Whereas, the additional clerk's position created by Public Law 1989, chapter 526 should be redesignated to be within the Administrative Office of the Courts as soon as possible; 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:

PL 1989, c. 526, §27, in that part designated "Judicial Department," 6th to 8th lines are amended to read:

Provides funds for an additional clerk in the Administrative Court Office of the Courts.

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

Effective February 23, 1990.

CHAPTER 628

H.P. 1371 - L.D. 1902

An Act to Provide for a Comprehensive State Mental Retardation Plan

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

Sec. 1. 34-B MRSA §5003, sub-§3, ¶¶A to C, as enacted by PL 1983, c. 459, §7, are amended to read:

A. The plan ~~shall~~ must indicate the most effective and efficient manner in which to implement services and programs for ~~mentally-retarded~~ persons with mental retardation, while safeguarding and respecting the legal and human rights of these persons.

B. The plan ~~shall~~ must be prepared once every 2 years and shall be submitted to the joint standing committee of the Legislature having jurisdiction over health and ~~institutional~~ human services by no later than January 15th of every odd-numbered year.

C. The committee shall study the plan and make recommendations to the Legislature with respect to funding improvements in programs and services to ~~mentally-retarded~~ persons with mental retardation.

Sec. 2. 34-B MRSA §5003, sub-§3, ¶¶D to I are enacted to read:

D. The plan must describe the system of mental retardation services in each of the mental retardation service regions and statewide.

E. The plan must include both existing service resources and deficiencies in the system of services.

F. The plan must include an assessment of the roles and responsibilities of mental retardation agencies, human service agencies, health agencies and involved state departments and suggest ways in which these departments and agencies can better cooperate to improve the service systems.