

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

CHAPTER 733

S.P. 858 - L.D. 2194

An Act Allowing Water Utilities to Sue for Injunctive Relief Regarding Lake Water Quality

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

Sec. 1. 35-A MRSA §6109 is enacted to read:

§6109. Injunctive relief for violations of municipal shoreland zoning ordinances

Pursuant to Title 38, section 444-A, any water utility may commence a civil action for a violation of municipal shoreland zoning ordinances.

Sec. 2. 38 MRSA §444-A is enacted to read:

§444-A. Civil suit

1. Suit authorized. Any water utility, as defined in Title 35-A, section 102, may commence a civil action for injunctive relief against an owner of property in the shoreland zone when the following conditions are met.

A. A violation of a municipal shoreland zoning ordinance is alleged to have occurred.

B. The water utility bringing the civil action has a water supply that is directly affected by the alleged violation.

2. Suit prohibited. An action may not be brought under this section if the Federal Government, State Government or a municipality of the State has commenced and is pursuing an administrative, civil or criminal action to remedy the alleged violation.

3. Notice. An action may not be commenced under this section unless the plaintiff has given at least 60 days' notice to the alleged violator, the department, the Attorney General, and the municipality or municipalities in which the violation is alleged to have occurred. If the violation occurs within the jurisdiction of the Maine Land Use Regulation Commission, the commission must be given notice in place of the department and the municipality.

4. Jurisdiction. An action may be commenced in the District Court or Superior Court in the county in which the violation is alleged to have occurred.

5. Intervention. The Attorney General may intervene in any case brought under this section.

See title page for effective date.

CHAPTER 734

S.P. 951 - L.D. 2401

An Act to Amend the Reporting Procedures for the Governmental Ethics Laws

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

1 MRSA §1016-A, first ¶, as enacted by PL 1989, c. 561, §9, is amended to read:

Each Legislator shall file a statement of specific sources of income received in the preceding calendar year with the commission ~~prior to~~ by 5:00 p.m. on February 15th of each year on forms provided by the Secretary of State. Prior to the end of the first week in January of each year, the Secretary of State shall deliver a form to each Senator and member of the House of Representatives. The statement of specific sources of income filed under this subchapter ~~shall~~ must be on a form prescribed by the commission and prepared by the Secretary of State and is a public record.

See title page for effective date.

CHAPTER 735

H.P. 1512 - L.D. 2092

An Act Concerning the Travel Information Advisory Council

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

Whereas, this Act requires a study with a report to the First Regular Session of the 115th Legislature; and

Whereas, commencing the study as soon as possible will facilitate its completion in a timely fashion; 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. 23 MRSA §1904, sub-§3, as amended by PL 1983, c. 812, §141, is repealed and the following enacted in its place:

3. Membership. The Travel Information Advisory Council is composed of 9 members appointed by the Governor as follows: