

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:

- A. One representative of the lodging industry;
- B. One representative of the restaurant industry;
- C. One representative of garden clubs;
- D. One representative of agriculture;
- E. One representative of the recreation industry;
- F. One representative of environmental organizations;
- G. One representative of nonprofit historical and cultural institutions;
- H. One representative of sign designers and fabrication artisans; and
- I. One representative of the general public.

These members are appointed to 2-year terms of office expiring on January 16th, with the terms of those members appointed under paragraphs A, B, C, and D expiring in odd-numbered years and the terms of those members appointed under paragraphs E, F, G, H, and I expiring in even-numbered years.

The council shall also have two legislative members until the adjournment of the First Regular Session of the 115th Legislature, to be appointed as follows:

- J. One Senator appointed by the President of the Senate to a term concurrent with the term to which the member of the Senate is elected;
- K. One member of the House of Representatives appointed by the Speaker of the House of Representatives to a term concurrent with the term to which the member of the House of Representatives is elected;

If a vacancy occurs prior to the expiration of a term of any member, including legislative members, that vacancy must be filled by the appointing authority as provided in this subsection for the remainder of that term.

Sec. 2. 23 MRSA §1904, sub-§§4 and 5, are enacted to read:

4. Meetings and compensation. Meetings must be held at the call of the chair or at the call of more than 1/2 of the membership. Members of the council, except state employees, are entitled to compensation according to the provisions of Title 5, chapter 379. All council expenses must be paid from the account established by section 1919.

5. Chair. The Governor shall appoint the chair of the council.

Sec. 3. Study and report. The Travel Information Advisory Council shall conduct a study of the provi-

sions of the Maine Revised Statutes, Title 23, chapter 21 and the rules adopted by the Department of Transportation to implement Title 23, chapter 21. The purpose of the study is to determine:

1. The degree to which the provisions of Title 23, chapter 21 and the rules adopted pursuant to that chapter meet the needs and serve the best interests of the public;
2. The need for additional signs better to assist the traveling public and the criteria by which the need for additional signs for specific sites and facilities is to be determined; and
3. Whether there are alternatives to existing law and rules or changes that need to be made to existing law and rules better to serve the needs of the traveling public, the citizens of Maine and the State.

The Travel Information Advisory Council shall report its findings, along with any necessary implementing legislation, to the First Regular Session of the 115th Legislature.

Sec. 4. Current membership. Nothing in this Act may be construed to require the appointment of an entirely new Travel Information Advisory Council. The current members of the council shall serve until the terms to which they were appointed expire.

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

Effective March 23, 1990.

CHAPTER 736

S.P. 952 - L.D. 2414

An Act to Extend the Reporting Date of the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards

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

Whereas, Public Law 1989, chapter 501, Part S, created the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards which was to submit a report to the Second Regular Session of the 114th Legislature by February 15, 1990; and

Whereas, an extension is needed by the commission to adequately prepare its report to the Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the