

# 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**  
**SECOND REGULAR SESSION**

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

**January 3, 1990 to April 14, 1990**

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**8. Juvenile records sealed.** This subsection governs the sealing of records of a person adjudicated to have committed a juvenile crime.

A. A person adjudicated to have committed a juvenile crime may petition the court to seal from public inspection all records pertaining to the juvenile crime and its disposition, and to any prior juvenile records and their dispositions if:

(1) At least 3 years have passed since the person's discharge from the disposition ordered for that juvenile crime;

(2) Since the date of disposition, the person has not been adjudicated to have committed a juvenile crime and has not been convicted of committing a crime; and

(3) There are no current adjudicatory proceedings pending for a juvenile or other crime.

B. The court may grant the petition if it finds that the requirements of paragraph A are satisfied, unless it finds that the general public's right to information substantially outweighs the juvenile's interest in privacy.

C. Notwithstanding subsections 3, 3-A, 4 and 5, the court order sealing the records permits only the following persons to have access to the sealed records:

(1) The courts and criminal justice agencies as provided by this section; and

(2) The person whose juvenile records are sealed or that person's designee.

D. If the petition is granted, the person may respond to inquiries from other than the courts and criminal justice agencies about that person's juvenile crimes, the records of which have been sealed, as if the juvenile crimes had never occurred, without being subject to any sanctions.

See title page for effective date.

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## CHAPTER 745

H.P. 1784 - L.D. 2454

### An Act Authorizing the Town of Howland to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project

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

**Whereas,** the Town of Howland has authorized the issuance of general obligation securities for the purpose of financing certain capital improvements to the town's water system, the water project, and has issued its temporary general obligation bond anticipation notes in the principal amount of \$894,000 to finance the water project, the debt being originally issued in April 1987; and

**Whereas,** long-term financing for the water project is to be provided by the issuance of general obligation bonds to the United States of America, acting through the Farmers Home Administration; and

**Whereas,** engineering problems associated with the water project have caused the construction of the project to extend beyond the time originally contemplated and have delayed the closing of the long-term financing with the Farmers Home Administration; and

**Whereas,** the Maine Revised Statutes, Title 30-A, section 5772, states that the period of anticipatory borrowing by a municipality may not exceed 3 years; and

**Whereas,** it is necessary for the Town of Howland to extend the period of its anticipatory borrowing for an additional year; 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:**

**Authority to issue and sell temporary notes.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5772, or any other provision of law, the Town of Howland may issue and sell temporary general obligation bond anticipation notes in a principal amount not to exceed \$894,000 for an additional year for the purpose of refinancing certain outstanding temporary notes originally issued in April 1987, and subsequently reissued in 1988 and 1989, in that amount to finance the water project for the Town of Howland, and that the 3-year limitation regarding temporary or anticipatory borrowing under Title 30-A, section 5772, be extended to 4 years for the water project for the Town of Howland.

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

Effective March 30, 1990.

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## CHAPTER 746

H.P. 1742 - L.D. 2406

### An Act Regarding Squa Pan Stream

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

**Whereas,** the Maine Public Service Company owns and operates the Squa Pan Hydro Project, hereinafter "the Squa Pan Dam," located on the Squa Pan Stream in the Town of Masardis, Aroostook County, approximately 3 miles from the confluence of that stream with the Aroostook River; and

**Whereas,** the Squa Pan Dam, which has been owned and operated by Maine Public Service Company continually since 1927, consists of on-site generation of approximately 1.4 megawatts and provides impoundment for off-site generation of approximately 1.7 megawatts, or total generation of 3.1 megawatts of peaking capacity; and

**Whereas,** the Maine Public Service Company operates the Squa Pan Dam pursuant to a water power project license, under the Federal Power Act, which will expire on December 31, 1990; and

**Whereas,** the Federal Energy Regulatory Agency can not issue the license for the Squa Pan Dam unless the Maine Public Service Company obtains from the Board of Environmental Protection a certificate, under the Federal Clean Water Act, Section 401, that the project will comply with applicable state water quality standards. These standards are set forth in the standards for the water quality antidegradation policies of the Maine Revised Statutes, Title 38, section 464 and the classification of fresh surface waters in Title 38, section 465; and

**Whereas,** it is not possible under any circumstances or with any modifications to operate this existing hydro project for its current purpose as a peaking power facility or to alter its operation for other power generation and still satisfy the applicable state water quality standards for the approximately 3 miles of the Squa Pan Stream affected by its operation; and

**Whereas,** this hydroelectric project has been in existence for 63 years and is providing an indigenous, renewable source of power; 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:**

**38 MRS §467, sub-§15, ¶C,** as amended by PL 1987, c. 192, §22, is further amended to read:

C. Aroostook River Drainage.

- (1) Aroostook River, main stem.

- (a) From the confluence of Millinocket Stream and Munsungan Stream to its confluence with the Machias River - Class AA.

- (b) From its confluence with the Machias River to the Sheridan Dam - Class B.

- (c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B.

- (d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C.

- (e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundments - Class B.

- (f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments - Class C.

- (2) Aroostook River, tributaries.

- (a) All tributaries of the Aroostook River entering above the confluence with St. Croix Stream which are not otherwise classified - Class A.

- (b) Limestone Stream from the Long Road Bridge to the international boundary - Class C.

- (c) Little Machias River and its tributaries - Class A.

- (d) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Route 161 bridge in Stockholm - Class A.

- (e) Machias River, from the outlet of Big Machias Lake to the Garfield Plantation-Ashland boundary - Class AA.

- (f) Machias River tributaries entering above the Garfield-Ashland boundary - Class A.

- (g) Millinocket Stream, from the outlet of Millinocket Lake to its con-

fluence with Munsungan Stream - Class AA.

(h) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream - Class AA.

(i) Pattee Brook (Fort Fairfield) and its tributaries above the dam just upstream of the Route 167 bridge - Class A.

(j) Presque Isle Stream and its tributaries above its confluence with, but not including, the North Branch of Presque Isle Stream - Class A.

(k) St. Croix Stream from the outlet of St. Croix Lake to its confluence with Hall Brook in T.9, R.5, W.E.L.S. - Class A.

(l) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(m) St. Croix Stream tributaries - Class A.

(n) Salmon Brook, from the dam immediately above Washburn to its confluence with the Aroostook River - Class C.

(o) ~~Squa Pan~~ Squa Pan Stream and its tributaries above the B&A Railroad bridge - Class A.

(i) The Legislature recognizes that at certain times the waters of Squa Pan Stream may not meet either the antidegradation standards of section 464, subsection 4, paragraph F, or the water quality classification standards of section 465 due to the operation of the Squa Pan Hydro Project as a generator of hydroelectric peaking power. The Legislature further finds that there are currently no available modifications or alterations to the operation of this existing hydro project that would allow water quality standards to be met while allowing the Squa Pan Hydro Project to continue as a source of peaking power or to be altered and otherwise used as a source of power. Accordingly,

the board may not consider the impact to the waters of the Squa Pan Stream caused by the operation of the Squa Pan Hydro Project in the production of hydroelectric power in determining whether those waters satisfy any designated uses of water quality standards set forth in section 464, subsection 4, paragraph F or section 465. As used in this subdivision, "operation of the Squa Pan Hydro Project" means the actual, established use of that project's operation since January 4, 1965.

(p) Unnamed Stream (Presque Isle) near Vining Station on Washburn Road - Class C.

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

Effective March 30, 1990.

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## CHAPTER 747

### H.P. 1661 - L.D. 2301

#### An Act to Amend the Law on Intermediate Sanctions in Long-term Care Facilities

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

**Sec. 1. 22 MRSA §7944, sub-§1, ¶D** is enacted to read:

D. The department may direct a long-term care facility to transfer residents in that facility to other locations in an emergency that threatens the health, safety or welfare of the residents of the facility and shall assist the facility in making arrangements for transfers.

**Sec. 2. 22 MRSA §7946, sub-§2**, as enacted by PL 1987, c. 774, §4, is amended to read:

**2. Collection of penalties; interest.** Long-term care facilities that are fined pursuant to this chapter are required to pay the department the amount of the penalties. Penalties may be collected by the department by the offset of any reimbursement due the facility, or by any other method authorized by law. An appeal of the department's decision to penalize a long-term care facility ~~shall stay~~ stays the collection of any penalties. ~~Interest will accrue on penalties that remain unpaid after any appeal period has passed at the rate described in Title 14, section 1602-A, subject to subsection 3.~~ All penalties are to be assessed for each day that the facility is or was out of