

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

person creating the subdivision notifies the commissioner in writing on a form supplied by the commissioner that the exemption afforded by this paragraph is being used. The person creating the subdivision shall file with that form a set of site plans, including the plans required under subparagraphs (7) and (8), and other evidence sufficient to demonstrate that the requirements of this paragraph have been met. The commissioner shall forward a copy of the form to the municipality in which the subdivision is located.

For purposes of this paragraph, "developable land in the parcel" means all contiguous land in the same ownership except for coastal wetlands, freshwater wetlands, rivers, streams and brooks as defined in section 480-B and except for any surface water classified GPA under section 465-A.

6. Multi-unit housing exemption. Developments that consist only of multi-unit housing located entirely within the area of the State subject to the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A, are exempt from the requirements of this article.

7. Exemption for expansion at existing manufacturing facility. New construction that is not a development that may substantially affect the environment at an existing manufacturing facility is exempt from review under this article provided that the additional disturbed area not to be revegetated does not exceed 30,000 square feet in any calendar year. When review under this article is required for development at an existing manufacturing facility, the applicant shall provide plans for the new development, as well as for those activities which have been undertaken pursuant to this subsection.

See title page for effective date.

CHAPTER 770

H.P. 1441 - L.D. 2010

An Act Concerning the Depuration Digging of Shellfish

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

Sec. 1. 12 MRSA §6856, sub-§3, as amended by PL 1979, c. 249, is further amended to read:

3. Depuration certificate. The commissioner may issue a depuration certificate to a wholesale seafood license holder ~~which that~~ authorizes the holder to take shellfish from closed areas for depuration ~~and to process or transport them, processing and transportation.~~ The certificate ~~shall~~ **must** establish the limits on harvesting, depurating and processing methods and any other provisions required to assure the public safety. The commis-

sioner may permit depuration of shellfish not contaminated by paralytic shellfish poisoning if it is established that the water used during depuration will not contaminate the shellfish with paralytic shellfish poisoning. To ensure consistency with municipal shellfish conservation programs, established pursuant to section 6671, the commissioner must consult with a municipal shellfish conservation committee before taking action to open an area within that municipality for depuration digging. The commissioner may continue to issue controlled purification certificates for areas that were restricted to depuration digging on September 1, 1989, without consulting municipalities.

Sec. 2. Department of Marine Resources study. The Department of Marine Resources shall establish a group of interested municipal representatives to identify and recommend methods to increase participation by municipalities, interested citizens and municipal shellfish conservation committees in water quality testing, especially as the water quality testing relates to shellfish sanitation sampling and depuration harvesting programs. Municipal representatives must include members of municipal shellfish conservation committees. The department shall also identify and implement methods to increase cooperation and communication between the department and municipalities on shellfish-related issues. The department shall report its findings, any actions taken and any recommendations, including any implementing legislation, by January 15, 1991, to the Executive Director of the Legislative Council for transmittal to the Joint Standing Committee on Marine Resources. The Joint Standing Committee on Marine Resources may introduce legislation to the First Regular Session of the 115th Legislature in response to the department's report.

See title page for effective date.

CHAPTER 771

H.P. 1405 - L.D. 1953

An Act to Strengthen Penalties for Operating under the Influence When a Minor Is a Passenger

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

Sec. 1. 29 MRSA §1311-A, sub-§5, ¶B, as amended by PL 1989, c. 502, Pt. B, §34, is further amended to read:

B. ~~The~~ Except as provided in paragraph B-1, the period of license suspension for a person whom the Secretary of State has determined to have operated or attempted to operate a motor vehicle with an excessive blood-alcohol level for a first or subsequent offense ~~shall be~~ is the same suspension period as if the person were convicted or adjudicated of a violation of section 1312-B or Title 15, section 3103, subsection 1, paragraph F.