

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

Sec. 2. 12 MRSA §6555, 2nd ¶, as repealed and replaced by PL 1987, c. 622, §1, is repealed.

Sec. 3. 12 MRSA §6556, 2nd ¶, as repealed and replaced by PL 1987, c. 622, §2, is repealed.

Sec. 4. 12 MRSA §6556-A, as enacted by PL 1987, c. 622, §3, is repealed.

Sec. 5. 12 MRSA §6862, sub-§§1 to 4, as repealed by 12 MRSA §6862, sub-§5, are reenacted to read:

1. Current lobster tail permit. It is unlawful for any person to engage in the activities authorized by a permit issued under this section without a current lobster tail permit.

2. Permitted activity. A lobster tail permit authorizes a wholesale seafood license holder to remove lobster tails in the shell from lobster under the following conditions.

A. The lobster tails shall only be processed at the establishment named in the permit.

B. The tails shall only come from legal sized lobsters, as defined in section 6431.

C. All containers in which lobster tails are packed to be sold, shipped or transported shall be clearly labeled with the name, address and permit number of the packer.

3. Permit limitation. A permit shall only authorize these activities at one location or place of business.

4. Regulations. The commissioner in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, may adopt such regulations as are deemed necessary for implementation and enforcement of this section. These regulations may include provisions for determining that lobster tails processed under this section were removed from legal sized lobsters and other provisions as may be deemed necessary.

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

Effective April 6, 1990.

CHAPTER 789

H.P. 1663 - L.D. 2303

An Act Requiring Notice by Water Utilities Proposing to Initiate Condemnation Proceedings for Land for Water Treatment Facilities

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

Whereas, the completion of a proceeding to take land by eminent domain results in a final transfer of the property; and

Whereas, this legislation alters the procedures for water utilities to take property for the construction of water treatment facilities; and

Whereas, these new procedures must be applicable as soon as possible to pertinent condemnation proceedings before properties are finally transferred; 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:

35-A MRSA §6704-A is enacted to read:

§6704-A. Notice requirements for taking of land for water treatment facilities

A water utility that proposes to initiate condemnation proceedings for the purpose of acquiring land for the construction of a water treatment facility shall:

1. Notice to public. No less than 90 days prior to the initiation of condemnation proceedings, provide notice to the public stating that the construction of a water treatment facility is being considered and identifying the area or areas that are being considered for that construction by publication in a newspaper of general circulation in the county and affected area in which the property is located;

2. Notice to municipal officers. No less than 60 days prior to the initiation of condemnation proceedings, provide written notice to the municipal officers of each municipality in which the land proposed to be taken by eminent domain is located. This notice must state clearly that the construction of a water treatment facility is being considered and identify the area or areas that are being considered for that construction; and

3. Notice to landowners. No less than 60 days prior to the initiation of condemnation proceedings, provide written notice to each owner and all abutters of land proposed to be taken by eminent domain. This notice must state that the construction of a water treatment facility is being considered and identify the area or areas that are being considered for that construction. This notice must also state clearly in nontechnical language the rights of each landowner in the proposed condemnation proceedings, including any rights of appeal, and provide the name, address and telephone number of the appropriate state agency to assist the landowner in the proceedings.

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

Effective April 6, 1990.

CHAPTER 790

S.P. 871 - L.D. 2233

An Act to Continue the Driver Education Evaluation Program

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

Whereas, the Driver Education Evaluation Program that educates, assesses, evaluates and treats those who lose their licenses for operating motor vehicles under the influence of alcohol and other drugs will sunset on August 1, 1990; and

Whereas, the sunset of the Driver Education Evaluation Program will eliminate state-administered client services designed for the first, multiple and youthful offender; 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. 22 MRSA §7203, sub-§1, ¶¶B and D, as amended by PL 1987, c. 773, §§11 and 12, are further amended to read:

B. The assessment component, utilizing an assessment instrument, the client's driving record for the past 6 years, 6-year period prior to and ending with the most recent alcohol-related motor vehicle incident and up to one hour an interview with the instructor and designed to make a preliminary assessment regarding the extent of a client's alcohol or other drug use or abuse or potential for abuse. A client may be referred for further evaluation based on the results of his the preliminary assessment;

D. The treatment component, provided by a community-based service provider, designed to address the client's specific problem with or abuse of alcohol or other drugs.

Sec. 2. 22 MRSA §7203, sub-§1-A is enacted to read:

1-A. Multiple offender program offered to first offenders. If the department determines that a first offender must have an evaluation as described in subsection 1, paragraph C, the first offender may choose a private evaluation or participation in the multiple offender residential intervention program described in subsection 3, paragraph A.

Sec. 3. 22 MRSA §7206, sub-§2, ¶D is enacted to read:

D. This subsection applies to first offenders who choose to participate in the multiple offender residential intervention program in accordance with section 7203.

Sec. 4. 22 MRSA §7225, sub-§2, ¶F, as enacted by PL 1987, c. 735, §38, is amended to read:

F. Making a separate written report to the Chief Justice, the Governor and the Legislature not later than May 1st of each year, commencing with 1982 1990, on the enforcement of laws relating to drinking and driving during the preceding calendar year effectiveness of the State's operating under the influence laws and programs. The report shall must contain at least the following information: an analysis of significant characteristics of operating under the influence offenders arrested during each of the previous 3 calendar years. The report must identify, when practical, the relationship between various sanctions, including, but not limited to, fines, jail sentences, substance abuse evaluations and treatment, and rearrest rates.

(1) The number, by county, of arrests for attempting to or operating under the influence;

(2) The number, by county, of revocations of implied consent for each category of offense;

(3) The number and percentage, by court, of convictions, guilty pleas to lesser charges, dismissals, and not guilty for these offenses, for each category of offense;

(4) The number and percentages of successful completion of the Driver Education Evaluation Program;

(5) The number and percentages, by court, of persons whose licenses were suspended; who were fined; and who spent time in jail, for each category of offense;

(6) The average, minimum and maximum, fine, jail sentence and period of license suspension, by court, for each category of operating under the influence offense;