

# 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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~~(7) The number and percentages, by court, of convictions for operating after suspension and for being a habitual offender; guilty pleas to a lesser charge; dismissals; and not guilty findings;~~

~~(8) The average, minimum and maximum, fine, jail sentence and period of license suspension for operating after suspension and for being a habitual offender, by court; and~~

~~(9) Other items that are considered important to the review of the enforcement of the laws relating to drinking and driving.~~

Sec. 5. PL 1987, c. 773, §12 is repealed.

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

Effective April 6, 1990.

## CHAPTER 791

H.P. 1724 - L.D. 2383

### An Act to Amend the State Railroad Preservation and Assistance Act

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

**Whereas,** certain provisions in the State Railroad Preservation and Assistance Act unduly restrict the ability of the Department of Transportation to manage rail lines the department has acquired or leased, hindering the development of freight and passenger rail service in the State; 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 §7103, sub-§3, ¶¶B and C, as repealed and replaced by PL 1989, c. 398, §7, are amended to read:

B. To conduct periodic condition surveys of rail track and other related facilities; ~~and~~

C. To acquire, lease and maintain rail lines when these actions are determined to be in the best interest of the State;

Sec. 2. 23 MRSA §7103, sub-§3, ¶¶D and E are enacted to read:

D. To lease, purchase and dispose of railroad operating equipment used on rail lines acquired or leased by the State; and

E. To provide financial assistance and to lease or sell railroad operating equipment to short line operators providing rail service to lines acquired or leased by the State. For purposes of this chapter, a short line operator is any railroad having an annual gross revenue from railroad operations of \$5,000,000 or less, or regularly conducting rail service over less than 100 miles of track.

Sec. 3. 23 MRSA §7105, sub-§5 is enacted to read:

5. Department to lease, purchase and dispose of operating equipment. The Department of Transportation may lease, purchase and dispose of railroad operating equipment used on rail lines acquired or leased pursuant to this chapter. The department may provide financial assistance and may lease or sell railroad operating equipment to short line operators providing rail service to those rail lines when determined to be in the best interest of the State.

Sec. 4. 23 MRSA §7106, sub-§§1 and 4, as enacted by PL 1989, c. 398, §7, are repealed.

Sec. 5. 23 MRSA §7106, sub-§5, as enacted by PL 1989, c. 398, §7, is amended to read:

5. State liability. The State shall is not be held liable in any contract pursuant to this section chapter for the leasing or purchasing of equipment, facilities or services; for the delivery of products; for the storage of products; or for any other service or financial commitment that may result from the implementation of this section chapter.

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

Effective April 6, 1990.

## CHAPTER 792

H.P. 1736 - L.D. 2397

### An Act Concerning Private Wells Contaminated by Hazardous Substances

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

**Whereas,** clean water is vital to the health and safety of residents of this State; and

**Whereas,** it is sometimes necessary to install a public water system to ensure clean water; and