

# 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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2. Chair. The Governor shall designate the chair of the commission.

3. Terms of appointment. The terms of appointments are as follows.

A. Of the initial gubernatorial appointments, 4 must be for terms of 3 years, 3 must be for terms of 2 years and 3 must be for terms of one year.

B. Subsequent gubernatorial appointments must be for terms of 3 years. Members may serve beyond their designated terms until their successors are appointed.

C. Terms of appointment for Legislators must be for the legislative term of office of the person appointed.

4. Expenses. Commission expenses are treated as follows.

A. Each member of the commission is entitled to compensation according to the provisions of Title 5, chapter 379.

B. The commission may receive public and private grants to aid in defraying the expenses of its operation.

C. The commission may employ a full-time correctional specialist, who shall serve at the pleasure of the commission, and such additional staff as necessary.

5. Meetings. The commission may meet as often as necessary. A meeting may be called by the chair or by any 4 members.

6. Duties. The commission shall:

A. Regularly advise the Governor, commissioner, the Legislature and the Judicial Department on issues concerning corrections policy;

B. Prepare a report, containing the results of its studies, findings and recommendations, which must be submitted to the Governor, commissioner and the joint standing committee of the Legislature having jurisdiction over corrections by December 31st of each year;

C. Advise the commissioner in assessing present programs, planning future programs and developing policies to meet the correctional needs of the State; and

D. Develop rules of procedure necessary to carry out its duties.

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

Effective April 10, 1990.

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## CHAPTER 809

H.P. 1745 - L.D. 2409

### An Act to Promote the Awareness and Responsibility of Owners of Firearms

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

15 MRSA §455-A is enacted to read:

#### §455-A. Warning requirement upon sales of firearms

1. Posting of conspicuous warning. Any commercial retail sales outlet that sells firearms shall conspicuously post at each purchase counter where firearms may be purchased the following warning in block letters not less than one inch in height:

“ENDANGERING THE WELFARE OF A CHILD IS A CRIME. IF YOU LEAVE A FIREARM AND AMMUNITION WITHIN EASY ACCESS OF A CHILD, YOU MAY BE SUBJECT TO FINE, IMPRISONMENT OR BOTH.

KEEP FIREARMS AND AMMUNITION SEPARATE.

KEEP FIREARMS AND AMMUNITION LOCKED UP.

USE TRIGGER LOCKS.”

2. Violation. Any person who fails to post the warning in compliance with subsection 1, commits a civil violation for which a civil forfeiture of not more than \$200 may be adjudged.

See title page for effective date.

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## CHAPTER 810

H.P. 1709 - L.D. 2358

### An Act to Amend the Laws Administered by the Maine Land Use Regulation Commission

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

**Sec. 1. 12 MRSA §685-A, sub-§7,** as amended by PL 1989, c. 624, is further amended to read:

**7. Hearings and procedures.** Within 45 days after the proposed land use district boundaries or standards are prepared or received by the commission, the commission shall hold a public hearing at a time and place convenient to persons affected by the proposal.

At least ~~45~~ 30 days prior to holding a public hearing on proposed land use district boundaries, the commission shall give notice of the hearing to appropriate state and federal agencies and the owners of directly affected lands by mail, according to their names and addresses as shown on the records of the Bureau of Taxation and plantation tax assessors or, if the number of owners of directly affected lands is more than 50, by publication as specified in this subsection.

That notice must state a citation of the statutory authority under which the maps or standards are proposed to be adopted, the purpose, time and place of the hearing, the time and place where copies of the proposed maps or standards may be inspected or obtained prior to the hearing, and the manner and time within which comments may be submitted to the commission for consideration.

~~At least 30 days prior to all hearings held under this subsection, notices must be sent to appropriate state and federal agencies. Public Notwithstanding Title 5, section 8053, public notice must be given by 3 2 publications in a newspaper of general circulation published in the State in the area of the proposed change to bring the proposals to the attention of interested parties, the date of the first publication to be at least 30, 17 to 24 days prior to the hearing and the last publication to be at least 3, days prior to the hearing.~~

At hearings, interested owners, lessees, officials, agencies and individuals may appear and be heard. They are allowed at least ~~45~~ 10 days ~~following after the close of the public hearing, or within such longer time period as the commission may direct,~~ to file written statements with the commission. Except as provided in this chapter, any hearings required or authorized under this subsection or subsection 8 must be conducted in accordance with the requirements for rulemaking set forth in Title 5, chapter 375, subchapter II; provided that the requirements of Title 5, section 8052, ~~subsection~~ subsections 5, 5-A and 7, section 8053-A, section 8056, subsections 1, 3 and 4 and, section 8056-A, section 8057, subsection 2, sections 8057-A, 8060 and 8062 do not apply to these procedures.

The commission, acting in accordance with Title 5, chapter 375, subchapter II, shall adopt, and may amend and repeal, rules for the conduct of public hearings held under this section, including adjournments and continuations of those hearings. A complete verbatim recording must be made of all hearings held pursuant to this section.

The land use district boundaries or standards must be adopted within ~~45~~ 60 days from final adjournment of the hearing.

Land use maps and standards so adopted become effective 15 days after their adoption by the commission, provided the applicable requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, as modified by this chapter, are met, and provided the maps and standards are available in the appropriate registry of deeds for each county. Notice of this adoption of land use maps, standards or amendments to those maps or stan-

dards must be given by publication ~~once~~ one time in those newspapers in which notice to the public is provided for under this subsection. Notice of this adoption must also be filed with the Secretary of State indicating, in addition, that current copies of land use maps and standards are on file in the commission's offices and the method by which copies may be obtained.

Permanent land use standards so adopted are effective immediately, but must be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards continue in full force and effect.

**Sec. 2. 12 MRSA §685-B, sub-§2-B**, as enacted by PL 1989, c. 584, §2, is amended to read:

**2-B. Determination deadline.** The commission shall render its determination on ~~any~~ an application for subdivision approval within 60 days after the commission ~~receives~~ determines that the application is complete and the proposal is a permitted use within the affected district or subdistrict.

See title page for effective date.

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## CHAPTER 811

S.P. 742 - L.D. 1946

### **An Act to Establish a Consolidated Retirement Plan in the Maine State Retirement System for Participating Local Districts**

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

**Whereas**, the principal purpose of this legislation is to establish a new consolidated retirement plan for employees of participating local districts in the Maine State Retirement System; and

**Whereas**, the plan will be developed by the Participating Local District Advisory Committee as set forth in this Act; and

**Whereas**, it is in the best interest of the employees of the participating local districts that this committee be appointed and be enabled to complete its work on this plan as soon as possible; 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. 5 MRSA §12004-I, sub-§78-A** is enacted to read: