

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1991

requirement. The department shall review the proposed location of the handling site and determine whether the property setbacks proposed by the developer are reasonable and compatible with the abutting land uses. To the fullest extent possible, the department shall ensure that the handling site of a transfer station on an island is located in a manner that minimizes any adverse impact on the island residents.

B. For all other transfer stations, the handling site may not be within 250 feet of any abutting property boundary, unless the department finds the abutting property to be a conforming use. If the department finds an abutting property to be a conforming use, the handling site may be within 250 feet of the boundary but not within 250 feet of any permanent structure on that abutting property.

This subsection does not apply to transfer station permit or license renewals.

Sec. 3. Rules. By January 1, 1992, the Department of Environmental Protection shall adopt or amend rules as necessary to define a "conforming use" under section 2 of this Act.

Sec. 4. Effective date. Sections 1 and 2 of this Act take effect on January 1, 1992.

Sec. 5. Applicability. The setback requirements in section 2 of this Act are applicable to new transfer station permit and license applications received by the Department of Environmental Protection on or after January 1, 1992. The setback requirements do not apply to applications to renew a license or permit granted prior to January 1, 1992.

See title page for effective date, unless otherwise indicated.

CHAPTER 44

H.P. 36 - L.D. 50

An Act to Amend the Laws Concerning Registration of Camp Trailers and to Permit Reregistration for People who Served in the Persian Gulf

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

Whereas, the men and women who have served their country in the Persian Gulf are returning to their homes in Maine; and

Whereas, while serving their country, their vehicle registrations may have lapsed and these men and women must now reregister their vehicles; and

Whereas, it would benefit these men and women to be able to establish a new registration year for their vehicles upon their return to Maine; 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. 29 MRSA §106, first ¶, as amended by PL 1989, c. 866, Pt. A, §2 and as affected by PL 1989, c. 866, Pt. B, §26, is further amended to read:

The registration year for all vehicles, except automobiles, newly acquired motor trucks, truck tractors, motorcycles, mopeds, motor-driven cycles ~~and~~ motor homes and camp trailers is from March 1st to the last day of February of the next calendar year. On and after February 1st, it is lawful to use and display on such vehicles the number plates or suitable devices in lieu thereof issued for the registration year. This section ~~shall apply~~ applies to motorcycles, mopeds and motor-driven cycles for reregistration in 1989 only.

Sec. 2. 29 MRSA §106, sub-§1, as amended by PL 1989, c. 866, Pt. A, §2 and as affected by PL 1989, c. 866, Pt. B, §26, is further amended to read:

1. New motor truck, truck tractor, motorcycle, moped, motor-driven cycle, motor home and camp trailer registrations. New motor truck, truck tractor, motorcycle, moped, motor-driven cycle, ~~and~~ motor home and camp trailer registrations expire at the end of the month one year from the month of issuance.

Sec. 3. 29 MRSA §106, sub-§2, ¶B, as amended by PL 1989, c. 866, Pt. A, §2 and affected by Pt. B, §26, is further amended to read:

B. Except as provided in this section, when application for registration of an automobile, motor truck, truck tractor, motorcycle, moped, motor-driven cycle ~~or~~ motor home or camp trailer is made after the registration for the previous year has been expired for more than 30 days, the expiration date of the renewal ~~shall be~~ is at the end of the month, one year from the month of issuance of the previous registration.

Sec. 4. 29 MRSA §106, sub-§3, as amended by PL 1989, c. 866, Pt. A, §2 and affected by Pt. B, §26, is further amended to read:

3. Number plates. Number plates or a suitable device in lieu ~~thereof~~ of number plates furnished for the next registration period for automobiles, motor trucks, truck tractors, motorcycles, mopeds, motor driven cycles

and, motor homes and camp trailers may be displayed on the first day of the month in which the current registration expires.

Sec. 5. Previously registered camp trailers.

Notwithstanding any other provisions of law, any camp trailer properly registered as described in the Maine Revised Statutes, Title 29, section 102 may be reregistered to establish a new month of expiration only from September 1, 1991 to August 30, 1992. The municipality collecting excise tax and the Secretary of State shall allow credit for the unused portion of the excise tax and registration fee for the purpose of reregistration.

Sec. 6. Reregistration for individuals who served in the Persian Gulf. Notwithstanding any other provisions of law, any applicant for reregistration of a motor vehicle, except a farm tractor, road tractor or trailer, whose registration expired while that applicant was in the United States Armed Forces and serving in the Persian Gulf, may change the registration of that vehicle to expire on the last day of the month, one year from the month of issuance provided that the applicant submits an affidavit that the applicant was in the United States Armed Forces and serving in the Persian Gulf at the time the registration expired and that the vehicle was not used during the period of expiration.

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

Effective April 24, 1991.

CHAPTER 45

H.P. 305 - L.D. 435

An Act to Require Telephone Companies to Include Emergency Numbers for Sheriffs' Departments in Directories

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

Whereas, this legislation requires conspicuous inclusion of emergency numbers in telephone directories and this may save lives; 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 §7501-A is enacted to read:

§7501-A. Emergency numbers in directories

Every telephone company shall include in a conspicuous portion of any directory that it publishes after the effective date of this section the emergency numbers of the State Police and any sheriffs' departments that serve the directory area.

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

Effective April 24, 1991.

CHAPTER 46

H.P. 98 - L.D. 139

An Act to Exempt the Replacement, Repair and Maintenance of Road Culverts from State Permit Requirements

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

Sec. 1. 12 MRSA §685-B, sub-§1, ¶A, as enacted by PL 1971, c. 457, §5, is amended to read:

A. ~~Not~~ Except as provided in this paragraph, a structure or part thereof shall ~~may not~~ be erected, changed, converted; or wholly or partly altered or enlarged in its use or structural form other than normal maintenance or repair, without a permit issued by the commission. A permit is not required for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

(1) Not more than one standard culvert size wider in diameter than the culvert being replaced;

(2) Not more than 25% longer than the culvert being replaced; and

(3) Not longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exemption. A person repairing, replacing or maintaining an existing culvert under this paragraph shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course.

Sec. 2. 38 MRSA §438-A, sub-§1, ¶A is enacted to read:

A. Minimum guidelines adopted by the board under this subsection may not require the issuance of a mu-