

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

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1991

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. ~~No~~ 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-

nicipal permit 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. 3. 38 MRSA §480-Q, sub-§2-A is enacted to read:

2-A. Existing road culverts. In any protected natural resource area, a permit is not required for the repair and maintenance of an existing road culvert or for the replacement of an existing culvert, as long as the replacement culvert is:

- A. Not more than one standard culvert size wider in diameter than the culvert being replaced;
- B. Not more than 25% longer than the culvert being replaced; and
- C. 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 subsection 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.

See title page for effective date.

CHAPTER 47

H.P. 135 - L.D. 195

An Act Regarding Zoning Variances

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

Sec. 1. 30-A MRSA §4353, sub-§4, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

4. Variance. ~~The~~ Except as provided in subsection 4-A, the board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The land in question ~~cannot~~ can not yield a reasonable return unless a variance is granted;
- B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- C. The granting of a variance will not alter the essential character of the locality; and
- D. The hardship is not the result of action taken by the applicant or a prior owner.

Under its home rule authority a municipality may, in a zoning ordinance, adopt additional limitations on the granting of a variance, including but not limited to, a provision that a variance may be granted only for a use permitted in a particular zone.

Sec. 2. 30-A MRSA §4353, sub-§4-A is enacted to read:

4-A. Disability variance. The board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, section 4553.

See title page for effective date.

CHAPTER 48

H.P. 257 - L.D. 348

An Act to Amend Certain Provisions of the Laws Relating to Health Insurance

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

Sec. 1. 24 MRSA §2321, sub-§1, as amended by PL 1985, c. 648, §1, is further amended to read:

1. Filing of rate information. Every nonprofit hospital and medical service organization shall file with