

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
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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
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 95

H.P. 388 - L.D. 562

An Act Regarding Local Option Questions on the Sale of Beer and Wine**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 28-A MRSA §123, sub-§2, as repealed and replaced by PL 1987, c. 342, §18, is amended to read:

2. Sale of liquor for consumption off the premises on days other than Sunday. Shall this municipality authorize the State Liquor Commission to permit the operation of state liquor stores and agency liquor stores ~~and to issue licenses for the sale of liquor to be consumed off the premises of licensed establishments~~ on days other than Sunday?

Sec. 2. 28-A MRSA §123, sub-§2-A is enacted to read:

2-A. Sale of malt liquor and wine for consumption off the premises on days other than Sunday. Shall this municipality authorize the State Liquor Commission to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on days other than Sunday?

Sec. 3. 28-A MRSA §123, sub-§4, as repealed and replaced by PL 1987, c. 342, §18, is amended to read:

4. Sale of liquor for consumption off the premises on Sundays. Shall this municipality authorize the State Liquor Commission to permit the operation of state liquor stores and agency liquor stores ~~and to issue licenses for the sale of liquor to be consumed off the premises of licensed establishments~~ on Sundays?

Sec. 4. 28-A MRSA §123, sub-§4-A is enacted to read:

4-A. Sale of malt liquor and wine for consumption off the premises on Sundays. Shall this municipality authorize the State Liquor Commission to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on Sundays?

Sec. 5. 28-A MRSA §124, sub-§4, as amended by PL 1987, c. 623, §5, is further amended to read:

4. Repeal or reconsideration. ~~Where~~ When a municipality or unincorporated place has voted to accept or reject any local option question, the vote is effective until repealed by a new petition and vote as required by section 121 or 122. A negative vote on a question repeals existing privileges only if the petition clearly indicates an intent that it do so. No local

option vote may be taken on the same question more than once in any one-year period.

See title page for effective date.

CHAPTER 96

H.P. 99 - L.D. 140

An Act to Establish Standards of Financial Need for Grants under the Small Community Grants Program

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

Whereas, the Legislature has authorized the State to contribute to certain pollution abatement construction programs; and

Whereas, the Legislature intended to restrict state contributions for projects serving single-family dwellings or single commercial establishments to owners that are in financial need of such contributions; and

Whereas, the Department of Environmental Protection has adopted rules contrary to the Legislature's original intent; and

Whereas, it is necessary to clarify this intent immediately before state funds are granted in contravention of the Legislature's original purpose; 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:

38 MRSA §411, first ¶, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §24, is further amended to read:

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county com-

missioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay up to 50% of the expense of individual projects serving seasonal dwellings or commercial establishments or up to 25% of the expense of individual projects serving seasonal dwellings. The application for a grant under this paragraph for a project serving a single family dwelling, including outbuildings, or a single commercial establishment, must include a signed statement of the financial condition of the owner of the single family dwelling or commercial establishment describing the need for the grant. That statement becomes part of the application record and no further evidence of need is required. An applicant who is the owner of a single-family dwelling or commercial establishment served by a pollution abatement construction program under this paragraph is not eligible for a grant if: for a single-family dwelling, the sum of the adjusted gross income of all persons listed on the deed of record exceeded \$30,000 in the previous taxable year; or for a commercial establishment, the gross profit earnings exceeded \$30,000 in the previous taxable year. To determine eligibility, the commissioner may require an applicant to submit a copy of the deed of record and a copy of the relevant federal income tax return of the owner or owners. In addition to any penalty adjudged under section 349, a person who knowingly makes any false statement, representation or certification in the application for a grant under this paragraph and who receives such a grant shall, upon conviction, make restitution to the department in an amount equal to the amount of the grant plus interest and reasonable recovery cost incurred by the department.

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

Effective May 7, 1991.

CHAPTER 97

S.P. 236 - L.D. 627

An Act to Clarify the Role of Law Enforcement Officers in the Investigation of Medical Examiner Cases

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

Sec. 1. 22 MRSA §3028, sub-§2, as enacted by PL 1979, c. 538, §8, is repealed and the following enacted in its place:

2. Investigation by law enforcement officer. When death is not suspected to be the result of criminal violence, the medical examiner may elect not to proceed to the scene, or the Chief Medical Examiner may elect not to dispatch a medical examiner to the scene. If the medical examiner elects not to proceed to the scene, or the Chief Medical Examiner elects

not to dispatch a medical examiner to the scene, the law enforcement officer in charge of the scene shall:

A. Investigate and photograph the scene as directed by the medical examiner or Office of the Chief Medical Examiner;

B. Take possession of all objects that in the opinion of the medical examiner or Office of the Chief Medical Examiner may be useful in establishing the cause, manner and circumstances of death;

C. Remove the body in accordance with the instructions of the medical examiner or Office of the Chief Medical Examiner; and

D. Make a report of the investigation available to the medical examiner or Office of the Chief Medical Examiner.

Sec. 2. 22 MRSA §3028, sub-§4, as enacted by PL 1979, c. 538, §8, is amended to read:

4. Possession of useful objects. Except as otherwise directed by the Attorney General, ~~his~~ the Attorney General's deputies or ~~his~~ assistants, the medical examiner or Office of the Chief Medical Examiner may direct that a law enforcement officer at the scene make measurements, take photographs and take possession of all objects ~~which~~ that in the ~~medical examiner's~~ medical examiner or Office of the Chief Medical Examiner opinion of the medical examiner or Office of the Chief Medical Examiner may be useful in establishing the cause ~~and~~ and manner and circumstances of death.

See title page for effective date.

CHAPTER 98

S.P. 160 - L.D. 372

An Act to Correct the Registration of the Thorncrag, Davis and Woodbury Sanctuaries of the Stanton Bird Club with the Department of Inland Fisheries and Wildlife

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

12 MRSA §7651, sub-§1, as amended by PL 1989, c. 913, Pt. A, §12, is further amended by repealing and replacing the 33rd blocked paragraph to read:

Thorncrag Bird Sanctuary: The following described territory: A certain parcel of land situated in said Lewiston, and bounded as follows, to wit, beginning on the northeasterly side of the road leading from Barker Mills to the Thorne Corner Schoolhouse so-called, at the corner of the late Benjamin Thorne's land; thence running northeasterly about one hundred and seventy (170) rods to the corner of the late Phineas Wright and Dutton lot, so-called, thence northwesterly on said Wright lot