

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

nations or conspiracies in restraint of trade or commerce, and all monopolies, and may require, by summons, the attendance and testimony of witnesses and the production of books and papers before ~~him~~ the Attorney General relating to any such matter under investigation. ~~Such~~ The summons ~~shall~~ must be served in the same manner as summons for witnesses in criminal cases, and all provisions of law relating thereto ~~shall~~ apply to summonses issued under this section so far as they are applicable. All investigations or hearings thereunder or connected therewith to which witnesses are summoned or called upon to testify or to produce books, records or correspondence ~~shall be~~ are public or private at the choice of the person summoned and ~~shall~~ must be held in the county ~~wherein~~ where the act to be investigated is alleged to have been committed, or if the investigation is on petition it ~~shall~~ must be held in the county ~~where~~ in which the petitioners reside. The expense of such investigation ~~shall~~ must be paid from the appropriation provided by Title 5, section 203.

If, upon investigation, it appears to the Attorney General that the laws of this State, including sections 1102-A or 1105 to 1107, have been violated in any respect, ~~he~~ the Attorney General shall ~~forthwith~~ prosecute the guilty parties and present all available information bearing upon such apparent violation to the proper prosecuting officer of the United States.

Any Justice of the Superior Court may by order, upon application of the Attorney General, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the Attorney General in the same manner and to the same extent as before ~~said courts~~ the Superior Court. Any failure to obey such order may be punishable by such court as a contempt thereof.

See title page for effective date.

---

## CHAPTER 138

H.P. 564 - L.D. 807

### An Act to Amend the Law Relating to Road Dust

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

**38 MRSA §592-A, sub-§2**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §167, is further amended to read:

**2. Fugitive emissions.** Any commercial and industrial source or facility, all municipalities and all state or federal facilities, whether or not requiring a license pursuant to this chapter, that cause or contribute to the discharge of fugitive emissions that the commissioner determines to constitute a nuisance are required to establish and maintain a continuing program for best management practices for suppression of fugitive emissions during any periods of construction, renovation or normal

operation. The commissioner shall determine those procedures which constitute best management practices. A description of a source's program for suppression of fugitive emissions must be made available to the commissioner upon request. Public or private roads that are not part of a commercial and industrial source or facility are not subject to the requirements of this subsection.

See title page for effective date.

---

## CHAPTER 139

S.P. 669 - L.D. 1767

### An Act to Modify the Language Governing the Special Commission on Governmental Restructuring

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

**Whereas**, the language creating the Special Commission on Governmental Restructuring, as established in the Maine Revised Statutes, Title 5, section 12004-J, may be ambiguous; and

**Whereas**, the reporting deadline for the Special Commission on Governmental Restructuring may not be possible to meet; and

**Whereas**, the Special Commission on Governmental Restructuring is called to make recommendations to the First Regular Session of the 115th Legislature; and

**Whereas**, there is a need for immediate action to assess the nature and scope of government and to develop recommendations to address the current fiscal shortfall; 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-J, sub-§9**, as enacted by PL 1991, c. 9, Pt. S, §1, is repealed.

**Sec. 2. 5 MRSA c. 405**, as enacted by PL 1991, c. 9, Pt. S, §2, is repealed.

**Sec. 3. PL 1991, c. 9, Pt. S, §§3 and 4** are repealed.

**Sec. 4. Special Commission on Governmental Restructuring established.** The Special Commis-