

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
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

March 1, 1991. For purposes of this section, all policies and contracts are deemed to be renewed no later than the next yearly anniversary of the policy or contract date.

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

Effective May 17, 1991.

CHAPTER 157

H.P. 405 - L.D. 588

An Act to Amend the Public Drinking Laws

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

17 MRSA §2003-A, sub-§2, as repealed and replaced by PL 1985, c. 474, is amended to read:

2. **Crime.** A person is guilty of public drinking if the person:

A. After being forbidden to do so personally by a law enforcement officer, ~~he~~ the person drinks liquor in any public place knowing that ~~he~~ the person is not licensed or privileged to do so, unless ~~he~~ the person has been given permission to do so by the owner or authorized person; or

B. Within a municipality, ~~he~~ the person drinks liquor in any public place other than on state property within ~~150~~ 200 feet of a notice posted conspicuously in the public place by the owner or authorized person which forbids drinking liquor in the public place, unless ~~he~~ the person has been given permission to do so by the owner or authorized person.

See title page for effective date.

CHAPTER 158

S.P. 195 - L.D. 504

An Act Relating to Alcohol Licenses for Golf Clubs

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

Sec. 1. 28-A MRSA §601, sub-§2, ¶H, as amended by PL 1989, c. 592, §1, is further amended to read:

H. The applicant is the husband, wife, father, mother, child or other close relation of a person whose license or application for a license for the same premises was revoked by the Administrative Court Judge or denied by the commission within the 6 months before the application was filed; ~~or~~

Sec. 2. 28-A MRSA §601, sub-§2, ¶I, as enacted by PL 1989, c. 592, §2, is amended to read:

I. The commission determines that the purpose of the application is to circumvent the provisions of this section: ; ~~or~~

Sec. 3. 28-A MRSA §601, sub-§2, ¶J is enacted to read:

J. The applicant is a golf club or a restaurant located on the property of a golf club and the Maine Human Rights Commission has found reasonable grounds to believe that the golf club has denied membership to a person in violation of Title 5, chapter 337, subchapter V, and has determined that conciliation efforts under Title 5, chapter 337, section 4612, subsection 3 have not succeeded. The Maine Human Rights Commission shall notify the State Liquor Commission when the golf club has corrected its discriminatory membership practices, after which the applicant ceases to be disqualified under this paragraph.

See title page for effective date.

CHAPTER 159

H.P. 644 - L.D. 918

An Act Relating to the Computation of Flow for Wastewater Discharges

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

38 MRSA §464, sub-§4, ¶D, as enacted by PL 1985, c. 698, §15, is amended to read:

D. ~~For~~ Except as otherwise provided in this paragraph, for the purpose of computing whether a discharge will violate the classification of any river or stream, the assimilative capacity of the river or stream shall must be computed using the minimum 7-day low flow which can be expected to occur with a frequency of once in 10 years. The department may use a different flow rate only for those toxic substances regulated under section 420. To use a different flow rate, the department must find that the flow rate is consistent with the risk being addressed.

See title page for effective date.

CHAPTER 160

S.P. 62 - L.D. 114

An Act to Exempt Certain Activities from the Site Location of Development Laws

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

Sec. 1. 38 MRSA §482, sub-§7 is enacted to read:

7. Storage facility. "Storage facility" means a building or buildings built for the exclusive purpose of storing materials, products or goods without changing their character or composition.

Sec. 2. 38 MRSA §488, sub-§8 is enacted to read:

8. Exemption for storage facility. A development that consists exclusively of a storage facility that occupies a ground area of less than 100,000 square feet, contains a total floor area of less than 150,000 square feet and occupies a total area of less than 4 acres of impervious surface area, including buildings, parking lots, roads, paved areas, wharves or areas to be stripped or graded and not revegetated, is exempt from review under this article if:

A. An air emission license is not required under section 590;

B. A waste discharge license is not required under section 413;

C. During any one-hour period, the development will not result in a level of traffic at any intersection, including the development entrance, that equals or exceeds:

(1) Twenty-five vehicles in a left-turn-only lane;

(2) Thirty-five vehicles in a through lane, right-turn lane or a combined through and right-turn lane; or

(3) After multiplying the left-turn volume by 1.5, 35 vehicles in a combined left-turn and through lane or a combined left-turn, through and right-turn lane;

D. All significant wildlife habitats within the development that are mapped or that qualify for mapping under section 480-B, subsection 10 are undisturbed;

E. When the development is located wholly or in part in the watershed of any lake or pond classified GPA under section 465-A, long-term measures to control phosphorus transport are taken in accordance with a phosphorous control plan that is consistent with standards for phosphorus control adopted by the board;

F. Clearing, grading, filling or any other development activity does not occur on sustained slopes in excess of 30%;

G. Soil erosion and sedimentation during construction of the development are controlled in accordance with a plan approved by the municipal reviewing authority with jurisdiction over the location of the development

or by the soil and water conservation district for the county in which the development is located;

H. A storm water management system is installed that is capable of detaining or retaining water for infiltration from a storm of an intensity equal to a 25-year, 24-hour storm such that the rate of the flow of storm water from the development does not exceed the rate of outflow of storm water from the development prior to the undertaking of the development unless the storm water is conveyed exclusively in man-made piped or open drainage systems directly into marine waters other than estuarine waters;

I. The development is located entirely within a municipality that has:

(1) Established a municipal planning board or site plan reviewing authority, referred to in this subsection as the municipal reviewing authority;

(2) Employed a code enforcement officer; and

(3) Established procedures for appeal by parties aggrieved by local decisions under this subsection;

J. The municipal reviewing authority agrees to review the development and finds that the development satisfies this subsection and any local requirements;

K. The commissioner is notified of the pending development by the developer at least 15 days prior to undertaking construction; and

L. Any requirements for hazardous activities under section 487-A are met.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
All Other	(\$2,000)	(\$2,000)
Provides for the deallocation of general operating funds due to a reduction in dedicated revenue.		

See title page for effective date.