

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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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

State grant-in-aid participation under this section is limited to grants for waste treatment facilities, interceptor systems and outfalls. The word "expense" does not include costs relating to land acquisition or debt service, unless allowed under federal statutes and regulations.

The commissioner shall develop a project priority list, for approval and adoption by the board, for pollution abatement construction and salt or sand-salt storage building projects. The factors considered in developing the priority lists include, but are not limited to, protection of ground and surface water supplies, shellfish, general public health hazards and water contact activities.

All proceeds of the sale of bonds for the construction and equipment of pollution abatement facilities expended under the direction and supervision of the commissioner must be segregated, apportioned and expended as provided by the Legislature.

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

Effective May 31, 1991.

CHAPTER 239

S.P. 430 - L.D. 1151

An Act to Require Door-to-door Sellers of Frozen Foods to Disclose Actual Unit Prices

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

Sec. 1. 9-A MRSA §3-503-A is enacted to read:

§3-503-A. Frozen food contracts

The unit price and the total price for each frozen food commodity must be disclosed on any contract or order form for the sale of frozen foods that is subject to the requirements of this Part. A copy of this price disclosure must be given to the buyer. The unit price of a frozen food commodity must be expressed, as appropriate, in terms of price per pound, ounce, pint, quart or gallon, provided that the same weight or measure is used for the same commodity in all sizes, weights or volumes.

The unit price and the total price of the commodity must reflect the buyer's total cost for the commodity and related seller's services, including delivery of the commodity to the buyer's home.

Sec. 2. 32 MRSA §4662-A is enacted to read:

§4662-A. Frozen food contracts

Any contract or order form for the sale of frozen foods that is subject to the requirements of this subchapter must

disclose the unit price and the total price for each frozen food commodity. A copy of this price disclosure must be given to the consumer. The unit price of a frozen food commodity must be expressed, as appropriate, in terms of price per pound, ounce, pint, quart or gallon, provided that the same unit of measure is used for the same commodity in all sizes, weights or volumes.

The unit price and the total price of the commodity must reflect the consumer's total cost for the commodity and related seller services, including delivery of the commodity to the consumer's home.

Sec. 3. 32 MRSA §4681, sub-§3, as amended by PL 1979, c. 191, is further amended to read:

3. Merchandise. "Merchandise" includes any objects, wares, goods, promises, commodities, intangibles, services or other things of value but does not include food, except food sold by directly contacting the consumer in the consumer's residence or technical and vocational schools located outside of the State ~~which~~ that are registered pursuant to Title ~~20~~ 20-A, section ~~2661~~ 9501.

See title page for effective date.

CHAPTER 240

H.P. 398 - L.D. 572

An Act to Amend the Natural Resources Protection Laws

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

Whereas, repair of existing access ways to residential dwellings needs to occur in the spring and early summer to repair winter storm damage; and

Whereas, obtaining permits through the Department of Environmental Protection may be a lengthy process; 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. 38 MRSA §480-Q, sub-§10, as repealed and replaced by PL 1989, c. 878, Pt. A, §112, is amended to read:

10. Aquaculture. Aquaculture activities regulated by the Department of Marine Resources under Title 12, section 6072. Ancillary activities, including, but not limited to, build-

ing or altering docks or filling of wetlands, are not exempt from the provisions of this article; ~~and~~

Sec. 2. 38 MRSA §480-Q, sub-§11, as enacted by PL 1989, c. 878, Pt. A, §113, is amended to read:

11. Soil evaluation. Borings taken to evaluate soil conditions in or adjacent to a great pond, river, stream or brook, coastal wetland, freshwater wetland or sand dune are exempt from the provisions of this article provided that no area of wetland vegetation is destroyed or permanently removed; and

Sec. 3. 38 MRSA §480-Q, sub-§12 is enacted to read:

12. Existing access ways. Normal maintenance and repair or reconstruction of existing access ways in freshwater or coastal wetlands to residential dwellings as long as:

A. The applicant shows evidence that the access way in disrepair is the existing route of access to the residential dwelling;

B. Erosion control measures are used;

C. Intrusion of the access way into the freshwater or coastal wetland is minimized and allows for proper drainage where necessary;

D. The access way, if in a coastal wetland, is traditionally dry at mean high tide; and

E. A notice of intent to maintain, repair or reconstruct the access way and the description of the work to be completed are submitted to the commissioner and to the municipal reviewing authority at least 20 days before the work is performed.

Sec. 4. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
All Other	(\$250)	(\$250)
Provides for the reduction of general operating expenses as a result of a decrease in revenue.		

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

Effective May 31, 1991.

CHAPTER 241

H.P. 973 - L.D. 1414

An Act to Provide Certain Municipalities with an Exception to the Waste Facility Siting Laws

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

38 MRSA §1310-N, sub-§2-D, ¶B, as enacted by PL 1991, c. 43, §2, is repealed and the following enacted in its place:

B. For all other transfer stations, the handling site may not be within 250 feet of any abutting property boundary, unless:

(1) 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; or

(2) The municipality obtains the written permission of all property owners within 250 feet of the proposed handling site.

See title page for effective date.

CHAPTER 242

H.P. 594 - L.D. 845

An Act to Reduce Marine Pollution

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

Whereas, identifying sources of marine pollution is essential to ensure public health; and

Whereas, this Act must take effect prior to the start of the oyster spawning season; 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. 12 MRSA §6172, sub-§5 is enacted to read: