

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

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: