

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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

**1991**

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C. Develop rules of procedure necessary to carry out its duties;

D. Conduct public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to, problems concerning the State's criminal justice system; and

E. Prepare legislation for submission to the Legislature to implement any recommendations of the commission.

Sec. 2. 5 MRSA §12004-J, sub-§10 is enacted to read:

<u>10.</u>	<u>Maine Criminal</u>	<u>As Autho-</u>	<u>5 MRSA</u>
<u>Criminal</u>	<u>Justice</u>	<u>rized by</u>	<u>§3358</u>
<u>Justice</u>	<u>Commission</u>	<u>Commission</u>	

See title page for effective date.

**CHAPTER 418**

**H.P. 1042 - L.D. 1515**

**An Act Concerning the Sale of Surplus State Property**

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

Sec. 1. 5 MRSA §1813, sub-§6, as amended by PL 1989, c. 596, Pt. O, §1, is further amended to read:

6. **Surplus property.** Providing for transfer of supplies, materials and equipment ~~which that~~ are surplus from one state department or agency to another ~~which that~~ may need them, and for the disposal by private and public sale of supplies, materials and equipment ~~which that~~ are obsolete and unusable; ~~provided, however, that if any political subdivision in the State or any educational institution or homeless shelter sponsor enumerated in section 1813-A requests to purchase any such obsolete and unusable items, then the disposal shall be by private sale to that political subdivision, homeless shelter sponsor or educational institution; that. Political subdivisions, educational institutions or qualifying nonprofit organizations, as defined in section 1813-A, must be given an opportunity to purchase the surplus items through private sale. If 2 or more political subdivisions, educational institutions or qualifying nonprofit organizations are interested in any item, the sale must be the result of competitive bid. Any equipment to so purchased must be retained for a period of at least one year in a current ongoing program. Any item purchased by a political subdivision, homeless shelter sponsor or educational institution or qualifying nonprofit organization under~~

this section ~~shall~~ may not be sold or transferred by that political subdivision, ~~homeless shelter sponsor or educational institution or qualifying nonprofit organization~~ for a period of 6 months from the date of the private sale and the State reserves the right to refuse to sell additional equipment to a political subdivision, ~~homeless shelter sponsor or educational institution or qualifying nonprofit organization~~ if it is determined that the political subdivision, ~~homeless shelter sponsor or educational institution or qualifying nonprofit organization~~ has not retained the equipment for the required period of 6 months;

Sec. 2. 5 MRSA §1813-A, sub-§1, ¶B, as enacted by PL 1989, c. 596, Pt. O, §2, is repealed.

Sec. 3. 5 MRSA §1813-A, sub-§1, ¶C is enacted to read:

C. "Qualifying nonprofit organization" means a public or private nonprofit entity that owns or operates a project or facility for the homeless or a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501 (c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A.

See title page for effective date.

**CHAPTER 419**

**H.P. 709 - L.D. 1014**

**An Act to Amend the Shoreland Zoning Laws**

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

38 MRSA §438-A, sub-§1-A is enacted to read:

1-A. Minimum guidelines; limitations. The minimum guidelines adopted under subsection 1 may not require a municipality, in adopting an ordinance, to:

A. Treat an increase in hours or days of operation of a nonconforming use as an expansion of a nonconforming use; or

B. Treat as a single lot, 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the municipal ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with state subsurface wastewater disposal rules, and;