

# 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**  
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**of the**  
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**1991**

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run to its intersection with the ~~westerly right-of-way line of the Maine Central Railroad Company~~ Kennebec River; thence along said ~~railroad line~~ river northerly as the same may run to its intersection with the southerly line of highway Route 201; thence southwesterly along said highway line, as the same may run, to the easterly line of State Street at its intersection with Memorial Traffic Circle; thence across State Street in a northwesterly direction to the southeasterly line of Grove Street at its intersection with Memorial Traffic Circle; thence southwesterly along said Grove Street to the northerly line of Higgins Street; thence across Grove Street; thence southerly along Grove Street to its intersection with the northerly line of Wade Street; thence westerly about 400 feet in a straight line along Wade Street and its northerly line extended to the westerly line of Sewall Street; thence southerly along Sewall Street to the northerly line of Wade Street; where it intersects the westerly line of Sewall Street; thence westerly along the northerly line of Wade Street, and thence continuing in a straight line westerly and parallel to Capitol Street to the easterly line of Florence Street; thence southerly along Florence Street to the point of beginning.

Beginning at a point at the intersection of the northerly line of the Old Arsenal Grounds with the westerly line of Hospital Street; thence westerly along said northerly line of the Old Arsenal Grounds 1,680 feet to a point at the Kennebec River; thence following the river generally southwesterly to a point where a projected northeasterly line of Kelton Road would meet the river, being a point 2,185 feet, more or less, from the intersection of said road and the northwesterly line of Hospital Street, thence southeasterly to and along the projected northwesterly line of Kelton Road from the river to a point on the southwest corner of the lands of the Augusta Sanitary District 564.19 feet, more or less, from the intersection of Kelton Road and Hospital Street; thence northeasterly at an interior angle of 89° 20' a distance of 84.88 feet to a point; thence southeasterly at an interior angle of 90° a distance of 76.09 feet to a point; thence northeasterly at an interior angle of 270° a distance of 98.74 feet to a point; thence at an interior angle of 90° 20' a distance of 212.8 feet, more or less, on a line bearing S 61° 20' E to a point; thence southwesterly at an interior angle of 90° a distance of 36.06 feet, more or less, to a point on the northerly line of the Augusta Sanitary District property; thence in an easterly direction at an angle 90° and a distance of 128.42 feet, more or less, to a point; thence in a northerly direction at an angle of 90° a distance of 73 feet to a point; thence in an easterly direction at an angle of 90° and a distance of 143 feet, more or less, to a point on the westerly line of Hospital Street; thence northeasterly along the westerly line of Hospital Street 3,125 feet to a point on the southeast corner of the lands of the City of Augusta; thence westerly at right angle 185 feet to a point; thence southerly at right angle 25 feet to a point; thence westerly at right angle 115 feet to a point; thence northerly at right angle 140 feet to a point; thence easterly at right angle 115

feet to a point; thence northerly at right angle 20 feet to a stone bound; thence easterly at right angle 185 feet to the westerly line of Hospital Street; thence northerly along the westerly line of Hospital Street 380 feet, more or less, to the point of beginning.

All proceedings under this section ~~shall~~ must be in accordance with Title 35-A, chapter 65.

**Sec. 2. Boundary intent.** Notwithstanding the physical description of the Capitol Area in the Maine Revised Statutes, Title 1, section 814, the Capitol Area extension on the east side of the Kennebec River includes only property owned by the State on the effective date of this Act. Any private property or property owned by any nonstate governmental unit or quasi-municipal corporation included in the physical description of the boundary extension of the Capitol Area is expressly excluded from this extension.

**Sec. 3. Lease interest preserved.** Notwithstanding the Maine Revised Statutes, Title 1, chapter 21; Title 3, chapter 31; and Title 5, chapter 14-A, the State, through the Bureau of Public Lands, shall enter into new leases with the Capitol Area Recreation Association and the Pine Tree State Arboretum for certain lands now leased by those entities within the Capitol Area on the east side of the Kennebec River. The new leases must be on the same terms and conditions as the current leases, except that they must be for a term of 99 years and must provide that either party may terminate the lease for any reason on 6 months' prior notice. The use of those lands under lease, including the construction of new recreational facilities, by the Capitol Area Recreation Association, the Pine Tree State Arboretum, or their invitees, may not be impaired by any action of the Legislative Council, the State House and Capitol Park Commission or the Capitol Planning Commission.

See title page for effective date.

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## CHAPTER 539

H.P. 1280 - L.D. 1850

### An Act to Extend the Commission to Study the Future of Maine's Courts

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

**Sec. 1.** PL 1989, c. 891, Pt. B, §B-6 is amended to read:

**Sec. B-6. Report to Legislature.** The commission, by ~~November 15, 1992~~ February 28, 1993, shall report to the Joint Standing Committee on Judiciary and the Office of the Executive Director of the Legislative Council the results of its findings and recommendations

together with any necessary implementing legislation. The commission shall report to the Joint Standing Committee on Judiciary with respect to its funding from all sources and detailed expenditures of the commission on November 15, 1991, and ~~November 15, 1992~~ February 28, 1993.

**Sec. 2. PL 1989, c. 891, Pt. B, §B-8** is amended to read:

**Sec. B-8. Commencement and continuation of commission.** The commencement and continuation of the commission through ~~November 15, 1992~~ February 28, 1993, are contingent on the commission's successful solicitation of funds from sources other than the General Fund. The chair is authorized to solicit and receive funds on behalf of the commission before its first meeting.

See title page for effective date.

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## CHAPTER 540

H.P. 1371 - L.D. 1955

### An Act to Amend the Maine Administrative Procedure Act

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

**Whereas,** under current law, agencies are required to issue regulating agendas within 100 days after adjournment; and

**Whereas,** this legislation seeks to make changes that will directly affect agencies in issuing those agendas; and

**Whereas,** it is vitally necessary that this legislation be enacted as an emergency measure in order that agencies may comply with the terms of the law in a timely and complete manner; 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 §8060, sub-§6,** as enacted by PL 1989, c. 547, §8, is amended to read:

**6. Application.** Nothing in this section or section 8053-A may be construed to prohibit agencies from adopting emergency rules ~~or rules~~ that have not been listed or

included in the regulatory agenda pursuant to this section.

**Sec. 2. 5 MRSA §8064** is enacted to read:

#### §8064. Limitation

Except for emergency rules, as provided in section 8060, subsection 6, an agency may not adopt any rule unless the agency has complied with the provisions in sections 8053-A and 8060, which includes legislative review of the rule.

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

Effective July 8, 1991.

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## CHAPTER 541

H.P. 1357 - L.D. 1949

### An Act to Revise the Salaries of Certain County Officers

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

**Whereas,** it has become necessary to revise the salaries of certain county officials; and

**Whereas,** it is desired to have these revisions retroactive to January 1, 1991; 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. 30-A MRSA §2, sub-§1,** as repealed and replaced by PL 1989, c. 928, is repealed and the following enacted in its place:

1. County officers' salaries. Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702 are not required to obtain legislative approval of the salaries of county officers under this section. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in those counties whose budgets require legislative approval under section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows: