

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

D. The public interest will not be adversely affected by granting the injunction.

2. Right of action limited. An action may not be commenced under this section until 15 days after the resident has given notice of the violation and an intention to bring suit under this chapter to the commissioner, the Attorney General and each party alleged to be violating the law or rule. The court may waive the 15-day notice requirement and issue a temporary restraining order when the plaintiff shows that the alleged violation presents an immediate threat to the plaintiff's health or safety.

3. Parties may intervene. In any action brought by the Attorney General or the commissioner under this chapter, any resident who has a right of action under this section may intervene if that resident has a direct interest that is or may be adversely affected by the action and the disposition of the action may impair or impede the resident's ability to protect that interest. The Attorney General and the commissioner may intervene in any action brought by a resident under this section. This subsection does not affect the ability of any party to take action under Title 5, section 9054.

4. Service. A copy of the complaint and other pleadings must be delivered to the commissioner and the Attorney General at the time of service on the defendant. Copies of all answers and other documents accompanying the answers must be delivered to the commissioner and the Attorney General at the time of service on the plaintiff.

5. Dismissal of action. The court may, on the motion of any party or on its own motion, dismiss any action brought under this section that alleges a de minimis violation of section 7924 or of 42 United States Code, Section 1396r, Subsection (c).

§7949. No limitation on right of action

The remedies provided under section 7948 are in addition to those otherwise available under state or federal law and may not be construed as limiting any other remedies including any remedy available to an individual at common law. Exhaustion of any available administrative remedy is not required prior to commencement of an action under this section.

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

Effective February 28, 1992.

CHAPTER 638

S.P. 807 - L.D. 2006

An Act to Extend the Reporting Date of the Commission to Study the Retirement Benefits Provided by the State

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

Whereas, Public Law 1991, chapter 527 created the Commission to Study the Retirement Benefits Provided by the State and set a November 1, 1991 deadline for reporting its findings; and

Whereas, the commission requires additional time in order to adequately report its findings; 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. PL 1991, c. 527, §3, sub-§5 is amended to read:

5. The commission shall submit its findings by ~~November 1, 1991~~ March 15, 1992.

Sec. 2. Retroactivity. This Act is retroactive to November 1, 1991.

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

Effective February 28, 1992.

CHAPTER 639

H.P. 1492 - L.D. 2104

An Act to Clarify the Scope of the Laws Governing Administrative Correction of Statutory Errors

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

Whereas, this Act refines a newly enacted mechanism for remedying certain statutory errors during the annual update of the statutory data base; and

Whereas, the annual update will be well under way before the expiration of the 90-day period; 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. 1 MRSA §91, sub-§§1 and 7, as enacted by PL 1991, c. 336, are amended to read:

1. Conflicting enactments. "Conflicting enactments" means multiple enactments, amendments, repeals, reallocations or reenactments, or any combination of these actions, that affect the same statutory unit and that have been adopted by multiple Acts of the Legislature passed within one legislative session or within a regular legislative session and any special sessions preceding the next regular legislative session that do not refer to each other.

7. Statutory unit. "Statutory unit" means a title, subtitle, part, subpart, chapter ~~or~~, subchapter, article, subarticle, section ~~or a part of a title, chapter or section~~, subsection, paragraph, subparagraph, division or subdivision of the laws of Maine.

Sec. 2. 1 MRSA §93, sub-§§2, 3, 4, 7, 9 and 10 as enacted by PL 1991, c. 336, are amended to read:

2. Histories. Erroneous ~~enacting~~ amending clauses or statutory histories may be corrected.

3. Cross-references. Cross-references ~~to~~ in statutory units may be changed to agree with new, amended, reenacted, renumbered or, relettered, reallocated or corrected statutory units.

4. Dates. Obsolete temporal references may be removed and the appropriate calendar date for the phrase "effective date of this Act" or other phrases of similar meaning may be substituted.

7. Renumbering; relettering. The numbering or lettering of statutory ~~elements~~ units, including duplicative numbering or lettering created by conflicting enactments, may be corrected or properly arranged.

9. Revision clauses. ~~Changes Grammatical changes necessary for the proper implementation of changes in nomenclature or terminology authorized enacted by a revision clause must may be made in accordance with the instructions of the revision clause.~~

10. Errors. Obvious clerical ~~or~~, typographical or grammatical errors may be corrected.

Sec. 3. 1 MRSA §93, sub-§11 is enacted to read:

11. Gender. Gender-specific terms that occur in a statutory unit being corrected may be changed to gender-neutral terms and necessary grammatical changes to properly use the gender-neutral terms may be made.

Sec. 4. 1 MRSA §95, first ¶, as enacted by PL 1991, c. 336, is amended to read:

The revisor shall submit an annual revisor's report containing a description of all changes made pursuant to section 93 to the joint standing committee of the Legislature having jurisdiction over judiciary matters by October 1st of the year in which the changes have been made and shall provide copies of the report to the Secretary of State, to the executive director and to the publisher of the Maine Revised Statutes Annotated. The publisher shall incorporate the changes made in the report in all subsequent publications of the laws. The revisor's report must be published annually in the Laws of Maine. Changes made in the revisor's report take effect on October 1st of the year in which the report is made unless otherwise indicated in which case the changes take effect as specified.

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

Effective February 28, 1992.

CHAPTER 640

H.P. 1135 - L.D. 1660

An Act to Establish an Electric Facilities Siting Process

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

Sec. 1. 35-A MRSA §3131, sub-§7 is enacted to read:

7. Corridor. "Corridor" means an area no greater than 1/2 mile in width in which a proposed transmission line is to be located.

Sec. 2. 35-A MRSA §3132, sub-§1, ¶E is enacted to read:

E. The utility or utilities shall send the municipalities in which any part of the proposed transmission line is to be located a copy of the application, in-