

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 54**H.P. 422 - L.D. 541****An Act to Extend the Deadline for Construction of Salt and Sand Storage Buildings**

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

Sec. 1. 38 MRSA §451-A, sub-§1-A, as amended by PL 1991, c. 824, Pt. A, §86, is further amended to read:

1-A. Time schedule for salt and sand-salt storage program. An owner or operator of a salt or sand-salt storage area is not in violation of any ground water classification or reclassification adopted on or after January 1, 1980, at any time prior to October 1, ~~1999~~ 2003, with respect to discharges to the ground water from those facilities, if by that time the owner or operator has completed all steps then required to be completed by the schedules set forth in this subchapter. The commissioner shall administer this schedule according to the project priority list adopted by the board pursuant to section 411 and the provisions of this subsection.

A. Preliminary plans and engineers' estimates must be completed and submitted to the Department of Transportation by the following dates:

- (1) For Priority 1 and 2 projects - January ~~1993~~ 1996;
- (2) For Priority 3 project - January ~~1994~~ 1997;
- (3) For Priority 4 project - January ~~1995~~ 1998; and
- (4) For Priority 5 project - January ~~1996~~ 1999.

B. Arrangements for administration and financing must be completed within 12 months of the dates established in paragraph A for each priority category.

C. Detailed engineering and final plan formulation must be completed within 24 months of the dates established in paragraph A for each priority category.

D. Review of final plans with the Department of Transportation must be completed and construction commenced within 36 months of the dates established in paragraph A for each priority category. The Department of Transportation shall consult with the commissioner in reviewing final plans.

E. Construction must be completed and the facility in operation ~~on or before January 1, 1999~~ within 48 months of the dates established in paragraph A for each priority category.

In no case may violations of the lowest ground water classification be allowed. In addition, no violations of any ground water classifications adopted after January 1, 1980, may be allowed for more than 3 years from the date of an offer of a state grant for the construction of those facilities or after January 1, ~~1999~~ 2003, whichever is earlier.

The department may not issue time schedule variances under subsection 1 to owners or operators of salt or sand-salt storage areas.

An owner or operator of a salt or sand-salt storage area who is in compliance with this section is exempt from the requirements of licensing under section 413, subsection 2-D.

An owner or operator is not in violation of a schedule established pursuant to this subsection if the owner or operator is eligible for a state grant to implement the schedule and the state grant is not available.

See title page for effective date.

CHAPTER 55**H.P. 428 - L.D. 547****An Act to Correct Inconsistencies in the Shoreland Zoning Laws**

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

Sec. 1. 38 MRSA §439-A, sub-§5, as amended by PL 1991, c. 346, §8, is further amended to read:

5. Timber harvesting. Municipal ordinances must regulate timber harvesting within the shoreland area, ~~except surrounding existing forested wetlands or harvested forested wetlands that are not zoned for resource protection.~~ Notwithstanding any provision in a local ordinance to the contrary, standards for timber harvesting activities may not be less restrictive than the following:

A. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level, in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains;

B. Within a shoreland area zoned for resource protection abutting a great pond there may not be

timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards; and

C. Any site within a shoreland area zoned for resource protection abutting a great pond, beyond the 75-foot strip restricted in paragraph B, where timber is harvested must be reforested within 2 growing seasons after the completion of the harvest, according to guidelines adopted by the board. The board shall adopt guidelines consistent with minimum stocking standards established under Title 12, section 8869.

The board may adopt more restrictive guidelines consistent with the purposes of this subchapter that must then be incorporated into local ordinances. Timber harvesting operations exceeding the 40% limitation in paragraph A may be allowed by a planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and is carried out in accordance with the purposes of shoreland zoning. The planning board shall notify the commissioner of each exception allowed.

See title page for effective date.

CHAPTER 56

S.P. 303 - L.D. 919

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

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

Whereas, the Commission to Study the Future of Maine's Courts, which has worked since 1989 to develop recommendations to promote equal justice for all those served by the courts, has submitted its final report to be presented to the Legislature; and

Whereas, the commission has operated without any contribution of General Fund or other state money, instead seeking and securing grant funds from organizations supporting planning activities for accommodating the judicial needs of the 21st century; and

Whereas, official approval of the commission's activities to carry out its charge through the end of the grant funding and reporting cycles and to begin the process of implementing its recommendations is appropriate; 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 1989, c. 891, Pt. B, §8, as amended by PL 1991, c. 539, §2, is further amended to read:

Sec. B-8. Commencement and continuation of commission. The commencement and continuation of the commission through ~~February 28~~ August 1, 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.

Sec. 2. Retroactivity. Section 1 of this Act takes effect retroactively to February 28, 1993.

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

Effective April 8, 1993, unless otherwise indicated.

CHAPTER 57

H.P. 202 - L.D. 264

An Act Regarding Motorized Wheelchairs

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

Sec. 1. 29 MRSA §1, sub-§7, as amended by PL 1989, c. 243, is further amended to read:

7. Motor vehicle. "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, but not including motorized wheelchairs, snowmobiles as defined in Title 12, section 7821, and all-terrain vehicles as defined in Title 12, section 7851, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title. Notwithstanding any other provision of law, whenever an all-terrain vehicle is operated on a way as defined in ~~section 1~~, subsection 21, then that all-terrain vehicle ~~shall be~~ is subject to all provisions of this Title, except chapters 5, 7, 9, 21, 23 and 25, and chapter 22, sections 2502 ~~through~~ to 2525.

Sec. 2. 29 MRSA §1, sub-§9-D is enacted to read: