

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

stitution 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. 15 MRSA §3203-A, sub-§7, ¶B-2, as enacted by PL 1991, c. 493, §13, is amended to read:

B-2. Notwithstanding any other provision of law, until ~~September 30~~ December 31, 1993, a juvenile may be detained in the Androscoggin County Jail, as long as the juvenile is detained in a separate juvenile section approved by the federal Office of Juvenile Justice and Delinquency Prevention and in compliance with paragraph A of ~~this subsection.~~

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

Effective May 27, 1993.

CHAPTER 163

H.P. 770 - L.D. 1043

An Act Concerning the Definition of Compact Area for Municipalities

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

Sec. 1. 35-A MRSA §2502, sub-§1, ¶¶A and B, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

A. The Department of Transportation, when the public way is a state, ~~state-aid state-aid~~ or ~~federal aid federal-aid~~ highway, except for state or ~~state aid~~ state-aid highways in the compact areas of municipalities having a population over 5,000 6,000;

B. The municipal officers or their designees, when the public way is a city street or town way or a state or ~~state-aid state-aid~~ highway in the compact areas of municipalities having a population over 5,000 6,000; and

Sec. 2. 35-A MRSA §2502, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Compact area. "Compact area" means an area within a municipality having a population over 5,000 6,000 where structures on land adjacent to the highway are nearer than 200 feet apart for a distance of 1/4 of a mile.

Sec. 3. 35-A MRSA §2503, sub-§17, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

17. Relocation in certain municipalities. The Department of Transportation has the exclusive rights, powers and duties of municipal officers under section 2517 when state, ~~state-aid state-aid~~ and ~~federal-aid federal-aid~~ highways are affected, except for state and ~~state-aid state-aid~~ highways in the compact areas of municipalities having a population over 5,000 6,000.

See title page for effective date.

CHAPTER 164

H.P. 926 - L.D. 1249

An Act to Change Public Hearing Requirements for Certain Railroad Grade Crossing Projects

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

Sec. 1. 23 MRSA §7221, as enacted by PL 1989, c. 398, §8, is amended to read:

§7221. Automatic signals; expense; definition

The department may require each ~~steam~~ railroad company operating within this State to install, operate and maintain an automatic signal, gates or other protective device or to require a ~~flagman flagger~~ to be stationed at any highway crossing within this State where, after reasonable notice and hearing, the department decides that public safety requires a signal, gates or other protective device or ~~flagman flagger~~ as a proper measure of protection. Notice and hearing are not required for automatic grade crossing protection funded and installed under the federal program. The expense of installing, operating and maintaining any signal, gates or other protective device or of providing the ~~flagman shall flagger~~ must be borne by the corporation operating the railroad passing over the crossing to be protected, except that at crossings located on state and state aid highways the expense of installing the signal, gates or other protective device ~~shall~~ must be apportioned between the corporation and the State in proportions as the department determines. Wherever the term "signal" or "automatic signal" is used in this chapter, it ~~shall be~~ is construed to be an appliance ~~which that~~ gives warning of the approach of a train and ~~which that~~ is either audible and visible by day and by night, or audible or visible as ~~may be~~ determined by the department. ~~This section shall not apply to railroads of less than standard gauge, nor to the Knox Railroad Company, formerly called Georges Valley Railroad Company.~~

See title page for effective date.