

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

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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
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

Sec. 1. 30-A MRSA §3002, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Posted. The proposed ordinance must be attested and posted in the manner provided for town meetings. If a proposed ordinance or comprehensive plan exceeds 10 pages in length, it is sufficient to satisfy this posting requirement that the warrant and the warrant article related to the adoption of the ordinance or plan includes a statement that copies of the text of the ordinance or plan and map, if any, are available from the town clerk.

Sec. 2. 30-A MRSA §3003, sub-§2, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. ~~At least 3 copies~~ one copy of the code, portion or amendment, ~~which~~ that is incorporated or adopted by reference, ~~shall~~ must be filed in the office of the municipal clerk and kept there available for public use, inspection and examination. The required ~~copies~~ copy of the codes, portion or amendment or public record must be filed with the municipal clerk for 30 days before the adoption of the ordinance ~~which~~ that incorporates the code, portion or amendment by reference.

Sec. 3. 30-A MRSA §4352, sub-§9, as enacted by PL 1991, c. 504, §2, is repealed and the following enacted in its place:

9. Notice; general requirements. Before adopting a new zoning ordinance or map or amending an existing zoning ordinance or map, including ordinances or amendments adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I, article 2-B, the municipal reviewing authority must post and publish notice of the public hearing required under subsection 1 in accordance with the following provisions.

A. The notice must be posted in the municipal office at least 14 days before the public hearing.

B. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 14 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

Sec. 4. 30-A MRSA §4352, sub-§10 is enacted to read:

10. Additional notice; limited areas. Notice must be given in accordance with this subsection and subsec-

tion 9 when a municipality has proposed an amendment to an existing zoning ordinance or map that, within a geographically specific portion of the municipality, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited.

A. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.

B. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 14 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not required under this paragraph for any type of zoning ordinance adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I, article 2-B.

Any action challenging the validity of an amendment to a zoning ordinance or map based on a municipality's failure to comply with paragraph B must be brought in Superior Court within 30 days after the adoption of the amended ordinance or map. The Superior Court may invalidate an amended ordinance or map if the appellant demonstrates that the appellant was entitled to receive a notice under paragraph B, that the municipality failed to send the notice as required, that the appellant had no knowledge of the proposed amendment to the ordinance or map and that the appellant was materially prejudiced by that lack of knowledge. Nothing in this subsection alters the right of a person to challenge the validity of any ordinance based on the failure of the municipality to provide notice as required in paragraph A and subsection 9.

See title page for effective date.

CHAPTER 375

H.P. 226 - L.D. 294

An Act Concerning the Structure of the State Court Library Committee and the System of State Law Libraries

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

Sec. 1. 4 MRSA §191, as amended by PL 1989, c. 503, Pt. B, §7, is further amended to read:

§191. State Court Library Committee

The State Court Library Committee, as established in Title 5, section 12004-G, subsection 23, shall consist consists of 7 9 voting members, 2 3 of whom shall must be members of the public, 2 of whom shall must be members of the judiciary and 3 4 of whom shall must be attorneys. Each attorney appointed to the committee must be actively engaged in the practice of law and have an established place of business in a county in which a law library established pursuant to section 193 is located and must be chosen so that each tier has an attorney representative. The members shall be are appointed by and serve at the pleasure of the Chief Justice of the Supreme Judicial Court. The Chief Justice shall designate the chair. The State Law Librarian, the University of Maine School of Law Librarian and the State Court Administrator shall be are ex officio nonvoting members. A quorum shall consist consists of 4 5 of the voting members. The committee shall meet at least 4 times each year. Secretarial assistance shall must be provided by the Administrative Office of the Courts.

Sec. 2. 4 MRSA §193, as amended by PL 1991, c. 671, Pt. M, §1, is further amended by adding after that part related to Tier III libraries the following:

Tier IV libraries must be located in:

- Aroostook County, Houlton;
- Franklin County, Farmington;
- Piscataquis County, Dover-Foxcroft; and
- Waldo County, Belfast.

Sec. 3. 4 MRSA §193, as amended by PL 1991, c. 671, Pt. M, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding the other provisions of this section or any other provision of law to the contrary, during fiscal year 1993-94 and fiscal year 1994-95, the committee is not required to allocate an equal share for each library within a specific tier.

Sec. 4. Funds for Tier IV libraries. The State Court Library Committee is not required to allocate funds for Tier IV libraries for fiscal year 1993-94 and fiscal year 1994-95. The committee may not reduce the allocation for Tier I, Tier II or Tier III libraries below the level allocated for fiscal year 1992-93 in order to allocate funds

for a Tier IV library, unless the County Law Library Committee for that library agrees to a reduced allocation.

Sec. 5. Repeal. Sections 2 and 3 of this Act are repealed July 1, 1995.

See title page for effective date.

CHAPTER 376

H.P. 188 - L.D. 240

An Act to Change the Statutory Provisions Applying to the Dissemination of the Records and Reports Maintained by the State Police

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

Sec. 1. 16 MRSA §614, sub-§1, as amended by PL 1991, c. 729, §3 and c. 837, Pt. B, §5, is repealed and the following enacted in its place:

1. Limitation on dissemination of intelligence and investigative information. Reports or records in the custody of a local, county or district criminal justice agency, in the custody of the Bureau of State Police or the Office of the State Fire Marshal, in the custody of the Department of Corrections, in the custody of the criminal law enforcement units of the Department of Marine Resources or the Department of Inland Fisheries and Wildlife or in the custody of the Maine Drug Enforcement Agency containing intelligence and investigative information are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would:

- A. Interfere with law enforcement proceedings;
- B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;
- C. Result in public dissemination of information about the private life of an individual in which there is no legitimate public interest and that would be offensive to a reasonable person;
- D. Disclose the identity of a confidential source;
- E. Disclose confidential information furnished only by the confidential source;
- F. Disclose investigative techniques and procedures or security plans and procedures not generally known by the general public; or