

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

Sec. 7. 5 MRSA §12004-I, sub-§§47-A, 47-B and 72-B are enacted to read:

<u>47-A.</u> <u>Human Services</u>	<u>Protection and Advocacy Agency, Advisory Council</u>	<u>Not Authorized</u>	<u>5 MRSA §19504, sub-§2</u>
<u>47-B.</u> <u>Human Services: Nursing</u>	<u>Commission on Nursing Supply and Educational Accessibility</u>	<u>Not Authorized</u>	<u>32 MRSA §2261</u>
<u>72-B.</u> <u>Occupations: Massage Practitioners</u>	<u>Massage Practitioners Advisory Council</u>	<u>Not Authorized</u>	<u>32 MRSA §14302 sub-§7</u>

Sec. 8. 5 MRSA §12004-K, sub-§13 is enacted to read:

<u>13.</u> <u>Tribal-State Government</u>	<u>Maine Indian Tribal-State Commission</u>	<u>Per Diem Plus Expenses</u>	<u>30 MRSA §6212 sub-§1</u>
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Sec. 9. 5 MRSA §12004-L, sub-§§7 to 10 are enacted to read:

<u>7. Children's Residential Treatment Committee</u>	<u>Not Authorized</u>	<u>22 MRSA §8151</u>
<u>8. Human Resource Development Council</u>	<u>Expenses Only</u>	<u>26 MRSA §2005</u>
<u>9. Interdepartmental Council</u>	<u>Not Authorized</u>	<u>34-B MRSA §1214</u>
<u>10. Maine Drug Enforcement Agency Advisory Board</u>	<u>Not Authorized</u>	<u>25 MRSA §2954</u>

See title page for effective date.

CHAPTER 382

H.P. 1156 - L.D. 1555

An Act Regarding Tax Anticipation Notes for Fiscal Year 1993-94

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

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, this legislation must be in effect prior to July 1, 1993 in order to provide for the orderly issuance of the State's tax anticipation notes; 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 §150, 2nd ¶, as corrected by RR 1991, c. 2, §6, is amended to read:

The Treasurer of State, with the approval of the Governor, may negotiate a temporary loan or loans in anticipation of taxes levied for that fiscal year, but not exceeding a total of that amount of taxes estimated by the Treasurer of State to be collected in the fiscal year in which ~~such~~ the temporary loan or loans, or renewal thereof, is made, provided that ~~such~~ the temporary loans or renewals thereof do not exceed any limitation set forth in the Constitution of Maine, Article IX, Section 14. ~~Such~~ Any such loans may be renewed from time to time as the Treasurer of State, with the approval of the Governor, determines, provided that each loan or renewal thereof must be retired not later than the close of the fiscal year in which ~~such~~ the loan was originally made and for which were levied the taxes in anticipation of the collection of which such loan was originally made; and that each such loan or renewal thereof must comply with the provisions of this section and the Constitution of Maine, Article IX, Section 14. The Treasurer of State shall pay ~~such~~ the loan or loans in anticipation of taxes during such year and there is appropriated for any year in which the Treasurer of State and the Governor ~~deem~~ determine it necessary to borrow in anticipation of taxes the sum of \$30,000,000; except that for fiscal year 1991-92, the sum may not exceed \$150,000,000 ~~and~~; for fiscal year 1992-93, the sum may not exceed \$170,000,000; ~~and for fiscal year 1993-94, the sum may not exceed \$170,000,000.~~

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1993-94

TREASURER OF STATE, OFFICE OF THE

Debt Service - Treasury

All Other \$5,300,000

Provides funds to meet the debt service payments related to a \$170,000,000 tax anticipation note for fiscal year 1993-94.

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

Effective June 16, 1993.

CHAPTER 383

H.P. 1105 - L.D. 1492

An Act Related to the Site Location of Development Laws

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

Sec. 1. 38 MRSA §439-A, sub-§2, as amended by PL 1991, c. 346, §7, is further amended to read:

2. Jurisdiction. Notwithstanding the scope of shoreland areas as identified in section 435, the jurisdiction of municipal shoreland zoning and land use control ordinances adopted under this article may include any structure built on, over or abutting a dock, wharf, pier or other structure extending or located below the normal high-water line of a water body or within any a wetland. Accordingly, municipalities may enact ordinances affecting structures which that extend or are located over the water or are placed on lands lying between high and low waterlines or within wetlands.

Sec. 2. 38 MRSA §481, last ¶, as enacted by PL 1987, c. 346, §1, is amended to read:

The Legislature further finds that noise generated at development sites has primarily a geographically restricted and frequently transient impact which that is best regulated at the municipal level pursuant to a municipality's economic development and land use plans. It is the intent of the Legislature that regulation of noise from developments is be primarily the responsibility of local municipal governments. It is further the intent of the Legislature that any action by the board regulating the effects of noise taken after July 1, 1986, which is inconsistent with section 482-A, shall be reconsidered and amended only on the issue of noise upon the petition of an applicant or intervenor to the permitting action within 180 days of the effective date of rules adopted pursuant to section 482-A.

Sec. 3. 38 MRSA §482, sub-§2, as repealed and replaced by PL 1987, c. 812, §§2 and 18, is amended to read:

2. Development that may substantially affect the environment. "Development which that may substantially affect the environment," in this article also called "development," means any federal, state, municipal, quasi-municipal, educational, charitable, residential, commercial or industrial development which that:

A. Occupies a land or water area in excess of 20 acres;

B. Contemplates drilling for or excavating natural resources on land or under water where the area affected is in excess of 60,000 square feet;

C. Is a mining or advanced exploration activity as defined in this section;

~~D. Is a hazardous activity as defined in this section;~~

E. Is a structure as defined in this section; or

~~F. Is a conversion of an existing structure that meets the definition of structure in this section;~~

G. Is a subdivision as defined in this section; or

~~H. Is a multi-unit housing development as defined in this section located wholly or in part within the shoreland zone.~~

~~This term does not include state highways, state aid highways and borrow pits for sand, fill or gravel of less than 5 acres or when regulated by the Department of Transportation, and such borrow pits entirely within the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A, and those activities regulated by the Department of Marine Resources under Title 12, section 6072.~~

Sec. 4. 38 MRSA §482, sub-§2-A, as enacted by PL 1979, c. 466, §13, is repealed.

Sec. 5. 38 MRSA §482, sub-§2-B, as enacted by PL 1979, c. 466, §13, is repealed and the following enacted in its place:

2-B. Mining or advanced exploration activity. "Mining or advanced exploration activity" means an activity or process necessary for the extraction or removal of the product or overburden or for the preparation, washing, cleaning or other treatment of the product and includes one or more of the following:

A. An excavation of more than 5 acres of land for borrow, topsoil, clay or silt whether alone or in combination;

B. The bulk sampling, extraction or beneficiation of metallic minerals, not including test sampling