

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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of state parks, historic sites, public access sites, facilities for boats and the Allagash Wilderness Waterway are the protection, management and improvement of these properties for public recreation, conservation, scenic values, nature appreciation, historic preservation and interpretation, public access and related purposes. The essential purposes of public lots and public reserved lands are the protection, management and improvement of these properties for the multiple use objectives established in section 585. The essential purposes of lands acquired through the Land for Maine's Future Board that are not held by the Department of Inland Fisheries and Wildlife or by the Department of Conservation are the protection, management and improvement of those lands for recreation, conservation, farming, open space, plant and animal habitat, scenic values, public access and related purposes. The essential purposes of state-owned wildlife management areas and game farms are the protection, management and improvement of those properties for fish and wildlife habitat and propagation, hunting, trapping, fishing, recreation, propagation and harvesting of forest and other natural products and related purposes.

§598-A. Designated lands

The following lands are designated lands under the Constitution of Maine, Article IX, Section 23. Designated lands under this section may not be reduced or substantially altered, except by a 2/3 vote of the Legislature. It is the intent of the Legislature that individual holdings of land or classes of land may be added to the list of designated lands under this section in the manner normally reserved for amending the public laws of the State. Once so designated, however, it is the intent of the Legislature that designated lands remain subject to the provisions of this section and the Constitution of Maine, Article IX, Section 23 until such time as the designation is repealed or limited by a 2/3 vote of the Legislature.

Designated lands are:

1. Certain Department of Inland Fisheries and Wildlife lands. The following lands held by the Department of Inland Fisheries and Wildlife:

A. State-owned wildlife management areas and public access sites described in section 7652; and

B. Lands held and managed as a state game farm under the provisions of section 7735;

2. Public lands and public reserve lots. Lands under the care, custody, control and management of the Bureau of Public Lands pursuant to chapter 202, and public reserved lands as defined in section 585, subsection 2, paragraph B, except for:

A. Submerged lands; and

B. All parcels of public reserved land in the towns of Bradley, LaGrange and Bradford held by the Bureau of Public Lands on January 1, 1994;

3. Certain Bureau of Parks and Recreation Lands. The following lands held by the Bureau of Parks and Recreation:

A. Lands that constitute a state park or historic site as those terms are defined in chapter 203;

B. Lands that constitute the Allagash Wilderness Waterway as defined in chapter 206; and

C. Lands used for public boat facilities under the provisions of Title 38, chapter 1, subchapter VIII, including launching ramps, locks, parking sites and access roads;

4. Baxter State Park Authority lands. Lands managed by the Baxter State Park Authority not acquired by deed of gift and not contiguous to Baxter State Park. Specifically, lands deeded by Governor Percival P. Baxter by deeds of gift and lands managed by the Baxter State Park Authority that are contiguous to Baxter State Park are not designated lands;

5. Lands gifted to the State. Except as provided in subsection 4, lands acquired by a deed of gift for conservation purposes; and

6. Lands acquired pursuant to referendum. Lands acquired by the State through the Land for Maine's Future Board under Title 5, Part 15-A.

Notwithstanding any other provision of this section, a state agency owning or holding designated land under this section may contract to operate or manage that land, provided that the contract does not violate any other provision of law.

§598-B. Proceeds from the sale of designated land; limitation

Proceeds from the sale of designated land under section 598-A must be used to purchase additional land in the same county for the same purpose.

See title page for effective date.

CHAPTER 640

H.P. 1468 - L.D. 1994

An Act to Correct the Purchasing Laws to Delegate Small Purchases

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

Sec. 1. 5 MRSA §1825-B, sub-§2, ¶A, as enacted by PL 1989, c. 785, §2, is amended to read:

A. The procurement of goods or services by the State, for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$1,000 or less, and the interests of the State would best be served;

See title page for effective date.

CHAPTER 641

H.P. 1469 - L.D. 1995

An Act to Establish Fairness in the Placement of On-line Lottery Machines

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

Whereas, currently there is no appeal process in place for applicants who are denied licenses to sell lottery tickets by the Director of the Bureau of Alcoholic Beverages and Lottery Operations; and

Whereas, a fair and specific appeals process needs to be established in law; 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. 8 MRSA §375, as enacted by PL 1987, c. 505, §2, is amended to read:

§375. Lottery sales agent; licensing; appeals

1. Factors. A license as an agent to sell lottery tickets or shares may be issued by the director to any qualified person. Before issuing the license, the director shall consider ~~such~~ at least the following factors as:

A. The financial responsibility and security of the person and ~~his~~ the person's business or activity;

B. The accessibility of ~~his~~ the person's place of business or activity to the public;

C. The sufficiency of existing licensees to serve the public convenience; and

D. The volume of expected sales.

2. Appeals. An applicant who is denied a license may appeal the director's decision to the commission by filing a written appeal with the commission within 15 days of the mailing of the director's decision. An applicant aggrieved by a decision of the commission may appeal the commission's decision by filing a complaint with the Administrative Court and serving a copy of the complaint upon the commission. The complaint must be filed and served within 30 days of the mailing of the commission's decision.

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

Effective April 7, 1994.

CHAPTER 642

S.P. 461 - L.D. 1453

An Act to Make Changes in the Manufactured Housing Laws

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

Whereas, the Manufactured Housing Board lacks the authority to enforce warranties that protect consumers, and many consumers are not receiving relief from improper manufacturing or installation of manufactured homes; 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. 10 MRSA c. 213, first 2 lines are repealed and the following enacted in their place:

CHAPTER 213

MANUFACTURED HOUSING WARRANTIES

Sec. 2. 10 MRSA §1401, as repealed and replaced by PL 1989, c. 805, §1, is amended to read: