

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

is authorized to use all necessary powers to collect the forfeiture. If the full amount of the forfeiture is not collected within the 30 days after the commission has determined that a violation of this section has occurred, the commission shall report to the Attorney General the name of the person who has failed to pay. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the forfeiture. This action must be brought in the Superior Court for the County of Kennebec or the District Court, 7th District, Division of Southern Kennebec.

See title page for effective date.

**CHAPTER 44**

**H.P. 129 - L.D. 177**

**An Act to Clarify the Financial Assurance Provisions Applicable to Solid Waste Disposal Facilities**

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

**Sec. 1.** **38 MRSA §1310-Y, first ¶,** as enacted by PL 1993, c. 378, §9, is amended to read:

An owner or operator of a solid waste disposal facility licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste.

See title page for effective date.

**CHAPTER 45**

**S.P. 123 - L.D. 298**

**An Act to Extend the Return Period for Judgment Executions**

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

**Sec. 1.** **14 MRSA §4651,** as amended by PL 1987, c. 184, §22, is further amended to read:

**§4651. Issue and return**

Executions may be issued on a judgment of the Superior Court or the District Court after the judgment has become final by the expiration of the time for appeal, by dismissal of an appeal or on certificate of decision from the law court, unless the court has pursuant to rule ordered execution at an earlier time, and ~~shall be~~ are returnable within ~~one year~~ 3 years after issuance.

See title page for effective date.

**CHAPTER 46**

**H.P. 239 - L.D. 341**

**An Act to Allow Restaurants to Sell Liquor on Sunday Mornings**

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

**Sec. 1.** **28-A MRSA §4, sub-§1, ¶A,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 12 noon. A Class A restaurant or a Class A restaurant/lounge may commence selling liquor on Sunday at 9 a.m.

See title page for effective date.

**CHAPTER 47**

**S.P. 206 - L.D. 549**

**An Act to Give the State a Right to Appeal from the Denial of a Rule 35 Motion**

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

**Sec. 1.** **15 MRSA §2115-A, sub-§2-B** is enacted to read:

**2-B. Appeal from the denial of a Rule 35 motion.** If a motion for correction or reduction of a sentence brought by the attorney for the State under Rule 35 of the Maine Rules of Criminal Procedure is denied in whole or in part, an appeal may be taken by the State from the adverse order of the trial court to the Law Court.

**Sec. 2.** 15 MRSA §2115-A, sub-§4, as amended by PL 1987, c. 234, §2, is further amended to read:

**4. Time.** An appeal taken pursuant to subsection 1, 2 ~~or~~ 2-A shall or 2-B must be taken within 20 days after the entry of the order or such further time as may be granted by the court pursuant to a rule of court, and an appeal taken pursuant to subsection 1 ~~shall~~ must also be taken before the defendant has been placed in jeopardy. An appeal taken pursuant to this subsection ~~shall~~ must be diligently prosecuted.

**Sec. 3.** 15 MRSA §2115-A, sub-§5, as amended by PL 1987, c. 234, §3, is further amended to read:

**5. Approval of Attorney General.** In any appeal taken pursuant to subsection 1, 2 ~~or~~ 2-A or 2-B, the written approval of the Attorney General ~~shall~~ be is required; provided that if the attorney for the State filing the notice of appeal states in the notice that the Attorney General has orally stated that the approval will be granted, the written approval may be filed at a later date.

See title page for effective date.

---



---

## CHAPTER 48

H.P. 385 - L.D. 520

### An Act to Stop the Alewives Restoration Program in the St. Croix River

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

**Whereas,** the bass fishery in the Woodland and Grand Falls flowages along the St. Croix River and its associated tributaries and lakes is extremely valuable to the economy of the State; and

**Whereas,** alewives and bass compete for the same food source; and

**Whereas,** that competition could significantly affect the bass fishery; and

**Whereas,** the alewife run in the St. Croix River normally begins in the first 2 weeks of May; 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.** 12 MRSA §6134 is enacted to read:

### §6134. Alewives passage; fishways on the St. Croix River

By May 1, 1995, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall ensure that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, are configured or operated in a manner that prevents the passage of alewives.

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

Effective April 27, 1995.

---



---

## CHAPTER 49

I.B. 2 - L.D. 716

### An Act to Repeal the Motor Vehicle Emission Inspection Program

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

**Sec. 1.** 29-A MRSA §403, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 2.** 38 MRSA c. 28, as amended, is repealed.

See title page for effective date.

---



---

## CHAPTER 50

H.P. 54 - L.D. 48

### An Act to Repeal the Motor Vehicle Emission Inspection Program

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

**Whereas,** current law requires that, after July 1, 1994, cars registered in certain counties must be inspected biennially for air pollution emissions; and

**Whereas,** many of the details, standards and criteria necessary to conduct the Motor Vehicle Emission Inspection Program have not yet been established; and