

# MAINE STATE LEGISLATURE

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**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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

C. In a private place, the actor exposes the actor's genitals with the intention that the actor be seen by another person in that private place under circumstances that the actor knows are likely to cause affront or alarm.

2. For purposes of this section "public place" includes, but is not limited to, motor vehicles ~~which~~ that are on a public way.

2-A. It is a defense to prosecution under subsection 1, paragraph C, that the other person previously lived or currently is living in the same household as the actor.

3. ~~Public indecency~~ Indecent conduct is a Class E crime.

See title page for effective date.

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**CHAPTER 73**

**H.P. 176 - L.D. 224**

**An Act to Clarify the Laws  
Regarding the Location of Transfer  
Stations on Islands**

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

**Sec. 1. 38 MRSA §1310-N, sub-§2-D, ¶A,** as repealed and replaced by PL 1993, c. 680, Pt. A, §37, is repealed and the following enacted in its place:

A. For a transfer station on an island that is not connected to the mainland by a road, the department shall establish setback distances on a case-specific basis in accordance with this paragraph:

(1) No predetermined minimum setback from a property boundary, residence or public road established in statute or rule applies. A proposed setback from such a location must be reasonable and compatible with the abutting land use. If all abutting landowners give written approval to the location of the handling site, the department shall find that the proposed setback to a property boundary, residence or public road is reasonable and compatible with abutting land use. If all abutting landowners do not give written approval, the department shall make an independent determination of the reasonableness and the compatibility of the setback to a property boundary, residence or public road.

(2) No predetermined minimum setback from an active or closed landfill established

in statute or rule applies. The proposed setback from an active or closed landfill must be reasonable and compatible with the abutting land use. The department shall make an independent determination of the reasonableness and compatibility of the proposed setback to an active or closed landfill.

(3) To the fullest extent possible, the department shall ensure that the handling site of a transfer station on an island is located in a manner that minimizes any adverse impact on the island residents.

**Sec. 2. 38 MRSA §1310-N, sub-§2-D, ¶B,** as repealed and replaced by PL 1993, c. 680, Pt. A, §37, is amended to read:

B. For all other transfer stations, the handling site may not be within 250 feet of any abutting property boundary, unless:

(1) The department finds the use of the abutting property to be a conforming use compatible with the operation of a transfer station on the proposed location. If the department finds ~~an~~ use of the abutting property to be ~~a conforming use compatible,~~ the handling site may be within 250 feet of any permanent structure on that abutting property; or

(2) The municipality obtains the written permission of all property owners within 250 feet of the proposed handling site.

**Sec. 3. Rules.** By January 1, 1996, the Department of Environmental Protection shall adopt or amend rules as necessary to define a compatible use under section 2 of this Act.

See title page for effective date.

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**CHAPTER 74**

**H.P. 186 - L.D. 245**

**An Act to Ensure Children's  
Protection against Rabies by  
Requiring Proof of Rabies  
Vaccination of Pets at Day Care  
Facilities and Home Babysitting  
Services**

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