

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
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
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or more in diameter, measured at 4 1/2 feet above ground level, is allowed in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains.

Sec. 14. 38 MRSA §962, sub-§1, ¶F, as enacted by PL 1979, c. 459, §1, is amended to read:

F. The following standards ~~shall~~ govern timber harvesting within 250 feet of the normal or mean high water line of any water body within the corridor.

(1) Harvesting operations ~~shall~~ must be conducted in such a manner that a well-distributed stand of trees is retained.

(2) In any stand, harvesting ~~shall~~ may remove not more than 40% of the volume of trees 6 inches in diameter and larger, measured at 4 1/2 feet above ground level in any 10-year period.

(3) No significant accumulation of slash ~~shall~~ may be left within 50 feet of the normal or mean high water line of any water body within the corridor. At distances greater than 50 feet from the normal or mean high water line of such water bodies extending to the limits of the corridor, all slash ~~shall~~ must be disposed of in such a manner that it lies on the ground and no part thereof extends more than 4 feet above the ground.

(4) Harvesting operations ~~shall~~ must be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision ~~shall~~ must be made to prevent soil erosion and sedimentation of surface waters.

Sec. 15. 38 MRSA §962, sub-§1, ¶¶G and H are enacted to read:

G. The minimum lot size for each residential dwelling unit is 40,000 square feet and the minimum lot size for any principal commercial structure is 60,000 square feet.

H. Principal or accessory structures and expansions of existing structures that are permitted in the Resource Protection and Limited Residential Districts may not exceed 35 feet in height. This paragraph does not apply to structures such as transmission towers, windmills, antennas and similar structures having no floor area.

See title page for effective date.

CHAPTER 172

H.P. 341 - L.D. 461

An Act to Ensure Children's Rights Concerning Visitation and Access

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

Sec. 1. 19 MRSA §214, sub-§6, as amended by PL 1989, c. 272, §1, is further amended to read:

6. Order. The order of the court ~~shall~~ must award allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child. ~~Where~~ When the parents have agreed to an award of shared parental rights and responsibilities or so agree in open court, the court shall make that award unless there is substantial evidence that it should not be ordered. The court shall state in its decision the reasons for not ordering a shared parental rights and responsibilities award agreed to by the parents.

The court may award reasonable rights of contact with a minor child to any 3rd persons.

The court may award parental rights and responsibilities to a 3rd person, a society or institution for the care and protection of children, or to the Department of Human Services upon a finding that awarding parental rights and responsibilities to either or both parents will place the child in jeopardy as defined in Title 22, section 4002, subsection 6.

Every final order issued under this section ~~shall~~ must contain:

A. A provision for child support or a statement of the reasons for not ordering child support; ~~and~~

B. A statement that each parent ~~shall~~ must have access to records and information pertaining to a minor child, including but not limited to, medical, dental and school records, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; ~~and~~

C. A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 6-A.

Sec. 2. 19 MRSA §214, sub-§6-A is enacted to read:

6-A. Violation of order. Either parent may petition the court for a hearing on the issue of noncompliance with the order issued under subsection 6. If the court finds that a parent has violated a part of the order, the court may find that parent in contempt and may do one or more of the following:

A. Require additional or more specific terms and conditions consistent with the order;

B. Order that additional visitation be provided for a parent to take the place of visitation that was wrongfully denied; and

C. Order a parent found in contempt to pay a fine of at least \$100.

Sec. 3. 19 MRSA §581, sub-§6, as amended by PL 1989, c. 272, §2, is further amended to read:

6. Order. Upon petition under subsection 3, paragraph B, the order of the court ~~shall~~ must award allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child. ~~Where~~ When the parents have agreed to an award of shared parental rights and responsibilities or so agree in open court, the court shall make that award unless there is substantial evidence that it should not be ordered. The court shall state in its decision the reasons for not ordering a shared parental rights and responsibilities award agreed to by the parents.

The court may award reasonable rights of contact with a minor child to any 3rd persons.

The court may award parental rights and responsibilities to a 3rd person, a society or institution for the care and protection of children, or to the Department of Human Services upon a finding that awarding parental rights and responsibilities to either or both parents will place the child in jeopardy as defined in Title 22, section 4002, subsection 6.

Every final order issued under this section ~~shall~~ must contain:

A. A provision for child support or a statement of the reasons for not ordering child support; ~~and~~

B. A statement that each parent ~~shall~~ must have access to records and information pertaining to a minor child, including but not limited to, medical, dental and school records, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; ~~and~~

C. A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 6-A.

Sec. 4. 19 MRSA §581, sub-§6-A is enacted to read:

6-A. Violation of order. Either parent may petition the court for a hearing on the issue of noncompliance with the order issued under subsection 6. If the court finds that a parent has violated a part of the order, the court may find that parent in contempt and may do one or more of the following:

A. Require additional or more specific terms and conditions consistent with the order;

B. Order that additional visitation be provided for a parent to take the place of visitation that was wrongfully denied; and

C. Order a parent found in contempt to pay a fine of at least \$100.

Sec. 5. 19 MRSA §752, sub-§6, as enacted by PL 1983, c. 813, §5, is amended to read:

6. Order. The order of the court ~~shall~~ must award allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child. ~~Where~~ When the parents have agreed to an award of shared parental rights and responsibilities or so agree in open court, the court shall make that award unless there is substantial evidence that it should not be ordered. The court shall state in its decision the reasons for not ordering a shared parental rights and responsibilities award agreed to by the parents.

The court may award reasonable rights of contact with a minor child to any 3rd persons.

The court may award parental rights and responsibilities with respect to the child to a 3rd person, some suitable society or institution for the care and protection of children or the Department of Human Services upon a finding that awarding parental rights and responsibilities to either or both parents will place the child in jeopardy as defined in Title 22, section 4002, subsection 6.

Every final order issued under this section ~~shall~~ must contain:

A. A provision for child support or a statement of the reasons for not ordering child support; ~~and~~

B. A statement that each parent ~~shall~~ must have access to records and information pertaining to a minor child, including but not limited to, medical, dental and school records, whether or not the

child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; and

C. A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 6-A.

Sec. 6. 19 MRSA §752, sub-§6-A is enacted to read:

6-A. Violation of order. Either parent may petition the court for a hearing on the issue of noncompliance with the order issued under subsection 6. If the court finds that a parent has violated a part of the order, the court may find that parent in contempt and may do one or more of the following:

A. Require additional or more specific terms and conditions consistent with the order;

B. Order that additional visitation be provided for a parent to take the place of visitation that was wrongfully denied; and

C. Order a parent found in contempt to pay a fine of at least \$100.

See title page for effective date.

CHAPTER 173

S.P. 113 - L.D. 288

An Act Preventing Increases in Certain Processing and Permitting Fees in the Department of Environmental Protection

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

Whereas, increases in certain processing and permitting fees for the Department of Environmental Protection are scheduled to go into effect on July 1, 1995; and

Whereas, the purpose of this Act is to reduce certain processing and permitting fees for the Department of Environmental Protection that will go into effect on July 1, 1995; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §352, sub-§5-A, as amended by PL 1993, c. 735, §§3 and 4 and affected by §13, is further amended by amending TABLE I to read:

TABLE I

MAXIMUM FEES IN DOLLARS

TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
656, sub-§1, ¶E, Pollution Control Facilities		
A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities	\$250	\$20
B. Air pollution control and §1760, sub-§30, air pollution control facilities	250	20
TITLE 38 SECTION	PROCESSING FEE	LICENSE FEE
344, sub-§7, Permit by rule	\$50	\$0
362-A. Experiments	175	175
413, Waste discharge licenses		
A. Residential (10-year term)	450	150
B. Commercial (10-year term)		
1. Flow of less than 2,000 gallons per day	4,800	1,280
2. Flow of 2,000 to 20,000 gallons per day inclusive	4,800	4,000
3. Flow of greater than 20,000 gallons per day	4,800	9,600
C. Industrial minor (based upon EPA list of major and minor source discharges)		
1. Discharges of cooling water, sanitary wastewater or treated storm water only	1,500	480
2. All others	1,500	6,000