

# 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**

E. Either independently or in conjunction with the requirements of subsection 3 and upon renewal of individual waste discharge licenses, the department shall periodically review all CSO subcategories. Reviews of CSO subcategories must take into consideration water quality criteria and uses, combined sewer overflow abatement technology, monitoring data, financial information and regulatory requirements affecting CSO subcategories.

Upon petition by the department or any person or on its own motion, the board may, at its discretion, and following notice and opportunity for hearing, revise or revoke a CSO subcategory when it finds any change in the conditions under which the existing designation was made. The failure to comply with the measures specified in an approved combined sewer overflow abatement plan is cause for revocation of a CSO subcategory.

**Sec. 2. 38 MRSA §466, sub-§2-B** is enacted to read:

**2-B. Combined sewer overflow.** "Combined sewer overflow" means a discharge of excess wastewater from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt. Combined sewer overflow discharges do not include dry weather discharges that occur as a result of nonstorm events or are caused solely by groundwater infiltration.

See title page for effective date.

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## CHAPTER 285

H.P. 977 - L.D. 1386

### An Act to Make Minor Adjustments to the 1993 Apportionment Plan

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

**Sec. 1. 21-A MRSA §1203, sub-§11, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Knox County, the municipality of Appleton; and ~~the following census units of the municipality of Hope: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 128, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 155, Block~~

~~156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 178, Block 179 and Block 180 of BNA 013/9703; and~~

**Sec. 2. 21-A MRSA §1203, sub-§12, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Knox County, the municipalities and unorganized territories of Camden, Criehaven unorganized territory, Cushing, Friendship, Hope, Isle Au Haut, Matinicus Isle Plantation, North Haven, Owls Head, Rockland, Rockport, St. George, South Thomaston, Thomaston, Union, Vinalhaven, Warren and Washington; ~~and the following census units of the municipality of Hope: Block 127, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 150, Block 151, Block 152, Block 153, Block 154, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 181, Block 182 and Block 434 of BNA 013/9703.~~

**Sec. 3. 21-A MRSA §1204, sub-§65, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Franklin County, the municipalities and unorganized territories of Coplin Plantation, Dallas Plantation, Eustis, Madrid, North Franklin unorganized territory, Rangeley Plantation, Rangeley, Sandy River Plantation, Weld and West Central Franklin unorganized territory; and the following census units of East Central Franklin unorganized territory: Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, ~~Block 110,~~ Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, ~~and Block 121, Block 168 and Block 169 of BNA 007/9905; and~~

**Sec. 4. 21-A MRSA §1204, sub-§66, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Franklin County, the municipalities and unorganized territories of Carrabassett Valley, Kingfield, New Vineyard, Salem unorganized territory and Wyman unorganized territory; and the following census units of East Central Franklin unorganized territory: Block 139, Block 141, Block 142, ~~Block 143, Block 145, Block 146, Block 148,~~ Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, ~~Block 164, Block 165, Block 166, Block 167, Block 170, Block 171, Block 172,~~

~~Block 173, Block 174,~~ Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196 and Block 197 of BNA 007/9905; and

**Sec. 5. 21-A MRSA §1204, sub-§133, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Washington County, the municipalities of Beals, Cutler, Jonesboro, Jonesport, Machias, Machiasport, Roque Bluffs and Whiting; ~~and the following census units of East Central Washington unorganized territory: Block 334, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360 and Block 361 of BNA 029/9558.~~

**Sec. 6. 21-A MRSA §1204, sub-§134, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Washington County, the municipalities and unorganized territories of Charlotte, Cooper, Crawford, Dennysville, Eastport, Lubec, Meddybemps, Passamaquoddy Indian Township Reservation, Passamaquoddy Pleasant Point Reservation, Pembroke ~~and~~ Perry; and Trescott unorganized territory; and the following census units of North Washington unorganized territory: Block 101, Block 102, Block 103, Block 104, Block 107, Block 141, Block 142, Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 222, Block 224, Block 225 and Block 289 of BNA 029/9552; Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220 and Block 267 of BNA 029/9553; ~~and the following census units of East Central Washington unorganized territory: Block 219, Block 220, Block 221, Block 222, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 259, Block 262, Block 263, Block 264, Block 265, Block 267, Block 268, Block 279 and Block 280 of BNA 029/9558;~~ and Block 119, Block 159, Block 160, Block 161, Block 162, Block 163, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 175, Block

176, Block 177, Block 178, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 194, Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 217, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 255 and Block 256 of BNA 029/9560.

**Sec. 7. 21-A MRSA §1204, sub-§139, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Penobscot County, the municipalities of Chester, East Millinocket, Maxfield, Medway, Seboeis Plantation and Woodville; and the following census units of the municipality of Lincoln: Block 310, Block 311, Block 313, Block 314, Block 315, Block 316 and Block 317 of Tract 019/0080.02; Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 113, Block 114, Block 115, Block 116, Block 117 and Block 118 of Tract 019/0270; and the following census units of North Penobscot unorganized territory: Block 203, Block 204B, Block 205B, Block 206, ~~Block 213, Block 214, Block 216, Block 217A,~~ Block 217B, Block 217C, Block 217D, that portion of Block 217E not in Long A Township, Block 217F, ~~Block 217G,~~ Block 217H, Block 218, ~~Block 219,~~ Block 220, that portion of Block 221 not in T3 Indian Purchase, Block 222A, that portion of Block 222B not in T3 Indian Purchase, Block 223, Block 224, Block 225, Block 226, Block 227A, Block 227B, Block 228A, Block 228B, Block 229, Block 230A, Block 230B, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236A, Block 236B, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251A, Block 251B, ~~Block 251C,~~ Block 252, Block 253A, Block 253B, Block 253C, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264A, Block 264B, Block 264C, ~~Block 265,~~ Block 266, ~~Block 276,~~ Block 277, Block 278, Block 279, ~~Block 281,~~ Block 282, Block 290, ~~Block 291,~~ Block 292, Block 293, Block 294, Block 295, Block 296 and Block 297 of Tract 019/0290; and Block 725, Block 737 and Block 738 of Tract 019/0300; and

**Sec. 8. 21-A MRSA §1204, sub-§140, ¶A,** as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Penobscot County, the municipalities and unorganized territories of Long A Township, Millinocket, Mount Chase and Stacyville, T3 Indian Purchase and T4 Indian Purchase; and the following census units of North Penobscot unorganized territory: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120A, Block 120B, Block 120C, Block 120D, Block 121, Block 122, Block 123A, Block 123B, Block 123C, Block 123D, Block 124A, Block 124B, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145A, Block 145B, Block 146A, Block 146B, Block 147, Block 148, Block 149, Block 150, ~~Block 151B~~, Block 152, Block 153, Block 154, Block 155, ~~Block 156~~, ~~Block 157~~, ~~Block 158~~, ~~Block 159~~, ~~Block 160~~, ~~Block 161~~, ~~Block 162~~, ~~Block 163~~, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176A, Block 176B, Block 176C, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197, Block 201, Block 202, Block 207, Block 208, ~~Block 209~~, ~~Block 210~~, ~~Block 211~~, ~~Block 212~~, ~~Block 215~~, Block 267, Block 268, ~~Block 269~~, ~~Block 270~~, ~~Block 271~~, ~~Block 272~~, ~~Block 273~~, ~~Block 274~~, ~~Block 275~~, ~~Block 283~~, Block 284, ~~Block 285~~, and Block 286, ~~Block 287~~, ~~Block 288~~ and ~~Block 289~~ of Tract 019/0290; and Block 303 of Tract 019/0310.

See title page for effective date.

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## CHAPTER 286

H.P. 955 - L.D. 1344

### An Act to Make Certain Changes to Postconviction Review

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

**Sec. 1. 15 MRSA §103**, as amended by PL 1981, c. 493, §2, is further amended to read:

### **§103. Commitment of persons acquitted on basis of mental disease or defect**

When a respondent is ~~acquitted~~, found not criminally responsible by reason of mental disease or mental defect ~~excluding responsibility~~, the verdict and judgment ~~shall~~ must so state. In such case the court shall order such person committed to the custody of the Commissioner of Mental Health and Mental Retardation to be placed in an appropriate institution for the mentally ill or the mentally retarded for care and treatment. Upon placement in such appropriate institution and in the event of transfer from one such institution to another of persons committed under this section, notice thereof ~~shall~~ must be given by the commissioner to the committing court.

**Sec. 2. 15 MRSA §2121, sub-§1**, as enacted by PL 1979, c. 701, §15, is amended to read:

**1. Criminal judgment.** "Criminal judgment" means a judgment of conviction of a crime ~~or~~ the orders of adjudication and disposition in a juvenile case and a judgment of not criminally responsible by reason of mental disease or defect.

**Sec. 3. 15 MRSA §2124, sub-§1-A** is enacted to read:

**1-A. Present or future restraint by commitment to the Commissioner of Mental Health and Mental Retardation.** Present restraint or impediment as a direct result of commitment to the custody of the Commissioner of Mental Health and Mental Retardation pursuant to section 103 imposed as a result of being found not criminally responsible by reason of mental disease or defect, that is challenged, or future restraint or impediment as a result of such an order of commitment that is challenged when a sentence involving imprisonment is or will be served first.

A claim for postconviction review is not allowed under this subsection relative to any court proceeding or administrative action that affects release or discharge pursuant to section 104-A.

**Sec. 4. 15 MRSA §2128, sub-§5**, as enacted by PL 1979, c. 701, §15, is repealed and the following enacted in its place:

**5. Delay; application of equitable doctrine of laches.** A petition may be dismissed if it appears that by delay in its filing the State has been prejudiced in its ability to respond to the petition or to retry the petitioner, unless the petitioner shows that it is based on grounds of which the petitioner could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the State occurred. If the delay is more than 5 years following the final disposition of any direct appeal to the Maine Law Court or if an appeal is not taken within 5 years