

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

B. For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500 ~~and not more than \$1,500~~.

The court may not suspend a fine imposed under this subsection.

Sec. 2. 12 MRSA §6681, sub-§6-A, as enacted by PL 1993, c. 281, §6, is amended to read:

6-A. Penalty. ~~Notwithstanding the provisions of Title 17-A, section 4-B, a~~ A person who violates this article commits a Class D crime ~~punishable by the following fines. The following minimum penalties apply:~~

A. For possession of a bulk pile of shellfish of which 20% or more of the shellfish are smaller than the minimum size established in subsection 3:

(1) For the first offense, a fine of not less than \$300 ~~and not more than \$1,000~~; and

(2) For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500 ~~and not more than \$1,000~~.

The court may not suspend a fine imposed under this paragraph; ~~or~~ and

B. For possession of a bulk pile of shellfish of which more than 10% but less than 20% of the shellfish are smaller than the minimum size established in subsection 3, a fine not less than \$100 and not more than \$1,000.

See title page for effective date.

CHAPTER 629

H.P. 1366 - L.D. 1916

An Act to Provide for the Termination of Spousal Support upon the Death of the Payor

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

Sec. 1. 19-A MRSA §951, sub-§7, as enacted by PL 1997, c. 9, §2 and affected by §3, is amended to read:

7. Cessation upon death of payee or payor. Unless otherwise stated in the court order awarding spousal support, the obligation to make any payment pursuant to this section ceases upon the death of either

the payee or the payor with respect to any payment not yet due and owing as of the date of ~~the payee's~~ death.

Sec. 2. Application. This Act applies to court orders issued on or after September 1, 1998.

See title page for effective date.

CHAPTER 630

H.P. 1480 - L.D. 2079

An Act to Clarify the Role of Design Professionals under the Maine Human Rights Act

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

Sec. 1. 5 MRSA §4594-F, sub-§1, ¶C, as enacted by PL 1995, c. 393, §27, is repealed.

Sec. 2. 5 MRSA §4594-F, sub-§§6 and 7, as enacted by PL 1995, c. 393, §27, are amended to read:

6. Barrier-free certification; inspection. ~~The If the costs of construction or alterations are at least \$50,000, the builder of a facility to which this section applies must obtain a certification from a ~~design professional an architect, professional engineer, certified interior designer or landscape architect who is licensed, certified or registered to practice under Title 32 and is practicing within the scope of that individual's profession~~ that the plans meet the standards of construction required by this section ~~if the costs of the construction or alterations are at least \$50,000~~. The builder shall provide the certification to the Office of the State Fire Marshal with the plans of the facility. The builder shall also provide the certification to the municipality where the facility exists or will be built. ~~Nothing in this section may be construed to change the scope of practice of any individual licensed, certified or registered to practice under Title 32.~~~~

7. Training, education and assistance. The commission and the Office of the State Fire Marshal, with input from organizations representing individuals with disabilities, shall develop, as necessary, information packets, lectures, seminars and educational forums on barrier-free design for the purpose of increasing the awareness and knowledge of owners, architects, ~~design professionals~~ professional engineers, certified interior designers, landscape architects, code enforcers, building contractors, individuals with disabilities and other interested parties.

Sec. 3. 5 MRSA §4594-F, sub-§8, ¶B, as enacted by PL 1995, c. 393, §27, is amended to read:

B. The municipal authority having jurisdiction to issue building permits may not issue a building permit unless the Office of the State Fire Marshal approves the plans and certifies that the public building covered by this subsection meets the standards of construction required by this section. If, ~~however,~~ no decision is rendered within 2 weeks of submission to the Office of the State Fire Marshal, the builder may submit the building permit request directly to the municipality with an attestation from ~~the design professional~~ an architect or professional engineer licensed or registered to practice under Title 32 that the plans meet the standards of construction.

Sec. 4. 5 MRSA §4594-F, sub-§9, as enacted by PL 1995, c. 393, §27, is amended to read:

9. Voluntary plan review. Builders of facilities not governed by subsection 8 may submit plans to the Office of the State Fire Marshal to ensure that the plans meet the standards of construction required by subsections 3 and 4. Certification for a voluntary plan review may be provided by an architect, professional engineer, certified interior designer or landscape architect licensed, certified or registered to practice under Title 32 and practicing within the scope of that individual's profession.

See title page for effective date.

CHAPTER 631

S.P. 747 - L.D. 2025

An Act to Reduce Technical Violations of Maine's Laws Regarding the Protection of Underground Utilities

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

Sec. 1. 23 MRSA §3360-A, sub-§1, ¶C, as amended by PL 1985, c. 111, §1, is further amended to read:

C. "Excavation" means any operation in which earth, rock or other material ~~on or~~ below the ground is moved or otherwise displaced, by means of power tools, power equipment or explosives and including grading, trenching, digging, ditching, drilling, augering, tunneling, scraping and cable or pipe driving, except tilling of soil and gardening or displacement of earth, rock or other material for agricultural purposes, and except installation and maintenance of signs performed by the Department of Transportation.

Sec. 2. 23 MRSA §3360-A, sub-§§4-A and 4-B are enacted to read:

4-A. Alternative notice by certain excavators.

Except as provided in subsection 4-B, a person is exempt from the notice requirements of subsection 3 for any excavation occurring in an area in which written clearance has been issued by the system pursuant to this subsection. A person applying for written clearance must provide to the system a written description of the area in which clearance is sought and a detailed map acceptable to the system that clearly demarcates the area, except that an application for a renewal of a written clearance for the same area covered by an existing written clearance may refer to the existing written clearance. Upon receiving an acceptable application, the system shall immediately notify all members whose underground facilities may be affected.

A. If, within 45 days of notifying members, the system receives no notice from any member of any existing or proposed underground facility in the area, the system may issue a written clearance to the applicant for the area.

B. If, within 45 days of notifying members, the system receives notice from any member of an existing or proposed underground facility in the area, the system may:

(1) In consultation with the underground facility operator, issue a written clearance for an area that excludes any area in which underground facilities are or are proposed to be located; or

(2) Deny the application for written clearance if the system, in consultation with the underground facility operator, determines that modification of the boundaries of the area for which clearance is sought is impractical or would not ensure adequate safety.

A written clearance issued under this subsection expires on the last day of the month one year following the month of issuance. A written clearance applies only to the area specified in the written clearance and is subject to revocation or modification under subsection 4-B. The system shall keep adequate maps and records of all written clearances issued under this subsection.

4-B. Modification and revocation of clearance. Any underground facility operator that proposes to construct an underground facility in any area in which a written clearance has been issued under subsection 4-A shall notify the system. If at any time the system receives notice from any underground facility operator that underground facilities are located