

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

**4. Games conducted at agricultural fairs by members of agricultural society or bona fide nonprofit.** Beginning January 1, 2001, games of chance operated and conducted solely by members of an agricultural fair society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other device approved by the Chief of the State Police by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other device approved by the Chief of the State Police must be unique to the agricultural society and may be in denominations from 25¢ to 50¢. The tickets, tokens or device approved by the Chief of the State Police may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

**5. Requirements.** Agricultural fair societies that use tokens shall provide records and reports as required by section 336, subsections 1-A and 2-A.

**6. Rules.** Rules adopted pursuant to subsections 3 and 4 are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

**Sec. 11. Review by November 15, 2003.** The Chief of the State Police or the chief's designee and a representative from the Department of Agriculture, Food and Rural Resources shall report regarding the operation of games of chance at agricultural fairs to the joint standing committee of the Legislature having jurisdiction over games of chance by November 15, 2003.

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

Effective April 14, 2000.

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## CHAPTER 717

H.P. 1706 - L.D. 2412

### An Act to Clarify the Process for a County Bond Referendum Election

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX,

Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 30-A MRSA §934,** as amended by PL 1991, c. 778, §1, is further amended to read:

#### **§934. Loans**

The county commissioners may obtain loans of money for the use of their county and cause notes ~~or~~ obligations ~~or bonds~~, with coupons for lawful interest, to be issued for payment of the loans. These loans may not exceed \$10,000, except in Franklin County and Aroostook County as provided in sections 935 and 935-A, without first obtaining the consent of the county, substantially as provided in section 122 ~~or by countywide referendum pursuant to section 938.~~

**Sec. 2. 30-A MRSA §936,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 3. 30-A MRSA §938** is enacted to read:

#### **§938. Bond issue referendum election; conduct; public hearings**

Except as otherwise provided in sections 122, 934 and 937, the method of voting and the conduct of a county bond referendum election are governed by Title 21-A.

**1. County commissioners, administrators; perform duties of Secretary of State.** When Title 21-A applies to a county bond referendum election, the county commissioners or county administrators shall perform the duties of the Secretary of State prescribed by Title 21-A.

**2. Budget review; public hearings.** Prior to each county bond referendum election, each county bond issue question must be reviewed by the appropriate county budget committee. Following this review, the county commissioners shall conduct at least one public hearing in each of the county commissioner districts in that county. The public hearing must include a reading of each bond issue question proposed by the commissioners to be voted upon by the county.

**3. Statewide election.** A county bond referendum election may only be conducted during a statewide election.

**4. Result filed with the Secretary of State.** The result of a county bond referendum election must be declared by the county commissioners or county

administrators and due certificate filed with the Secretary of State.

See title page for effective date.

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## CHAPTER 718

H.P. 1721 - L.D. 2427

### An Act Relating to Underground Facility Plants

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

**Sec. 1. 23 MRSA §3360-A, sub-§1, ¶¶A-1 and A-2** are enacted to read:

A-1. "Borrow pit" has the same meaning as provided in Title 38, section 482, subsection 1-A.

A-2. "Commercial timber harvesting activity" means the cutting or removal of timber for the primary purpose of selling or processing forest products and includes the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery and the creation, use and maintenance of skid trails, skid roads, winter haul roads and other roads to facilitate timber harvesting.

**Sec. 2. 23 MRSA §3360-A, sub-§1-A**, as enacted by PL 1991, c. 437, §2 and affected by §12, is amended to read:

**1-A. Damage prevention system.** Each underground facility operator ~~must~~ shall be a member of and participate in an underground facility damage prevention system, referred to in this section as the "system." The system shall operate during regular business hours throughout the year and maintain adequate operations at all other times to receive and process emergency notifications of proposed excavations. The system shall receive notices of proposed excavations and immediately transmit those notices to underground facility operators whose facilities may be affected. The cost for operation of the system must be apportioned equitably among members. Nothing in this subsection prohibits a municipality, utility or other entity that owns or operates an underground facility from voluntarily becoming a member of the system. Notwithstanding subsection 1, paragraph F, a person that voluntarily becomes a member of the system is deemed an underground facility operator for the purposes of this section.

**Sec. 3. 23 MRSA §3360-A, sub-§4**, as amended by PL 1991, c. 437, §5 and affected by §12, is further amended to read:

**4. Response to notice.** An underground facility operator shall, upon receipt of the notice provided for in subsection 3-A, advise the excavator of the location and size of the operator's underground facilities in the proposed excavation area by marking the location of the facilities with stakes, paint or by other identifiable markings. The marking must identify a strip of land not more than 3 feet wide directly over the facility or a strip of land extending not more than 1 1/2 feet on ~~either~~ each side of the underground facility and must indicate the depth of the underground facility, if known. The underground facility operator shall complete this marking no later than 2 full business days after receipt of the notice. After the underground facility operator has marked the location of that operator's underground facilities in the proposed excavation area, the excavator is responsible for maintaining the markings at the location, unless the excavator requests remarking at the location due to obliteration, destruction or other removal of the markings. The underground facility operator shall remark the location within one business day following the receipt of a request to remark.

If the proposed excavation is of such length or size that the underground facility operator advises the excavator that the operator can not reasonably respond with respect to all the operator's underground facilities within 2 full business days, the excavator shall notify the operator of the specific location in which excavation will first be made and the operator shall respond with respect to the operator's underground facilities in that location within 2 full business days and for the remaining facilities within a reasonable time thereafter.

The system may adopt rules requiring, under certain circumstances, face-to-face meetings between excavators and underground facility operators.

**Sec. 4. 23 MRSA §3360-A, sub-§§4-A and 4-B**, as enacted by PL 1997, c. 631, §2, are repealed.

**Sec. 5. 23 MRSA §3360-A, sub-§4-C** is enacted to read:

**4-C. Excavation methods.** An excavator may not use mechanical means of excavation when excavating within 18 inches of any marked underground facilities until the underground facilities have been exposed, except that mechanical means may be used, as necessary, for initial penetration and removal of pavement, rock or other materials requiring use of mechanical means of excavation. Once the underground facilities have been exposed, further excavation must be performed employing reasonable precautions to avoid damage to the underground facilities, including, but not limited to, any substantial weakening of structural or lateral support of the facilities or penetration or destruction of the facilities