

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.

J.S. McCarthy Company
Augusta, Maine
2000

Sec. 4. 28-A MRSA §1063-B is enacted to read:

§1063-B. Pool halls

1. Issuance of licenses. The bureau may issue licenses under this section for the sale of malt liquor and wine to be consumed on the premises to pool halls as defined in section 2, subsection 23-A.

2. Minors prohibited on premises; exceptions. Except as provided in paragraphs A, B and C, a pool hall licensee may not permit minors in any part of the pool hall where the license privilege is exercised. For the purposes of this subsection and notwithstanding section 2, subsection 20, "minor" means a person who has not reached 18 years of age.

A. A minor may be permitted when the minor is accompanied by a parent or legal guardian.

B. A minor may be permitted if the minor is employed by the pool hall licensee under section 704.

C. A minor may be permitted when the pool hall licensee prohibits smoking on the licensed premises.

3. Smoking when minors are prohibited. Notwithstanding Title 22, section 1542, a pool hall licensee may permit smoking on the premises subject to the limitations of subsection 2, paragraph C.

See title page for effective date.

CHAPTER 761

H.P. 1862 - L.D. 2597

An Act to Improve Public Water Supply Protection

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. 22 MRSA §2601-A is enacted to read:

§2601-A. Scope

This chapter establishes a system designed to help ensure public health; to allow the State, municipalities and public water systems to identify significant public water supplies and strive for a higher degree of protection around source water areas or areas that are used as public drinking water supplies; and to allow the State, municipalities and water systems to pursue watershed or wellhead protection activities around significant public water supplies.

Sec. 2. 22 MRSA §2612, sub-§1, as enacted by PL 1975, c. 751, §4, is repealed and the following enacted in its place:

1. Construction or alteration of public water systems. New construction, additions or alterations involving the source, treatment or storage of water in any public water system may not commence until the plans and specifications have been submitted to and approved by the department.

A. The commissioner may exempt the construction, addition or alteration from submission and approval if it will have no effect on public health or welfare.

B. The department must consult with and advise persons planning or operating a public water system as to the most appropriate source of supply and the best methods of ensuring its purity. The department must consider any existing potential sources of contamination in the vicinity of the proposed source of supply when reviewing whether to approve a new source of supply and may deny approval based on those existing potential sources of contamination.

C. In granting approval of plans and specifications, the department may require modifications, conditions or procedures to ensure, as far as feasible, the protection of the public health. The department may adopt and enforce rules governing the construction or alteration of public water systems to ensure the protection of the public health and may require the submission of water samples for analysis to determine the extent of treatment required.

Records of construction, including, when feasible, plans and descriptions of existing public water systems, must be maintained by public water systems and made promptly available to the department upon request.

Sec. 3. 22 MRSA §2647-A, first ¶, as enacted by PL 1991, c. 467, §2, is amended to read:

Any water utility or municipality and the department are authorized to take reasonable steps to protect a public water source from pollution consistent with section 2642.

Sec. 4. 30-A MRSA §2001, sub-§§14-B and 20-A are enacted to read:

14-B. Public drinking water supplier. "Public drinking water supplier" means a public water supplier as defined by the federal Safe Drinking Water Act that provides drinking water from a source water protection area.

20-A. Source water protection area. "Source water protection area" means an area that contributes recharge water to a surface water intake or public water supply well for a public drinking water supply. In order to qualify as a "source water protection area," the area must be identified and mapped by the Department of Human Services, and that information must be given to the municipality in which the source water protection area is located.

Sec. 5. 30-A MRSA §3754, as amended by PL 1993, c. 173, §4, is further amended to read:

§3754. Hearings

Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard. They shall post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. The municipal officers or county commissioners shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 and not more than 14 days before the hearing. The municipal officers or county commissioners shall give written notice of the application to a public water supplier for any automobile graveyard, automobile recycling business or junkyard located within its source water supply area. The notice may be given by mailing a copy of the application at least 7 and not more than 14 days before the hearing.

Sec. 6. 30-A MRSA §4211, sub-§3, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. No person may expand a structure using a subsurface waste water disposal system until documentation is provided to the municipal officers and a notice of the documentation is recorded in the appropriate registry of deeds that, in the event of a future malfunction of the system, the disposal system can be replaced and enlarged to comply with the rules adopted under

Title 22, section 42, and any municipal ordinances governing subsurface waste water disposal systems. No requirement of these rules and ordinances may be waived for an expanded structure.

(1) The department shall prescribe the form of the notice to be recorded in the registry of deeds. The notice ~~shall~~ must include a site plan showing:

- (a) The exact location of the replacement system;
- (b) The approximate location of lot lines; and
- (c) The exact location of existing wells serving the lot on which the replacement system will be located and those located on abutting lots.

(2) The person seeking to expand a structure shall send copies of the notice by certified mail, return receipt requested, to all owners of abutting lots and to a public drinking water supplier if the lot with the structure that is being expanded is within its source water protection area.

(3) After the notice required by this paragraph is recorded, no abutting landowner may install a well on that landowner's property in a location which would prevent the installation of the replacement septic system. The owner of the lot on which the replacement system will be installed may not erect any structure on the proposed site of the replacement system or conduct any other activity which would prevent the use of the designated site for the replacement system.

Sec. 7. 30-A MRSA §4352, sub-§8, as amended by PL 1997, c. 36, §1, is further amended to read:

8. Conditional and contract rezoning. A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

- A. Be consistent with the local growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and

C. Only include conditions and restrictions that relate to the physical development or operation of the property.

The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

Sec. 8. 30-A MRSA §4352, sub-§9, ¶E is enacted to read:

E. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area.

Sec. 9. 30-A MRSA §4352, sub-§10, ¶B, as amended by PL 1997, c. 36, §3, is further amended to read:

B. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not required under this paragraph for any type of zoning ordinance adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I, article 2-B.

Sec. 10. 30-A MRSA §4358-A is enacted to read:

§4358-A. Source water protection area

A municipality must notify a public drinking water supplier if a proposed land use project:

1. Source water protection area. Is within its source water protection area; and

2. Reviewed; abutters notified. Is reviewed by a municipal reviewing authority and, as part of that review, the municipality notifies abutters.

Notice may be sent by regular mail and with the same advance notice requirements afforded abutters.

Sec. 11. 30-A MRSA §4403, sub-§3, ¶A, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10 and amended by c. 497, §5, is further amended to read:

A. When an application is received, the municipal reviewing authority shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project. The municipal reviewing authority shall notify by mail a public drinking water supplier if the subdivision is within its source water protection area.

Sec. 12. Education strategy. By March 5, 2001, the Land and Water Resources Council shall hire a person in a temporary project position to develop an education strategy for public water supply protection aimed at municipalities and the general public. The strategy must include the message and tools to reach various audiences that affect the protection of public drinking water supplies. The council must develop recommendations and a budget to implement its proposal and recommend a position and budget within the Department of Environmental Protection to implement this strategy. The council shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 15, 2001 and the joint standing committee may report out any legislation needed to implement these recommendations.

Sec. 13. Integration of Maine Drinking Water Program into Department of Environmental Protection. The Department of Environmental Protection and the Department of Human Services shall jointly hire a consultant to review the drinking water and plumbing control programs in the Department of Human Services, Division of Health Engineering. The consultant shall:

1. Review various state agencies as alternatives to host the programs, including the potential for a new agency, and evaluate the assets and liabilities of each given their missions, structures, indirect costs, data

management systems, enforcement capabilities and coordination of effort.

2. Develop a potential scenario for how these programs could be structured if they were moved to another department; and

3. By February 1, 2001, submit a report on these findings to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters.

The joint standing committees of the Legislature having jurisdiction over natural resources and human services matters have the authority to report out legislation to implement their recommendations pursuant to this report.

Sec. 14. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration – Environmental Protection

All Other \$75,000

Appropriates funds to hire a consultant to review the Maine Drinking Water and Plumbing Control Programs.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL \$75,000

EXECUTIVE DEPARTMENT

State Planning Office

All Other \$30,000

Appropriates funds for a temporary project position to develop an education strategy aimed at municipalities and the general public.

**EXECUTIVE DEPARTMENT
TOTAL** \$30,000

TOTAL APPROPRIATIONS \$105,000

See title page for effective date.

CHAPTER 762

S.P. 995 - L.D. 2557

An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy

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

Sec. 1. 5 MRSA §1509-A, as amended by PL 1999, c. 401, Pt. E, §1, is further amended to read:

§1509-A. Payment by credit card

State departments and agencies ~~may~~ shall implement, with the approval of the State Controller and the State Treasurer, procedures for accepting payment for goods, services, fines, forfeitures or any other fees by major credit cards or other electronic means. Unless otherwise provided for in law as of the effective date of this section, any administrative expenses or credit card fees incurred in connection with this method of receiving funds must be absorbed within the existing budget of the department or agency as authorized by the Legislature.

Sec. 2. 10 MRSA Pt. 13 is enacted to read:

PART 13

ELECTRONIC COMMERCE

CHAPTER 1051

UNIFORM ELECTRONIC TRANSACTIONS ACT

§9401. Short title

This chapter may be known and cited as the "Uniform Electronic Transactions Act."

§9402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agreement. "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations and procedures given the effect of