

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

their proportionate share of anticipated school capital costs.

See title page for effective date.

CHAPTER 39

S.P. 149 - L.D. 493

An Act to Require the Department of Transportation to Coordinate with Municipalities Regarding Landscaping and Planting

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

Sec. 1. 23 MRSA §951, as amended by PL 1979, c. 316, §1, is further amended to read:

§951. Planting

The department may cause or allow grasses, shrubs, vines and trees to be planted and maintained along state and state aid highways, to be paid for as part of the cost of ~~construction~~ construction and maintenance of highways. The department shall consult with the recognized tree board or tree warden of a municipality concerning the planting along a state or state aid highway within that municipality. For purposes of this section, a "recognized tree board" or "tree warden" means a person or persons designated as such by municipal officials and listed with the Department of Conservation. In making this designation, municipal officials shall give preference to persons experienced in the area of landscaping and planting. If such persons are not available, the municipality may designate another municipal officer.

See title page for effective date.

CHAPTER 40

H.P. 449 - L.D. 570

An Act to Remove Redundant Written Authorization Requirements

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

Sec. 1. 30-A MRSA §4406, sub-§3, as amended by PL 1997, c. 199, §1, is further amended to read:

3. Utility installation. A public utility, water district, sanitary district or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization

attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility, except that if a public utility, water district, sanitary district or utility company of any kind has installed services to a lot or dwelling unit in a subdivision in accordance with this subsection, a subsequent public utility, water district, sanitary district or utility company of any kind may install services to the lot or dwelling unit in a subdivision without first receiving written authorization pursuant to this section.

Sec. 2. 38 MRSA §444, last ¶, as amended by PL 1997, c. 199, §2, is further amended to read:

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in a shoreland area, as defined by section 435, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility, except that if a public utility, water district, sanitary district or utility company of any kind has installed services to a new structure in accordance with this paragraph, a subsequent public utility, water district, sanitary district or utility company of any kind may install services to the new structure without first receiving written authorization pursuant to this section.

See title page for effective date.

CHAPTER 41

S.P. 107 - L.D. 333

An Act to Allow the Maine Turnpike Authority to Construct Communications Facilities

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

Sec. 1. 23 MRSA §1965, sub-§1, ¶D-1 is enacted to read:

D-1. Construct, acquire, install, maintain and reconstruct communications facilities and equipment within the boundaries of the turnpike for the use of the authority, the use of others or both on such terms and conditions as the authority may determine, provided that any communications tower constructed, acquired, installed, maintained or reconstructed by the authority within turnpike property will be solely for the use of the authority;

Sec. 2. 23 MRSA §1967, sub-§1, as amended by PL 1993, c. 612, §6, is further amended to read:

1. Property of the authority. All property of the authority and all property held in the name of the State pursuant to the provisions of this chapter ~~is~~ are exempt from levy and sale by virtue of any execution, and an execution or other judicial process is not a valid lien upon ~~its~~ of the authority held pursuant to the provisions of this chapter. The authority may not lease, sell or otherwise convey, or allow to be used, any of its real or personal property or easements in that property, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, with the exception of such intermodal transportation facilities, kiosks at rest areas, gasoline filling stations, service and repair stations, state and tri-state lottery ticket agencies, automatic teller machines and restaurants as it determines necessary to service the needs of the traveling public while using the turnpike, except that the authority may erect or install or permit the erection or installation of electric power, telegraph, telephone, communications, water, sewer or pipeline facilities; and provided also that the leasehold interests in such intermodal transportation facilities, kiosks, gasoline filling stations, service and repair stations, state and tri-state lottery ticket agencies, automatic teller machines and restaurants are subject to taxation as provided in section 1971. In accordance with rules adopted pursuant to section 1965, subsection 1, paragraph U, the authority may erect and maintain or allow to be erected and maintained signs that contain names, symbols, trademarks, logos or other identifiers of specific commercial enterprises.

See title page for effective date.

CHAPTER 42

S.P. 33 - L.D. 131

An Act to Extend and Amend the Requirement for Giving Prior Notice of Acquisitions of Solid Waste Businesses

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to delay the repeal of the laws governing the acquisition of solid waste and residue hauling assets; 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 preservation 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 §2111, sub-§3, as enacted by PL 1999, c. 773, §1, is repealed.

Sec. 2. 38 MRSA §2111, sub-§6, as enacted by PL 1999, c. 773, §1, is amended to read:

6. Repeal. This section is repealed 90 days after adjournment of the ~~First~~ Second Regular Session of the 120th Legislature.

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

Effective April 10, 2001.

CHAPTER 43

H.P. 390 - L.D. 511

An Act to Provide an Opportunity for Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives

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

Sec. 1. 26 MRSA §773, first ¶, as amended by PL 1997, c. 353, §1, is further amended to read:

A minor under 16 years of age may not be employed, permitted or suffered to work in, about or in connection with any manufacturing or mechanical establishment, hotel, rooming house, laundry, except those commonly known as automatic laundries, dry cleaning establishments, bakery, bowling alley, poolroom, commercial places of amusement, including traveling shows and circuses, or in any theater or moving picture house or in conjunction with an amusement, game or show that allows or conducts betting. The provisions of this section pertaining to theaters do not apply to minors under 16 years of age who are employed or in training as theatrical actors or film actors. This section does not prohibit a minor under 16 years of age from performing work for a nonprofit organization that preserves film and other moving images and provides education and research opportunities for the public or for a theater that is