

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

municipalities regarding the regulation of septage and sludge land application.

See title page for effective date.

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## CHAPTER 248

### H.P. 245 - L.D. 281

#### **An Act to Clarify Where a Public Hearing Involving Dredging Activity by the Department of Marine Resources Must be Held**

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

**Sec. 1. 38 MRSA §480-D, sub-§9**, as amended by PL 1997, c. 164, §1 and affected by §2, is further amended to read:

**9. Dredging.** If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant ~~shall~~ must demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable. The Commissioner of Marine Resources shall provide the department with an assessment of the impacts on the fishing industry of a proposed dredging operation in the coastal wetlands. The assessment must consider impacts to the area to be dredged and impacts to the fishing industry of a proposed route to transport dredge spoils to an ocean disposal site. The Commissioner of Marine Resources ~~must~~ may hold a public hearing on the proposed dredging operation. In determining if a hearing is to be held, the Commissioner of Marine Resources shall consider the potential impacts of the proposed dredging operation on fishing in the area to be dredged. If a hearing is held, it must be within at least one of the municipalities in which the dredging operation would take place. If the Commissioner of Marine Resources determines that a hearing is not to be held, the Commissioner of Marine Resources must publish a notice of that determination in a newspaper of general circulation in the area proposed for the dredging operation. The notice must state that the Commissioner of Marine Resources will accept verbal and written comments in lieu of a public hearing. The notice must also state that if 5 or more persons request a public hearing within 30 days of the notice publication, the Commissioner of Marine Resources will hold a hearing. If 5 or more persons request a public hearing within 30 days of the notice publication, the Commissioner of Marine Resources must hold a hearing. In making its determination under this subsection, the department must take into consideration the assessment provided by the Commissioner of

Marine Resources. The permit must require the applicant to:

A. Clearly mark or designate the dredging area, the spoils disposal route and the transportation route;

B. Publish in a newspaper of general circulation in the area adjacent to the route the approved transportation route of the dredge spoils; and

C. Publish in a newspaper of general circulation in the area adjacent to the route a procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

See title page for effective date.

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## CHAPTER 249

### H.P. 747 - L.D. 966

#### **An Act to Amend the Maine Tort Claims Act**

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

**Sec. 1. 14 MRSA §8107, sub-§2**, as enacted by PL 1977, c. 2, §2, is amended to read:

**2. Incapacity.** If the claimant is incapacitated and thereby prevented from presenting and filing the claim within the time prescribed or if the claimant is a minor, the claim may be presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant. If the claimant is a minor when the cause of action accrues, the notice may be presented within 180 days of the minor's attaining 18 years of age.

**Sec. 2. 14 MRSA §8110**, as enacted by PL 1977, c. 2, §§2 and 5 and amended by PL 1979, c. 68, §5, is further amended to read:

#### **§8110. Limitation of actions**

Every claim against a governmental entity or its employees permitted under this chapter ~~shall be~~ is forever barred from the courts of this State, unless an action therein is begun within 2 years after the cause of action accrues, except that, if the claimant is a minor when the cause of action accrues, the action may be brought within 2 years of the minor's attaining 18 years of age.

**Sec. 3. Application.** This Act applies to causes of action accruing on or after the effective date and to causes of action for which the statute of limitations has not expired as of the effective date.

See title page for effective date.

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## CHAPTER 250

### S.P. 420 - L.D. 1376

#### An Act Concerning the State Court Library System

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

**Sec. 1. 4 MRSA §191**, as amended by PL 1993, c. 375, §1, is further amended to read:

#### **§191. State Court Library Committee**

The State Court Library Committee, as established in Title 5, section 12004-G, subsection 23, consists of 9 voting members, 3 of whom must be members of the public, 2 of whom must be members of the judiciary and 4 of whom must be attorneys. Each attorney appointed to the committee must be actively engaged in the practice of law and have an established place of business in a county in which a law library established pursuant to section 193 is located ~~and must be chosen so that each tier has an attorney representative.~~ One of the 4 attorney members must be chosen from a county having a census population of from 45,000 to 120,000 and one of the 4 must be chosen from a county having a census population of less than 45,000 persons. The members are appointed by and serve at the pleasure of the Chief Justice of the Supreme Judicial Court. The Chief Justice shall designate the chair. The State Law Librarian, the University of Maine School of Law Librarian and the State Court Administrator are ex officio nonvoting members. A quorum consists of 5 of the voting members. The committee shall meet at least 4 times each year. Secretarial assistance must be provided by the Administrative Office of the Courts.

**Sec. 2. 4 MRSA §193**, as amended by PL 1995, c. 55, §1 and affected by §2, is repealed and the following enacted in its place:

#### **§193. System of law libraries**

There must be a system of law libraries accessible to all citizens within the State, under the supervision of the State Court Library Committee.

These libraries must be located in:

Androscoggin County, Auburn;

Aroostook County, Caribou;

Aroostook County, Houlton;

Cumberland County, Portland;

Franklin County, Farmington;

Hancock County, Ellsworth;

Kennebec County, Augusta;

Knox County, Rockland;

Lincoln County, Wiscasset;

Oxford County, South Paris;

Penobscot County, Bangor;

Piscataquis County, Dover-Foxcroft;

Sagadahoc County, Bath;

Somerset County, Skowhegan;

Waldo County, Belfast;

Washington County, Machias; and

York County, Alfred.

All funds appropriated by the Legislature for the use and benefit of the law libraries must be paid to the Administrative Office of the Courts and must be disbursed by that office under the direction of the State Court Library Committee.

The libraries located at Bangor and Portland are to serve as regional court law library centers. The State Court Library Committee shall allocate specific funds, in addition to the resources received by the other law libraries, to the regional court law library centers in Bangor and Portland to purchase legal resources, library equipment and supplies and necessary personnel. Both regional court libraries must receive the same funds.

All other law libraries must receive equal resources and services regardless of location and have access to the regional court law library centers for the resources not available locally.

**Sec. 3. 4 MRSA §195**, as enacted by PL 1981, c. 510, §1, is amended to read:

#### **§195. County law libraries**

There is created ~~must be~~ a County Law Library Committee, of not less than 3 nor more than 7 members, in each county in which a county law library is located. The members of the committee shall ~~shall~~ must be appointed or elected by the county bar association,