

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

(1) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as necessary to remedy a threat to public health or safety or to comply with environmental ~~cleanup~~ clean-up laws;

(2) A project related to a commercial or industrial activity that, due to its operational or physical characteristics, typically is located away from other development, such as an activity that relies on a particular natural resource for its operation;

(3) An airport, port or railroad or industry that must be proximate to an airport, a port or a railroad line or terminal;

(4) A pollution control facility;

(5) A project that maintains, expands or promotes a tourist or cultural facility that is required to be proximate to a specific historic, natural or cultural resource or a building or improvement that is related to and required to be proximate to land acquired for a park, conservation, open space or public access or to an agricultural, conservation or historic easement;

(6) A project located in a municipality that has none of the geographic areas described in paragraph A or B and that prior to January 1, 2000 formally requested but had not received from the office funds to assist with the preparation of a comprehensive plan or that received funds to assist with the preparation of a comprehensive plan within the previous 2 years. This exception expires for a municipality 2 years after such funds are received;

(7) A housing project serving the following: individuals with mental illness, mental retardation, developmental disabilities, physical disabilities, brain injuries, substance abuse problems or a human immunodeficiency virus; homeless individuals; victims of domestic violence; foster children; or children or adults in the custody of the State. A nursing home is not considered a housing project under this paragraph; or

(8) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as having no feasible location within an area described in paragraph A or B if, by majority vote of all members, the Land and Water Resources

Council finds that extraordinary circumstances or the unique needs of the agency require state funds for the project. The members of the Land and Water Resources Council may not delegate their authority under this subparagraph to the staffs of their member agencies.

**Sec. 3. 30-A MRSA §4349-A, sub-§2**, as amended by PL 2001, c. 90, §2 and c. 406, §13, is further amended to read:

**2. State facilities.** The Department of Administrative and Financial Services, Bureau of General Services shall develop site selection criteria for state office buildings, state courts, hospitals and other quasi-public facilities and other ~~state~~ civic buildings that serve public clients and customers, whether owned or leased by the State, that give preference to the priority locations identified in this subsection while ensuring safe, healthy, appropriate work space for employees and clients and accounting for agency requirements. Preference must be given to priority locations in the following order: service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities. If no suitable priority location exists or if the priority location would impose an undue financial hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in accordance with subsection 1. The following state facilities are exempt from this subsection: a state liquor store; a lease of less than 500 square feet; and a lease with a tenure of less than one year, including renewals.

See title page for effective date.

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## CHAPTER 614

H.P. 1578 - L.D. 2084

### An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces

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

**Sec. 1. 35-A MRSA §4332, sub-§1, ¶C**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

C. The Director of ~~Civil~~ Emergency Preparedness Management.

**Sec. 2. 37-B MRSA §1**, as amended by PL 1997, c. 455, §31, is further amended to read:

## §1. Purpose

The Department of Defense, Veterans and Emergency Management, as previously established and referred to in this Title as the "department," shall coordinate and improve the discharge of the State Government's responsibility for military affairs, veterans' services and civil emergency preparedness management matters.

**Sec. 3. 37-B MRSA §701, first ¶**, as enacted by PL 1983, c. 460, §3, is amended to read:

This chapter may be cited as the "Maine Civil Emergency Preparedness Management Act." It is the purpose of this chapter to:

**Sec. 4. 37-B MRSA §701, sub-§§2 and 4**, as enacted by PL 1983, c. 460, §3, are amended to read:

**2. Local organizations.** Authorize the creation of local organizations for civil emergency preparedness management in the political subdivisions of the State;

**4. Mutual aid.** Provide for the rendering of mutual aid among the political subdivisions of the State and with other states for the accomplishment of civil emergency preparedness management functions.

**Sec. 5. 37-B MRSA §703, sub-§1**, as amended by PL 1997, c. 580, §1, is repealed.

**Sec. 6. 37-B MRSA §703, sub-§§2-A and 2-B** are enacted to read:

**2-A. Emergency management.** "Emergency management" means the coordination and implementation of an organized effort to mitigate against, prepare for, respond to and recover from a disaster.

**2-B. Emergency management forces.** "Emergency management forces" means persons engaged in performing emergency management activities, including, but not limited to, persons called out by the Governor pursuant to an emergency proclamation under section 742 or persons called out pursuant to section 784-A.

**Sec. 7. 37-B MRSA §703, sub-§3**, as enacted by PL 1983, c. 460, §3, is amended to read:

**3. Local organization for emergency management.** "Local organization for civil emergency preparedness management" means an organization created in accordance with this chapter by state, county or local authority to perform local civil emergency preparedness management functions.

**Sec. 8. 37-B MRSA §704, 3rd ¶**, as amended by PL 1991, c. 376, §65, is further amended to read:

The director, subject to the direction and control of the Adjutant General, ~~shall be~~ is the executive head of the agency and ~~shall be~~ is responsible for carrying out the program for civil emergency preparedness management. The director shall coordinate the activities of all organizations for civil emergency preparedness management within the State; shall maintain liaison with and cooperate with civil emergency preparedness management and public safety agencies and organizations of other states, the Federal Government and foreign countries, and ~~the~~ their political subdivisions ~~thereof~~; prior to the annual meeting required in section 782, subsection 4, shall provide to each of the local civil emergency preparedness management organizations of the State an annual assessment of each organization's degree of civil emergency preparedness management and any other information pertinent to ensuring the public's welfare and safety within the local organization's jurisdiction; and ~~shall have~~ has additional authority, duties and responsibilities as may be prescribed by the Adjutant General.

**Sec. 9. 37-B MRSA §704, 2nd ¶ from the end**, as enacted by PL 1997, c. 580, §2, is amended to read:

The director, in consultation with the Office of Chief Medical Examiner, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of Chief Medical Examiner is responsible for execution of the plan, with full cooperation and assistance from all other members of the civil emergency preparedness management forces.

**Sec. 10. 37-B MRSA c. 13, sub-c. II** is amended by repealing the subchapter headnote and enacting the following in its place:

### SUBCHAPTER II

#### STATE EMERGENCY MANAGEMENT PROVISIONS

**Sec. 11. 37-B MRSA §741**, as enacted by PL 1983, c. 460, §3, is amended to read:

#### **§741. Governor's powers**

**1. Control during emergencies.** In the event of disaster beyond local control, the Governor may assume direct operational control over all or any part of the civil emergency preparedness management and public safety functions with the State.

**2. Cooperation.** In performing his duties required by this chapter, the Governor shall, directly or through the Adjutant General, cooperate with all departments and agencies of the Federal Government, with the offices and agencies of other states and foreign countries and ~~the~~ their political subdivisions ~~thereof~~, and with private agencies in all matters pertaining to the ~~civil~~ emergency ~~preparedness~~ management of the State and of the Nation.

**3. Authority.** In performing his duties required by this chapter, the Governor may:

A. Make, amend and rescind the necessary orders and rules to carry out this chapter within the limits of the authority conferred upon ~~him~~ the Governor and not inconsistent with the rules, regulations and directives of the President of the United States or of any federal department or agency having specifically authorized ~~civil~~ emergency ~~preparedness~~ management functions;

B. Prepare a comprehensive plan and program for the ~~civil~~ emergency ~~preparedness~~ management of this State. That plan and program ~~shall~~ must be integrated into and coordinated with the ~~civil~~ emergency ~~preparedness~~ management plans of federal agencies and with the plans of other states and foreign countries, and their political subdivisions, to the fullest possible extent;

C. Coordinate the preparation of plans and programs for ~~civil~~ emergency ~~preparedness~~ management by the political subdivisions of the State. These plans ~~shall~~ must be integrated into and coordinated with the ~~civil~~ emergency ~~preparedness~~ management plan and program of the State to the fullest possible extent;

D. In accordance with the plan and program for the ~~civil~~ emergency ~~preparedness~~ management of the State, and consistent with the ~~civil~~ emergency ~~preparedness~~ management plans, programs and directives of the Federal Government, procure supplies and equipment, institute training programs and public information programs and take all other preparatory steps, including the partial or full mobilization of ~~civil~~ emergency ~~preparedness~~ management organizations in advance of actual disaster or catastrophe, ~~insure~~ ensure the furnishing of adequately trained and equipped forces of ~~civil~~ emergency ~~preparedness~~ management personnel in time of need;

E. Conduct studies and surveys and take inventories of the industries, resources and facilities of the State necessary to ascertain the ~~state's~~ State's emergency ~~preparedness~~ management capabilities, and plan for their most efficient emergency use, including emergency economic

controls to ~~insure~~ ensure adequate production and equitable distribution of essential commodities;

F. Whenever a shortage of critical material supplies appears imminent in the State, establish emergency reserves of those products necessary to ensure the health, welfare and safety of the people of the State. To establish those reserves, the Governor may purchase quantities of those materials for resale on a cost plus expenses basis for priority end users within the State;

G. On behalf of the State, enter into mutual aid arrangements with other states and foreign countries, and their political subdivisions, and coordinate mutual aid plans between political subdivisions of the State. If an arrangement is entered into with a jurisdiction that has enacted the Interstate Civil Defense and Disaster Compact, chapter 15, any resulting agreement or agreements may be considered supplemental agreements pursuant to Article VI of that compact. If the other jurisdiction or jurisdictions with which the Governor proposes to cooperate have not enacted that compact, ~~he~~ the Governor may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after approval by the Legislature; and

H. Delegate any authority vested in ~~him~~ the Governor under this chapter and provide for the subdelegation of that authority.

**Sec. 12. 37-B MRSA c. 13, sub-c. III** is amended by repealing the subchapter headnote and enacting the following in its place:

### SUBCHAPTER III

#### LOCAL EMERGENCY MANAGEMENT PROGRAMS

**Sec. 13. 37-B MRSA §781**, as amended by PL 1987, c. 370, §16, is further amended to read:

#### **§781. Municipal, county and regional agencies**

**1. Municipal or interjurisdictional agencies.** Each municipality of the State ~~shall~~ must be served by a municipal or interjurisdictional agency responsible for disaster preparedness and coordination of disaster response. The Governor, after public hearing, shall determine those municipalities ~~which~~ that shall establish ~~civil~~ emergency ~~preparedness~~ management agencies of their own and those ~~which~~ that shall participate in and provide support for interjurisdictional ~~civil~~ emergency ~~preparedness~~ management agencies. Those determinations ~~shall~~ must be based

on a finding that efficient and effective disaster prevention, preparedness, response and recovery will be promoted by formation of an interjurisdictional agency. The following factors ~~shall~~ must be considered:

- A. Size and density of the affected population;
- B. Financial ability of the separate municipalities to maintain independent disaster assistance agencies; and
- C. Vulnerability of the area to disaster, as evidenced by past disasters, topographical features, drainage characteristics, disaster potential and existence of disaster-prone facilities and operations.

**2. County or regional agencies.** The Governor shall designate the counties or regions ~~he deems the Governor determines~~ necessary for the purposes of establishing county or regional ~~civil~~ civil emergency preparedness management agencies. Each designated county or regional agency ~~shall be~~ is responsible for coordination of the activities of municipal and interjurisdictional ~~civil~~ civil emergency preparedness management agencies within the region or county and for ~~civil~~ civil emergency preparedness management in the unorganized territories within its jurisdiction. A county or regional ~~civil~~ civil emergency preparedness management agency ~~shall~~ must receive support from the municipalities within its jurisdiction.

**3. Structure of interjurisdictional and regional agencies.** The director, with the approval of the Governor, shall determine the organizational structure of interjurisdictional and regional ~~civil~~ civil emergency preparedness management agencies, including the manner in which the directors of those agencies ~~shall be~~ are appointed by governing bodies of the municipalities involved.

**4. List of agencies.** The agency shall publish and maintain a current list of municipal, interjurisdictional, county and regional ~~civil~~ civil emergency preparedness management agencies established pursuant to this section.

**Sec. 14. 37-B MRSA §782**, as amended by PL 1991, c. 376, §66, is further amended to read:

**§782. Agency directors**

A director must be appointed for each local ~~civil~~ civil emergency preparedness management agency. A director of a ~~civil~~ civil emergency ~~preparedness management~~ management agency may not be at the same time an executive officer or member of the executive body of a municipality or interjurisdictional or regional agency of the State or a county commissioner. Notwithstanding this section or any other law, a town manager or

administrative assistant may also be appointed to serve as the director of a ~~civil~~ civil emergency ~~preparedness management~~ management agency or as a liaison officer. A director may be removed by the appointing authority for cause.

**1. Municipal agency director; liaison officer.**

The municipal officers shall appoint the director of the municipality's ~~civil~~ civil emergency ~~preparedness management~~ management agency. In each municipality that is not required to establish an agency of its own, the municipal officers shall designate a liaison officer to the appropriate interjurisdictional agency to facilitate cooperation in the work of disaster prevention, preparedness, response and recovery.

**2. County agency director.** The county commissioners shall appoint the director of that county's ~~civil~~ civil emergency ~~preparedness management~~ management agency.

**3. Interjurisdictional and regional agency directors.** The director of an interjurisdictional or regional ~~civil~~ civil emergency ~~preparedness management~~ management agency ~~shall be~~ is appointed in the manner prescribed by the director in accordance with section 781, subsection 3, and ~~shall~~ must be approved by the director.

**4. Annual meeting with Director of Maine Emergency Management Agency.** The director of each local organization for ~~civil~~ civil emergency ~~preparedness management~~ management in the State and the respective appointing authority shall meet each year with the Director of the Maine Emergency Management Agency or the agency's successor, in order to review the performance of the local ~~civil~~ civil emergency ~~preparedness management~~ management organization in carrying out its federal and state mandate and to jointly set new goals for the coming year.

**Sec. 15. 37-B MRSA §783, first ¶**, as amended by PL 1987, c. 370, §17, is further amended to read:

Each municipal, interjurisdictional, county and regional ~~civil~~ civil emergency ~~preparedness management~~ management agency, in consultation with the agency, shall prepare and keep a current disaster emergency plan for the area subject to its jurisdiction. That plan ~~shall~~ must include without limitation:

**Sec. 16. 37-B MRSA §783, last ¶**, as enacted by PL 1983, c. 460, §3, is amended to read:

Each municipal, interjurisdictional, county and regional ~~civil~~ civil emergency ~~preparedness management~~ management agency, as part of the development of a disaster emergency plan for the area subject to its jurisdiction, shall consult with hospitals within its jurisdiction to ~~insure~~ ensure that the disaster plans developed by the agency and the hospitals are compatible.

**Sec. 17. 37-B MRSA §784**, as enacted by PL 1983, c. 460, §3, is amended to read:

**§784. Mutual aid arrangements**

The director of each local organization for ~~civil~~ emergency ~~preparedness~~ management shall, in collaboration with other public and private agencies within the State, develop or cause to be developed mutual aid arrangements for reciprocal ~~civil~~ emergency ~~preparedness~~ management aid and assistance in case of a disaster too great to be dealt with unassisted. These arrangements ~~shall~~ must be consistent with the state ~~civil~~ emergency ~~preparedness~~ management program, and in time of emergency it ~~shall be~~ is the duty of each local organization for ~~civil~~ emergency ~~preparedness~~ management to render assistance in accordance with the mutual aid arrangements. For this purpose, political subdivisions are authorized when geographical locations make mutual aid arrangements desirable to enter into mutual aid arrangements subject to the approval of the director.

**Sec. 18. 37-B MRSA §784-A** is enacted to read:

**§784-A. Right to call for and employ assistance**

The Maine Emergency Management Agency and local organizations for emergency management may employ any person considered necessary to assist with emergency management activities. All persons called and employed for assistance shall proceed as directed by the Maine Emergency Management Agency. Any person called and employed for assistance is deemed to be an employee of the State for purposes of immunity from liability pursuant to section 822 and for purposes of workers' compensation insurance pursuant to section 823, except for persons excluded from the definition of employee pursuant to Title 39-A, section 102, subsection 11.

**Sec. 19. 37-B MRSA §785**, as amended by PL 1985, c. 785, Pt. B, §176, is further amended to read:

**§785. State Civil Service Appeals Board services**

Local ~~civil~~ emergency ~~preparedness~~ management agencies organized pursuant to this subchapter may accept the services of the Bureau of Human Resources and adopt board rules for the purpose of qualifying for federal funds. The Bureau of Human Resources may enter into agreements with the ~~civil~~ emergency ~~preparedness~~ management agencies for the purpose of furnishing merit system coverage for ~~civil~~ emergency ~~preparedness~~ management employees or employees of other agencies and departments assigned full time to ~~civil~~ emergency ~~preparedness~~ management duties. The Bureau of Human Resources may charge for services rendered. The fee ~~shall~~ must be consistent

with the cost of coverage per state employee multiplied by the number of local, interjurisdictional, county or regional employees covered. Fees received by the board ~~shall~~ must be credited to the General Fund.

**Sec. 20. 37-B MRSA §822**, as corrected by RR 1993, c. 1, §110, is amended to read:

**§822. Immunity**

Neither the State nor any of its agencies or political subdivisions nor a person called out pursuant to section 784-A, including a voluntary and uncompensated grantor of a permit for the use of the grantor's premises as ~~a civil~~ an emergency ~~preparedness~~ management shelter, may, while engaged in any ~~civil~~ emergency ~~preparedness~~ management activities and while complying with or attempting to comply with this chapter or any rule adopted pursuant to this chapter, be liable for the death of or injury to any person, or damage to property, as a result of those activities. This section does not affect the right of any person to receive benefits to which that person would otherwise be entitled under this chapter, under the Maine Workers' Compensation Act of 1992, under any pension law or under any act of Congress.

**Sec. 21. 37-B MRSA §823, first ¶**, as amended by PL 1995, c. 462, Pt. A, §72, is further amended to read:

All members of the ~~civil~~ emergency ~~preparedness~~ management forces are deemed to be employees of the State while on, or training for, ~~civil~~ emergency ~~preparedness~~ management duty. They have all the rights given to state employees under the former Workers' Compensation Act or the Maine Workers' Compensation Act of 1992. All claims must be filed, prosecuted and determined in accordance with the procedure set forth in the former Workers' Compensation Act or the Maine Workers' Compensation Act of 1992.

**Sec. 22. 37-B MRSA §823, sub-§2**, as amended by PL 1995, c. 462, Pt. A, §72, is further amended to read:

**2. Setoff.** Any sums payable under any act of Congress or other federal program as compensation for death, disability or injury of ~~civil~~ emergency ~~preparedness~~ management workers must be considered with the determination and settlement of any claim brought under this section. When payments received from the Federal Government are less than an injured member would have been entitled to receive under this section, the injured member is entitled to receive all the benefits to which the injured member would have been entitled under this section, less the benefits actually received from the Federal Government.

**Sec. 23. 37-B MRSA §824, sub-§2**, as enacted by PL 1983, c. 460, §3, is amended to read:

**2. For local emergency management expenses.** Each political subdivision may make appropriations for the payment of expenses of its local organization for ~~civil~~ emergency ~~preparedness~~ management in the same manner as for its other ordinary expenses. In making those appropriations, the political subdivision shall specify the amounts and purposes for which the money appropriated may be used by the local organizations.

**Sec. 24. 37-B MRSA §825**, as enacted by PL 1983, c. 460, §3, is amended to read:

**§825. Acceptance of aid**

Whenever the Federal Government or any of its agencies or officers or any person, firm or corporation offers to the State or to any of its political subdivisions services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of ~~civil~~ emergency ~~preparedness~~ management, the State, acting through the Governor, or the political subdivision, acting through its executive officer or governing body, may accept that offer. Upon acceptance, the Governor of the State or the executive officer or governing body of the political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive those services, equipment, supplies, materials or funds on behalf of the State or the political subdivision subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

**Sec. 25. 37-B MRSA §826**, as amended by PL 1983, c. 816, Pt. B, §18, is further amended to read:

**§826. Transfer of equipment**

Subject to the approval of the Governor, the director may convey equipment, supplies, materials or funds by sale, lease or grant to any political subdivision of the State for ~~civil~~ emergency ~~preparedness~~ management purposes. The conveyance ~~shall be~~ is subject to the terms of the offer and the applicable state rules and federal regulations.

**Sec. 26. 37-B MRSA §§829, 831 and 832**, as enacted by PL 1983, c. 460, §3, are amended to read:

**§829. Enforcement**

It ~~shall be~~ is the duty of every agency for ~~civil~~ emergency ~~preparedness~~ management established pursuant to this chapter and of the officers to execute and enforce orders and rules adopted by the Governor under authority of this chapter. Each ~~civil~~ emergency

~~preparedness~~ management agency shall have available for inspection at its office all orders and rules made by the Governor or issued under ~~his~~ the Governor's authority.

**§831. Utilization of existing services and facilities**

In carrying out this chapter, the Governor and the executive officers or governing bodies of the political subdivisions of the State shall utilize the services and facilities of existing departments, offices and agencies of the State and all ~~the~~ their political subdivisions ~~thereof~~ to the maximum extent practicable. The officers and personnel of all departments, offices and agencies shall cooperate with and extend their services and facilities to the Governor and to the ~~civil~~ emergency ~~preparedness~~ management organizations of the State upon request.

**§832. Political activity prohibited**

~~No civil~~ An emergency ~~preparedness~~ management organization established under the authority of this chapter may not participate in any form of political activity, ~~nor~~ and may ~~it not~~ be employed directly or indirectly for political purpose.

**Sec. 27. 37-B MRSA §§1005 and 1006**, as amended by PL 1991, c. 797, §18, are further amended to read:

**§1005. Intentional injury or interference with property**

Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that that person's act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for ~~civil~~ emergency ~~preparedness~~ management, or with the execution ~~thereof~~ of those preparations and plans under chapter 13 commits a Class B crime.

**§1006. Intentional defects**

Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that the article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or with preparations and plans for ~~civil~~ emergency ~~preparedness~~ management, or with the execution of those preparations and plans under chapter 13, or that the article or thing is one of a number of similar articles or things, some of which are intended so to be used, commits a Class B crime.



**Sec. 28. 37-B MRSA §1009**, as enacted by PL 1983, c. 460, §3, is amended to read:

**§1009. Unlawful entry on property**

Any individual, partnership, association, corporation, municipal corporation or state or any of its political subdivisions engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war, or in the prosecution of war by the United States, or with preparations and plans for ~~civil~~ emergency ~~preparedness~~ management, or with the execution of these preparations and plans under chapter 13, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any individual, partnership, association, corporation, municipal corporation or state or any of its political subdivisions operating a public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around that property at each gate, entrance, dock or railway entrance and every 100 feet of ~~water front~~ waterfront a sign reading "No Entry Without Permission." Any person who intentionally enters upon premises posted in that manner without the permission of the owner is guilty of a Class E crime.

**Sec. 29. 37-B MRSA §1011, first and 2nd ¶¶**, as enacted by PL 1983, c. 460, §3, are amended to read:

Any individual, partnership, association, corporation, municipal corporation or state or any of its political subdivisions engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war, or in the prosecution of war by the United States, or with preparations and plans for ~~civil~~ emergency ~~preparedness~~ management, or with the execution of those preparations and plans under chapter 13, or in the ~~manufacturer~~ manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any individual, partnership, association, corporation, municipal corporation or state or any of its political subdivisions operating a public utility, who has property so used ~~which he~~ that the person or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts ~~thereof~~ of a highway or highways upon which the property abuts, may petition the highway commissioners of any city, town or county to close one or more of those highways or parts ~~thereof~~ of a highway or highways to public use and travel or to restrict by

order the use and travel upon one or more of the highways or parts ~~thereof~~ of a highway or highways.

Upon receipt of the petition, the highway commissioners shall set a day for a hearing and publish notice of the hearing in a newspaper having general circulation in the city, town or county in which the property is located. The notice ~~shall~~ must be published at least 7 days prior to the date set for the hearing. If, after the hearing, the highway commissioners determine that the public safety and the safety of the property of the petitioner require, they shall, by suitable order, close to public use and travel, or reasonably restrict the use of and travel upon one or more of those highways or parts ~~thereof~~ of one or more of those highways. The highway commissioners may issue written permits for travel over the closed or restricted highways to responsible and reputable persons for such term, under such conditions and in such form as they may prescribe. Appropriate notices in letters at least 3 inches high ~~shall~~ must be posted conspicuously at each end of any highway closed or restricted by the order. The highway commissioners may at any time revoke or modify the order.

See title page for effective date.

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**CHAPTER 615**

**S.P. 742 - L.D. 2067**

**An Act to Require Appropriate  
Public Notice of a State Building  
Project**

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

**Sec. 1. 5 MRSA §1742-B**, as amended by PL 1991, c. 577, is further amended by adding at the end a new paragraph to read:

If a proposed public improvement is for new construction only and is not reviewed by a municipality, the state agency responsible for the new construction shall provide public notice of the project in the same manner as is required for notice of similar projects by ordinance of the municipality. Public notice under this paragraph must be provided as soon as development of the schematic design for the project is complete.

See title page for effective date.

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