

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

venience and necessity establishes that, as of the date of issuance of the certificate, the decision by the person to erect or construct was prudent. At the time of its issuance of a certificate of public convenience and necessity, the commission shall send to each municipality through which a proposed corridor or corridors for a transmission line extends a separate notice that the issuance of the certificate does not override, supersede or otherwise affect municipal authority to regulate the siting of the proposed transmission line. The commission may deny a certificate of public convenience and necessity for a transmission line upon a finding that the transmission line is reasonably likely to adversely affect any transmission and distribution utility or its customers.

Sec. 4. 35-A MRSA §3132, sub-§7, as amended by PL 2007, c. 148, §6, is further amended to read:

7. Environmental protection agency modification. If the commission has issued a certificate of public convenience and necessity for a proposed transmission line and the ~~Board~~ Department of Environmental Protection in an order ~~issued~~ under Title 38, ~~section 484~~ chapter 3, subchapter 1, article 6 makes a modification in the location, size, character or design of the transmission line, the person proposing the transmission line shall:

- A. Deliver a copy of the order to the commission; and
- B. State the nature of the modifications and all cost adjustments occasioned by the modifications to the cost of the proposed transmission line relied upon by the commission in issuing its certificate of public convenience and necessity under this section.

Sec. 5. Rulemaking. The Public Utilities Commission shall amend its rules governing the construction of new transmission lines to implement the provisions of this Act. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 310

H.P. 97 - L.D. 113

An Act Regarding Construction and Excavation near Burial Sites

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

Whereas, a malfunctioning septic system has polluted a shellfish bed and that shellfish bed can be reopened if the construction of a private sewer connection to a public sewer line is approved; and

Whereas, the immediate repair of a malfunctioning septic system is needed to protect the public's health and the local shellfish industry; and

Whereas, a change in the laws governing construction and excavation near burial sites is necessary to ensure the immediate repair of the septic system; 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. 13 MRSA §1371-A, sub-§1, as amended by PL 2007, c. 112, §2, is repealed and the following enacted in its place:

1. Known burial sites. Construction or excavation near a known burial site or within the boundaries of an established cemetery must comply with any applicable land use ordinance concerning burial sites or established cemeteries, whether or not the burial site or established cemetery is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established cemetery, whichever is the greater, whether or not the burial site or established cemetery is properly recorded in the deed to the property, except:

A. When the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies;

B. When necessary for the construction of a public improvement, as approved by the governing body of a municipality or, in the case of a state highway, by the Commissioner of Transportation; or

C. When necessary for the construction of a private sewer line connection to a public sewer system if:

(1) No other practicable alternative exists to connecting to a public sewer system;

(2) No other practicable alternative exists to excavation or construction within 25 feet;

(3) The excavation or construction is at the maximum possible distance from the cemetery or burial site;

(4) The construction of the private sewer line connection is approved by the governing body of the municipality and the regulating division within the Department of Health and Human Services;

(5) Public notice is provided by the affected municipality that allows 2 weeks for members of the public to submit testimony prior to any approval, construction or excavation and any testimony is also submitted by the municipality to the regulating division within the Department of Health and Human Services; and

(6) No excavation or construction equipment is placed on any part of the cemetery or burial site or within 10 feet of the cemetery or burial site at any time during the construction of the sewer connection.

This paragraph is repealed June 30, 2010.

A municipality may enforce this subsection or any local ordinance concerning burial sites or established cemeteries pursuant to Title 30-A, section 4452, including the assessment of civil penalties.

In the event of any violation of this subsection, the Attorney General may seek to enjoin a further violation, in addition to any other remedy.

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

Effective June 9, 2009.

CHAPTER 311

S.P. 125 - L.D. 361

An Act To Provide for a Certificate of Birth Resulting in Stillbirth

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

Whereas, issuance of a certificate of birth resulting in stillbirth in a timely manner after the stillbirth is a matter of importance to the parents and an issue related to the public health; 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. 22 MRSA §2761-C is enacted to read:

§2761-C. Certificate of birth resulting in stillbirth

Upon request of a parent, in the event of an unintentional intrauterine death of a fetus of 20 or more weeks of gestation, the department shall issue a certificate of birth resulting in stillbirth bearing the official seal of the State. The certificate must be based upon information drawn from a previously filed certificate of fetal death under section 2841.

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

Effective June 9, 2009.

CHAPTER 312

H.P. 303 - L.D. 415

An Act to Regulate Swim Areas on Inland Waters

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

Sec. 1. 12 MRSA c. 220, sub-c. 10 is enacted to read:

SUBCHAPTER 10

REGULATION OF SWIM AREAS ON INLAND WATERS

§1900. Swim areas

1. Definitions. As used in this subchapter, the following terms have the following meanings.

A. "Camping area" means, in addition to the generally accepted interpretations, lakeshore places, picnic and lunch grounds or other premises where tents or recreational vehicles are permitted and licensed under Title 22, section 2495.

B. "Developed swim area" means an area delineated by line buoys in accordance with the aids to navigation system established pursuant to section 1894.

C. "Qualified entity" means a camping area, recreational camp or governmental entity or governmentally sponsored group.

D. "Recreational camp" means day camps, boys and girls camps and family, hunting, fishing and similar camps licensed under Title 22, section 2495.