

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 350  
S.P. 87 - L.D. 281**

**An Act To Create a 6-year  
Statute of Limitations for  
Environmental Violations**

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

**Sec. 1. 38 MRSA §347-A, sub-§8,** as enacted by PL 2007, c. 337, §1, is repealed.

**Sec. 2. 38 MRSA §347-A, sub-§9** is enacted to read:

**9. Limitations on enforcement actions.** This subsection applies to enforcement actions for civil penalties.

**A. An enforcement action must be commenced by the commissioner or the Attorney General within 6 years of the following, whichever occurs latest:**

- (1) The discovery by the commissioner or the Attorney General of an act or omission giving rise to a violation;**
- (2) The identification by the commissioner or the Attorney General of the person responsible for the violation; and**
- (3) The last day of an ongoing violation.**

**B. For purposes of this subsection, an enforcement action is commenced when any of the following occurs:**

- (1) The commissioner proposes an administrative consent agreement in writing to the violator pursuant to subsection 4;**
- (2) The commissioner schedules an enforcement hearing on the alleged violation pursuant to subsection 2;**
- (3) The commissioner, with the prior approval of the Attorney General, files a complaint in District Court pursuant to section 342, subsection 7 and the Maine Rules of Civil Procedure, Rule 3; and**

**(4) The Attorney General files a complaint in District Court or Superior Court.**

**C. The commencement of an enforcement action by any of the means set forth in paragraph B tolls the running of the 6-year limitation period for the purpose of bringing any other action pursuant to subsection 1, paragraph A.**

See title page for effective date.

**CHAPTER 351  
H.P. 585 - L.D. 778**

**An Act To Amend the Process  
of Federal Aviation  
Administration Airport  
Improvement Program Grants**

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

**Sec. 1. 6 MRSA §3, sub-§25-C** is enacted to read:

**25-C. Primary airport.** "Primary airport" means an airport that has at least 10,000 passenger boardings per year.

**Sec. 2. 6 MRSA §17, sub-§1,** as enacted by PL 1977, c. 678, §30, is amended to read:

**1. Development.** Aid and assist municipalities and other political subdivisions in the development, ~~maintenance and operation~~ of their public airports;

**Sec. 3. 6 MRSA §17, sub-§9,** as enacted by PL 1977, c. 678, §30, is repealed.

**Sec. 4. 6 MRSA §18, sub-§2-A** is enacted to read:

**2-A. Primary Airport Capital Improvement Grant Program; administration approval.** Notwithstanding subsection 2, the Primary Airport Capital Improvement Grant Program, referred to in this subsection as "the state grant program," is established as a discretionary grant program administered by the department. The department shall distribute available state grant program funds to primary airports for eligible capital improvement projects as determined by the department. Funds may also be distributed to an eligible municipality or political subdivision of the State for airport equipment that is eligible under the administration's airport improvement program. The department shall provide state grant program funds to evenly share the local match with the eligible municipality or political subdivision of the State for the administration's airport improvement program grant offer and award an amount contingent upon the availability of state grant program funds. State grant program funds may be distributed only to projects ready for construc-