

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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

Whereas, current law does not permit the sale of prison made items to retailers for resale; and

Whereas, there exists a substantial inventory of the items and several retailers have expressed an interest in purchasing the inventory; 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:

34 MRSA §555 is amended by adding the following new paragraph to read:

Notwithstanding the language of this section, the warden may authorize the sale of articles produced at the prison and may authorize any person or business entity purchasing articles from the prison to resell those articles if the person or entity requests in writing that authority from the warden at the time the initial purchase is made.

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

Effective May 24, 1983.

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## CHAPTER 342

H.P. 389 - L.D. 472

AN ACT to License Waste Oil Dealers and  
to Include Waste Oil Within Coverage of the  
Maine Hazardous Waste Fund.

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

Sec. 1. 38 MRSA §1302, as amended by PL 1979, c. 383, §1, is further amended by adding at the end a new paragraph to read:

The Legislature further finds that substantial quantities of waste oil are contaminated by hazardous waste and that waste oil, if not properly handled, is a threat to the public health, safety and welfare and to the environment and therefore must be controlled.

Sec. 2. 38 MRSA §1303, sub-§12, as amended by PL 1981, c. 430, §2, is further amended to read:

12. Transport. "Transport" means the movement of hazardous or solid waste, waste oil, sludge or septage from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport." Movement of waste oil on the site where it is generated or on the site of a licensed waste oil dealer's facility is not "transport."

Sec. 3. 38 MRSA §1303, sub-§§15-A and 15-B are enacted to read:

15-A. Waste oil. "Waste oil" means a petroleum based oil which, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. Waste oil which exhibits hazardous wastes characteristics, or which has been contaminated with hazardous wastes in excess of quantities normally occurring in waste oil, shall be subject to the provisions of this chapter dealing with hazardous wastes.

15-B. Waste oil dealer. "Waste oil dealer" means any person in the business of transporting or handling more than 1,000 gallons of waste oil for the purpose of resale in a calendar month. A person who collects or stores waste oil on the site of generation, whether or not for the purpose of resale, is not a waste oil dealer.

Sec. 4. 38 MRSA §1303-B is enacted to read:

§1303-B. Waste oil dealers; rule-making authority

The board may adopt rules relating to the transportation, collection and storage of waste oil by waste oil dealers to protect public health, safety and welfare and the environment. The rules may include, without limitation, rules requiring licenses for waste oil dealers and the location of waste oil storage sites which are operated by waste oil dealers, evidence of financial capability and manifest systems for waste oil. A person licensed by the board to transport or handle hazardous waste shall not be required to obtain a waste oil dealer's li-

cense, but his hazardous waste license must include any terms or conditions deemed necessary by the board relating to his transportation or handling of waste oil.

Sec. 5. 38 MRSA §1319-B, as enacted by PL 1981, c. 478, §7, is amended by adding at the end a new paragraph to read:

The Legislature further finds that substantial quantities of waste oil are contaminated by hazardous waste and that waste oil, if not properly handled, is a threat to the public health, safety and welfare and to the environment and therefore must be controlled.

Sec. 6. 38 MRSA §1319-E, sub-§1, ¶C, as enacted by PL 1981, c. 478, §7, is amended to read:

C. Costs incurred for the purchase of necessary hazardous waste and waste oil testing and response equipment and supplies, response personnel and training of response personnel in accordance with an allocation approved by the Legislature; and

Sec. 7. 38 MRSA §1319-H, sub-§1, ¶A, as enacted by PL 1981, c. 478, §7, is amended to read:

A. Any person who applies for a license for a hazardous waste facility shall pay the appropriate fee. An application for a license will not be considered complete and will not be processed until this fee is received. Application fees are as follows.

- (1) Disposal facility ..... \$10,000
- (2) Commercial treatment facility ... 7,000
- (3) On-site treatment facility ..... 4,000
- (4) Other waste facility for hazardous waste, including treatment facilities other than on-site and commercial treatment facilities ..... 2,500
- (5) Waste oil storage facility ..... 2,500

Sec. 8. 38 MRSA §1319-H, sub-§2, ¶D is enacted to read:

D. Waste oil storage facility ..... 500

Sec. 9. 38 MRSA §1319-I, sub-§3, as enacted by PL 1981, c. 478, §7, is amended to read:

3. Fee for transportation into Maine from out-of-state. If hazardous waste or waste oil is transported into Maine from out-of-state, the person who first transports the hazardous waste or waste oil into Maine shall pay a fee equal to twice the amount indicated by the schedules outlined in subsection 2 or 5, as if that person were the generator of the hazardous waste or the waste oil dealer, as the case may be.

The commissioner may waive up to 50% of the fee imposed under this subsection if the state from which the hazardous waste or waste oil is transported to Maine observes the same reciprocity with regard to hazardous waste transported to that state from Maine.

Sec. 10. 38 MRSA §1319-I, sub-§4-A is enacted to read:

4-A. Fee on waste oil sale or disposal. Waste oil dealers shall pay a fee of 1¢ a gallon on each gallon of waste oil which they transport, collect or store. No fee may be imposed by this subsection with respect to the waste oil if the waste oil dealer who would be liable for the fee establishes that a prior fee has been imposed by this subsection and paid to the Maine Hazardous Waste Fund with respect to the waste oil. Waste oil dealers shall maintain records sufficient to determine whether the dealer is liable for any and all fees imposed on him pursuant to this subsection and shall submit such records to the department at such times as the board may by rule require.

Sec. 11. 38 MRSA §1319-I, sub-§10, as enacted by PL 1981, c. 478, §7, is repealed.

Effective September 23, 1983.

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## CHAPTER 343

H.P. 715 - L.D. 906

AN ACT to Amend the Reporting Requirements  
in Cases of Death Due to Abuse or Neglect.

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

Sec. 1. 22 MRSA §3478, as enacted by PL 1981, c. 705, Pt. E, §2, is amended to read: