

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

determine if it is valid, or a nonhazardous waste manifest to determine whether scrap tires are being transported to a licensed or exempt waste facility.

2. Impoundment. When a law enforcement officer has reasonable grounds to believe that scrap tires are being transported to an unlicensed, nonexempt waste facility, or that scrap tires are being transported to a waste facility without a manifest or license as required by the department's nonhazardous waste transporter rules, the law enforcement officer may impound the vehicle and hold the vehicle until the transporter has fully complied with department rules.

3. Alternative manifest. A law enforcement officer may issue an alternative manifest to the transporter to transport scrap tires to a licensed waste facility. An alternative manifest must include the following information:

- A. The name and location of the waste generator;
- B. The quantity of scrap tires; and
- C. The name and location of the waste facility to which the scrap tires are being transported.

A copy of the alternative manifest prepared by the law enforcement officer and any summons issued to the transporter must be sent to the department.

4. Violation. A person commits a Class E crime if that person in fact transports scrap tires without a license or without a manifest as required by department rules. The minimum fines for transporting scrap tires without a manifest are as follows: for a vehicle with a registered gross weight of up to 12,000 pounds, \$500; for a vehicle with a registered gross weight of between 12,001 and 34,000 pounds, \$2,000; and for a vehicle with a registered gross weight of over 34,000 pounds, \$4,500. This minimum fine may not be suspended, but it may be reduced by the amount of the disposal fee paid by the transporter for disposal of the truckload of tires at a licensed waste facility. A person commits a Class D crime if that person, after being cited for a violation of the manifest requirements, transports the tires to an unlicensed, nonexempt waste facility. Notwithstanding Title 17-A, section 1301, the fine for a Class E crime under this subsection may not exceed \$10,000 per violation, and the fine for a Class D crime under this subsection may not exceed \$25,000 per violation.

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

Effective March 29, 1996.

CHAPTER 580

H.P. 1357 - L.D. 1862

An Act to Ensure That Employees Are Compensated for Accrued Vacation Time in the Event of the Sale of a Business

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 allow the Department of Labor to bring an action on behalf of employees for unpaid wages upon the sale of a business; and

Whereas, upon the sale of a business, employees should be given some assurance of fair treatment following that transaction; and

Whereas, certain employees affected by a pending sale are concerned that they will be denied vacation pay; 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. 26 MRSA §626, as amended by PL 1991, c. 162, is further amended by adding at the end a new paragraph to read:

Within 2 weeks after the sale of a business, the seller of the business shall pay employees of that business any wages earned while employed by the seller. If the terms of employment include provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned. The seller of a business may comply with the provisions of this paragraph through a specific agreement with the buyer in which the buyer agrees to pay any wages earned by employees through employment with the seller and to honor any paid vacation earned under the seller's vacation policy.

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

Effective March 29, 1996.