

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 NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

registration, would have been grounds for denying the application;

B. The registrant knowingly violates a material provision of this chapter or rule or order validly adopted by the administrator under authority of this chapter;

C. The registrant is insolvent;

D. The registrant refuses to permit the administrator to make an examination authorized by this chapter; or

E. The registrant fails to respond within a reasonable time and in an appropriate manner to communications from the administrator.

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

Effective March 15, 2000.

CHAPTER 561

S.P. 930 - L.D. 2380

**An Act to Implement
Recommendations of the Commission
on Performance Budgeting**

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

Sec. 1. 5 MRSA §1710-L, sub-§3, as corrected by RR 1997, c. 2, §12, is amended to read:

3. Time of appointment; terms. Commission members must be appointed in January of each odd-numbered year and serve 2-year terms, except that the initial commission members must be appointed within 30 days of June 30, 1995 and serve until January 1998.

Sec. 2. 5 MRSA §1710-M, sub-§4-A, as enacted by PL 1997, c. 764, §4, is amended to read:

4-A. Auditing. No later than January 15, ~~1999~~ 2001, recommend to the Legislature and the Governor the most cost-effective method for State Government to annually validate measurable objectives and conduct audits of the performance budgets for the most recent fiscal year.

See title page for effective date.

CHAPTER 562

H.P. 1072 - L.D. 1519

An Act to Encourage Environmental Management Systems

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

Sec. 1. 38 MRSA §343-G is enacted to read:

§343-G. Environmental management systems

1. Environmental management system incentive program. The commissioner shall develop and implement an environmental management system incentive program to encourage entities subject to regulation by the department to improve and expand their environmental performance and compliance through the development and implementation of environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentive program may include the following elements:

A. Alternative schedules for routine compliance inspections;

B. Alternative record-keeping and reporting systems that provide equal or improved public access to information and do not result in any reduction in content or quality of information; and

C. Public recognition by the commissioner.

2. Eligibility. To be eligible for incentives under this section, an entity must have developed and implemented an environmental management system certified by an accredited 3rd-party certification body as conforming to the requirements of the International Organization for Standardization's standard 14001 (ISO 14001:1996); demonstrated full compliance with all applicable state and federal environmental laws, rules, regulations and permits for the 2 most recent years; demonstrated improved environmental performance that resulted in pollution prevention and reduction; involved the public in the development of any proposed incentives; and involved department staff in at least one environmental management system 3rd-party surveillance audit. The commissioner shall revoke all incentives granted to an entity under this section if the commissioner finds that the entity no longer meets the eligibility requirements in this subsection.

3. Evaluation. By January 15, 2002, the department shall submit a report to the joint standing

committee of the Legislature having jurisdiction over natural resources matters with an evaluation of the effectiveness of the environmental management system incentive program developed under this section, including a list of applications to the program, a list of entities that qualified for incentives under the program and a list of incentives granted. The report must include any recommendations for changes to the incentives or the scope of the program and any proposed legislation. The department shall work with a representative stakeholder group in conducting its evaluation and developing recommendations. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out a bill to the Second Regular Session of the 120th Legislature regarding environmental management systems.

4. Repeal. This section is repealed December 31, 2002.

See title page for effective date.

CHAPTER 563

S.P. 880 - L.D. 2295

An Act to Clarify Granting Authority Under the Agricultural Development Grant Program

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

Sec. 1. 7 MRSA §436, as amended by PL 1999, c. 72, §8, is further amended to read:

§436. Grants for technical assistance and research

The commissioner may use all or a portion of the accrued interest in the cash balance of the Agricultural Marketing Loan Fund and interest portion of loan repayments, up to a maximum of \$250,000 per year, for grants for technical assistance and the agricultural development grant program in chapter 10. The commissioner may expend grant dollars designated to an applicant in one fiscal year during the following fiscal year.

See title page for effective date.

CHAPTER 564

H.P. 1656 - L.D. 2325

An Act to Address Financial Inequities in Special Waste Fees

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

Sec. 1. 38 MRSA §2203-A, sub-§2, ¶C, as enacted by PL 1999, c. 385, §7, is amended to read:

C. A municipal or regional association landfill that has accepted ~~4,000~~ 550 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste.

See title page for effective date.

CHAPTER 565

H.P. 1661 - L.D. 2330

An Act to Require the Department of Defense, Veterans and Emergency Management to Report to the Legislature on Matters Related to State Veterans Laws

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

Sec. 1. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 1999, c. 401, Pt. K, §2, is further amended by adding a new sub-¶(14) to read:

(14) The Adjutant General shall report at the beginning of each biennium to the joint standing committee of the Legislature having jurisdiction over veterans' affairs on any recommended changes or modifications to the laws governing veterans' affairs, particularly as those changes or modifications relate to changes in federal veterans' laws.

Sec. 2. Veterans' benefits eligibility criteria study. The Commissioner of Defense, Veterans and Emergency Management shall study the laws governing eligibility for state veterans' benefits. The study must examine the inconsistencies among eligibility criteria and make recommendations to resolve those inconsistencies. The commissioner shall report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs by December 31, 2000. Following receipt of the study report, the joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs may report out a bill to the First Regular Session of the 120th Legislature.

See title page for effective date.