

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

Sec. 3. 29 MRSA § 545-B is enacted to read:

§ 545-B. Renewal of motor vehicle operator's licenses for persons 75 years of age or older

Any person who has attained his 75th birthday shall pass a driver's examination before his motor vehicle operator's license may be renewed.

Sec. 4. Effective date. This Act shall become effective on September 1, 1978.

Effective September 1, 1978

CHAPTER 621

AN ACT to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts.

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

9-B MRSA § 422, sub-§ 1, last sentence, as enacted by PL 1975, c. 670, is amended to read:

The superintendent may waive this requirement for a financial institution with assets of less than ~~\$250,000~~ **\$500,000**, if such institution demonstrates to the superintendent that it is satisfying a particular community need which cannot be sufficiently met by other financial institutions and that it has adequate security for its deposits or accounts.

Effective July 6, 1978

CHAPTER 622

AN ACT to Regulate Hazardous Materials and to Provide for a Reporting System to Hazardous Materials Emergencies.

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

25 MRSA c. 256 is enacted to read:

CHAPTER 256

HAZARDOUS MATERIALS CONTROL

§ 2101. Policy

It is declared to be the policy of the State to protect its citizens adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce.

§ 2102. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Commerce. "Commerce" means trade, traffic, commerce or transportation within the jurisdiction of the State of Maine.

2. Emergency agency. "Emergency Agency" means law enforcement, fire, civil emergency preparedness or any other agency or department charged with the responsibility of responding to an accident involving death, serious illness, severe personal injury or substantial present or potential hazard to human health or environment.

3. Hazardous material. "Hazardous material" means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce.

4. Person. "Person" means any individual, corporation, partnership, trust, estate, political subdivision or district, their legal representatives, agents or assigns.

5. Transport or transportation. "Transport" or "transportation" means any movement of property by any mode and any loading, unloading or storage incidental thereto.

§ 2103. Designation of hazardous materials

Hazardous materials, as used in sections 2104 and 2105, shall mean such quantity and form of material or group or class of such materials as designated by the United States Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, Title 49 USC, section 1801, et seq., and regulations issued thereunder.

§ 2104. Handling of hazardous materials

It shall be unlawful for a person to transport hazardous materials within the State unless:

1. **Vehicle marking.** The motor vehicle so transporting displays a placard or marking which shall be similar in size and contain the same information required by the Code of Federal Regulations, Title 49, section 177.823; and
2. **Bill of lading.** The motor vehicle operator has in his possession a bill of lading specifically naming and describing the hazardous material transported and its location in the vehicle.

§ 2105. Reporting system

It is the responsibility of any person who transports hazardous material within the State to report to an emergency agency, by the fastest means available, any accident involving:

1. **Death.** Death;
2. **Illness.** Serious illness;
3. **Injury.** Severe personal injury; or
4. **Danger to life.** A situation of such a nature that a continuing danger to life exists at the scene of the accident and, in the judgment of the person, should be reported even though it does not meet the specific criteria of subsections 1, 2 or 3.

§ 2106. Exemptions

This chapter shall not apply to any person or transportation required under federal law to comply with the Hazardous Materials Transportation Act, Title 49 USC, section 1801, et seq., and regulations issued thereunder.

§ 2107. Penalty

Violation of this chapter shall be a Class D crime.

§ 2108. Advisory board

There is created a Hazardous Materials Advisory Board to be composed of the following: The Director of Civil Emergency Preparedness or his designee who shall serve as chairman; the Commissioner of Agriculture or his designee; the Commissioner of Environmental Protection or his designee; the Commissioner of Public Safety or his designee; the State Fire Marshal or his designee; the Commissioner of Human Services or his designee; the Commissioner of Transportation or his designee; and the Attorney General or his designee. These members shall appoint 2 public representatives from industry and associations

which transport or have an interest in the transportation of hazardous materials.

Effective July 6, 1978

CHAPTER 623

AN ACT to Clarify the Law Concerning the Posting of Bonds by Electric Companies with the Department of Environmental Protection for Certain Licenses or Permits.

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

38 MRSA § 484, as last amended by PL 1977, c. 374, § 3, is further amended by adding after the 4th paragraph the following new paragraph:

In the event that an electric company or companies file a notification pursuant to section 483 before they are issued a certificate of public convenience and necessity by the Public Utilities Commission, they shall file a bond or, in lieu of that bond, satisfactory evidence of financial capacity to make that reimbursement with the department, payable to the department, in a sum satisfactory to the Commissioner of Environmental Protection and in an amount determined by him not to exceed \$50,000, which bond or evidence of financial capacity shall be conditioned so as to require the applicant to reimburse the department for its cost incurred in processing any application in the event that the applicant does not receive a certificate of public convenience and necessity.

Effective July 6, 1978

CHAPTER 624

AN ACT to Simplify the Procedure for Submission of Certain Small Claims Against the State.

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

Sec. 1. 5 MRSA § 1510, as last amended by PL 1977, c. 591, §§ 1 and 2, is repealed.

Sec. 2. 5 MRSA § 1510-A is enacted to read: