

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

- (3) Other correctional programs operated by the Department of Mental Health and Corrections for adults;
- B. Groups of full-time patients at a nursing home, as defined in Title 22, section 1812-A;
- C. Groups of full-time residents of a facility licensed under Title 22, chapter 1663; and
- D. Adult foster care facilities as defined in Title 22, section 7901.

Effective September 18, 1981

CHAPTER 303

H. P. 976 — L. D. 1164

AN ACT to Establish Restrictive Covenants for Property Affected by Hazardous Waste.

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

Sec. 1. 38 MRSA § 1304, sub-§ 9 is enacted to read:

9. Restrictive covenants. The board shall require applicants to submit a closure plan for approval prior to issuing a license for a facility for hazardous waste. The board may require the applicant to demonstrate the financial capacity to implement the closure plan prior to licensing.

Sec. 2. 38 MRSA § 1308-A is enacted to read:

§ 1308-A. Hazardous waste facility closure

1. Closure plan. Closure of any new or existing facility for hazardous waste shall be in accordance with a closure plan approved by the board. This plan may include leachate control, site stabilization, post-closure monitoring and other measures necessary to assess and maintain the integrity of the facility site. Prior to closure, the owner or operator of the facility shall submit a closure plan to the board for approval.

2. Closure notice. Upon approval of a closure plan for a facility for hazardous waste, the department shall file notice with the register of deeds for the county in which the facility is located. This notice shall contain the name and address of the current owner of the property, its location, the nature of hazardous wastes handled and the methods of treatment, storage and disposal used at the facility.

3. **Restrictions.** The board may require the present or subsequent owner of the land used for a facility for hazardous waste to execute and record a written instrument which imposes a restrictive covenant on the present and future uses of all or part of the land. The covenant shall be recorded in the registry of deeds of the county in which the facility is located. The instrument shall be executed by the owners of the property and the commissioner. It may only be required when the board determines that it is necessary to protect the public health and safety. A covenant executed under this section shall run with the land.

4. **Petition for removal of restrictions.** The owner of the property restricted by covenant under subsection 3 may petition the board to modify or remove these deed restrictions. This petition shall detail the restrictions to which the petitioner objects, the basis of the objections, the nature of the relief requested and the nature of any new or additional evidence to be offered. Upon a showing that the restrictions are not necessary to protect public health and safety, the board may remove all or part of the restrictions.

Effective September 18, 1981

CHAPTER 304

H. P. 989 — L. D. 1177

AN ACT to Authorize the Refunding or Crediting of Fuel Taxes Paid on Worthless Accounts.

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

Sec. 1. 36 MRSA § 2906-A is enacted to read:

§ 2906-A. Refund of tax paid on worthless accounts

The retail dealer shall be entitled to a refund from the Treasurer of State for a portion of the tax paid to a distributor or importer, which tax shall be reported and paid to the State Tax Assessor by the distributor or importer pursuant to section 2906. The portion of the tax for which there is a refund entitlement is represented by tax paid on accounts of the retailer found to be worthless and actually charged off by the retailer, but if any such accounts are thereafter collected by the retailer, the tax recovered shall be paid within 30 days of recovery directly by the retailer to the State Tax Assessor.

The procedure for that refund shall be as follows.

1. **Computation.** The refund shall be in the amount of the tax paid on accounts of the retailer found to be worthless and actually charged off by the retailer.