

MAINE STATE LEGISLATURE

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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

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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Sec. 7. 22 MRSA § 1471-D, sub-§ 8, first sentence, as repealed and replaced by PL 1977, c. 694, § 340, is amended to read:

The Administrative Court may suspend or revoke the certification or license of an applicator, **government pesticide supervisor** or ~~pesticide~~ pesticide dealer upon a finding that the applicant:

Sec. 8. 22 MRSA § 1471-M, sub-§ 1, ¶ A, as enacted by PL 1975, c. 397, § 2, is amended to read:

A. Establish categories, and where applicable subcategories, of commercial pesticide applicators and **government pesticide supervisors** depending upon the nature and extent of the pesticide use, the type of pesticide equipment, the degree of knowledge or skill required in their application and such other factors as the board deems relevant, provided that such categories shall be consistent with, but not limited to, the categories established by the ~~U.S.~~ **United States** Environmental Protection Agency;

Sec. 9. 22 MRSA § 1471-M, sub-§ 1, ¶ F is enacted to read:

F. Establish standards for the certification and renewal of certification of **government pesticide supervisors**. These standards may require that the applicant demonstrate, by written examination and, as appropriate, performance testing, knowledge of pests, formulation and labeling of pesticides, equipment and application techniques, safety precautions, potential harmful effects on the environment and applicable federal and state laws and regulations.

Effective September 18, 1981

CHAPTER 375

H. P. 1004 — L. D. 1238

AN ACT to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste.

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

38 MRSA § 1306-A, sub-§ 1, as enacted by PL 1979, c. 699, § 14, is amended to read:

1. **Class C Crimes.** Any person who with respect to any substance or material which, in fact, has been identified as hazardous waste by the board and which such person knows or has reason to believe has been so identified or may be harmful to human health, knowingly:

- A. Transports any such substance or material without, in fact, having a proper license or permit as may be required under this subchapter;
- B. Transports any such substance or material to a waste facility knowing or consciously disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter;
- C. Treats, stores or disposes of any such substance or material without, in fact, having obtained a proper license or permit to do so as may be required under this subchapter; or
- D. Treats, stores or disposes of any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or permit as may be required under this subchapter for such treatment, storage or disposal;

is guilty of a Class C crime and may be punished accordingly, except notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1, or subsection 3, paragraph C, the fine for such violation shall not exceed ~~\$25,000~~ \$50,000 for each day of such violation. In a prosecution under paragraph B or paragraph D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to him, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

Effective September 18, 1981

CHAPTER 376

S. P. 454 — L. D. 1300

AN ACT to Improve Enforcement of the Plumbing Code.

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

Sec. 1. 22 MRSA § 42, sub-§ 3, first ¶, as last amended by PL 1981, c. 38, §§ 1 and 2, is further amended to read:

The department shall adopt rules and regulations relating to plumbing and subsurface sewage disposal systems and the installation and inspection thereof consistent with Title 30, sections 3221 to 3225 and Title 32, sections 3301 to 3507; and shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules and regulations pertaining to plumbing and subsurface sewage disposal systems and the installation and inspection thereof. **These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems.** The department