

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

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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G. The retail price of the independent on the date the underpricing occurred.

The report shall be filed by postmarking it within 5 business days of the date on which the underpricing occurred.

3. **Penalty.** Any person who fails to file a report as required by this section shall be subject to a penalty of not more than \$500 a day for each day after the first 5 business days on which he fails to file a report by postmarking it. The penalty shall be payable to the State and recoverable in a civil action.

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

Effective June 5, 1981

CHAPTER 424

S. P. 420 — L. D. 1242

AN ACT Requiring an Annual Report on Safety Problems by Nuclear Power Plants.

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

35 MRSA c. 269, sub-c. II is enacted to read:

SUBCHAPTER II

SAFETY REPORTING

§ 3341. Reporting

The operator of any nuclear electric power generating plant in the State shall report annually by April 1st to the Maine State Library Bureau, with a copy sent to the Bureau of Civil Emergency Preparedness, on any unresolved safety problems at the plant. The report shall include a list and summary description of any safety-related incidents reported to the United States Nuclear Regulatory Commission during the previous calendar year, including a statement of the cause of the incident, its effects on human health and the environment, corrective measures which have been taken and the costs.

Effective September 18, 1981

CHAPTER 425

S. P. 489 — L. D. 1390

AN ACT to Create a Bond Issue for Energy Conservation and Conversion for Small Business.

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

Sec. 1. 10 MRSA § 863, sub-§ 2-C is enacted to read:

2-C. Energy conservation project. "Energy conservation project" means the purchase and installation of energy conservation equipment or facilities, including building modifications, with a calculated payback period of more than one year, but less than 7 years. The term does not include simple weatherization measures.

Sec. 2. 10 MRSA § 863, sub-§ 9-A is enacted to read:

9-A. Small business. "Small business" means any business meeting the criteria in the United States Code, Title 15, Section 632.

Sec. 3. 10 MRSA § 864, sub-§ 2-B is enacted to read:

2-B. Small business energy conservation loans. In the case of energy conservation projects, any small business is eligible to apply for a loan of up to \$10,000. The authority shall select these projects according to the following criteria:

- A. The gross amount of energy saved by the project expressed in British Thermal Units, BTU's;
- B. The ability of the project to serve as an educational demonstration for other similar businesses or industries;
- C. The pattern of energy used within the facility and the overall dependence on energy for the conduct of business;
- D. The simple payback of the project calculated as the annual energy cost savings divided into the project cost; and
- E. The ability of the business or industry to generate capital from sources other than provided by this subsection.

The Office of Energy Resources shall provide assistance to the authority in determining technical eligibility and merit of loan applications.

Each recipient of a loan under this subsection shall provide the authority, within one year, with detailed information on energy consumption before and after the completion of the energy conservation project. The authority shall issue an annual report to the Legislature on loans made under this subsection, the success of

various energy saving techniques employed and the overall energy benefits achieved by the program. The Office of Energy Resources shall assist the authority in preparing this report.

Sec. 4. 10 MRSA § 866, sub-§ 4, first ¶, as enacted by PL 1977, c. 489, § 12, is amended by adding at the end 2 new sentences to read:

The proceeds of each issue of revenue obligation securities may be used to make loans for small business energy conservation projects as described in section 864, subsection 2-B. Administrative costs incurred by the authority under this program may be drawn from those proceeds.

Effective September 18, 1981

CHAPTER 426

H. P. 1117 — L. D. 1334

AN ACT Concerning Drug Abuse by Registered Pharmacists.

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

32 MRSA § 2856, as amended by PL 1973, c. 303, § 3, is repealed and the following enacted in its place:

§ 2856. Suspension or revocation of certificates

1. **Finding on complaint.** If the Administrative Court under Title 4, sections 1151 to 1158, and Title 5, section 10051, finds that the person so complained against is guilty of the act charged against him, it may suspend his registration as a pharmacist and his certificate thereof, for such term as may be deemed for the best interest of the public, or it may revoke the registration and certificate.

2. **Violations of law.** The Administrative Court may revoke or suspend the registration and certificate of a registered pharmacist, qualified assistant pharmacist, licensed pharmacy intern or licensed wholesaler, and the board may refuse to register a pharmacist, assistant pharmacist, pharmacy intern or wholesaler for any of the following:

A. Violation of any of the pharmacy laws of the State;

B. Conviction in a state or federal court of a crime punishable by a maximum term of imprisonment equal to or exceeding one year; or

C. Proof that the registrant or applicant is unfit or incompetent, as may be evidenced by acts of gross immorality, intoxication of an habitual nature,