

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

side the United States he shall complete the certificate of authenticity on the envelope, which shall be in a form prescribed by the Secretary of State and which shall include a warning of the provisions of Title 17-A, section 453.

Sec. 4. 21 MRSa §1306 is amended to read:

§1306. Absentee ballots; application

A written request for an absentee ballot from a member of the Armed Forces, his spouse, a blood relative or his former guardian is sufficient. The applicant for the absentee ballot may request the regular absentee ballot specified in section 1252, subsection 1, or the special blank ballot specified in section 1252, subsection 1, paragraph A. The clerk shall promptly fill requests for absentee ballots made under this section.

Sec. 5. 21 MRSa §1307, sub-§3 is amended to read:

3. Ballot marked and sealed. The member shall mark his ballot according to section 921 or 922 in such a way as to make it impossible for anyone to see how he voted. He shall then seal the ballot in its return envelope, write his voting residence including street address in the upper left hand corner of the return envelope, sign his name and have his signature certified as that of the voter. His signature may be certified by any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer in the Armed Forces, or by any diplomatic or consular official of the United States and sign a certification as to authenticity on the envelope, in a form to be prescribed by the Secretary of State, which shall include a warning of the provisions of Title 17-A, section 453. He shall then mail the envelope to the clerk of his municipality.

Effective September 23, 1983.

CHAPTER 432

H.P. 477 - L.D. 574

AN ACT to Amend the Hazardous Waste
Statutes Administered by the Department of
Environmental Protection.

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

Sec. 1. 38 MRSA §1303, sub-§1-A, as enacted by PL 1979, c. 699, §3, is repealed and the following enacted in its place:

1-A. Conveyance. "Conveyance" means any aircraft, watercraft, vehicle or other machine used for transportation on land, water or in the air.

Sec. 2. 38 MRSA §1303, sub-§1-B, as enacted by PL 1981, c. 478, §1, is repealed and the following enacted in its place:

1-B. Commercial hazardous waste facility. "Commercial hazardous waste facility" means:

A. A waste facility for hazardous waste which handles wastes generated off the site of the facility; or

B. A facility which, in the handling of a waste generated off the site, generates hazardous waste.

Sec. 3. 38 MRSA §1303, sub-§5, as enacted by 1979, c. 699, §5, is amended to read:

5. Hazardous waste. "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the board under section 1303-A. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or constituent may have value or other use ~~of~~ or may be sold or exchanged does not exclude it from this definition.

Sec. 4. 38 MRSA §1303-A, sub-§1, ¶A, as repealed and replaced by PL 1981, c. 430, §6, is amended to read:

1. Hazardous wastes may be identified as follows.

A. The board may adopt rules identifying hazardous wastes. These rules may identify any substance as a hazardous waste if that substance is identified as hazardous by a particular substance, by characteristics, by chemical class or as waste products ~~of~~ of specific industrial activities in proposed or final rules of the United States Environmental Protection Agency, unless the United States Environmental Protection Agency, by rule, no longer identifies the substance as hazardous.

Sec. 5. 38 MRSA §1304, sub-§9, as enacted by PL 1981, c. 303, §1, is repealed.

Sec. 6. 38 MRSA §1304-A, sub-§3, ¶E, as enacted by PL 1981, c. 478, §5, is amended to read:

E. Identification of those geological areas of the State which, based on siting criteria in rules adopted by the United States Environmental Protection Agency and or in rules adopted by the board, are unsuitable for hazardous waste disposal facilities.

Sec. 7. 38 MRSA §1306-C, sub-§5, as enacted by PL 1981, c. 430, §18, is amended to read:

5. Civil liability. A person who disposes of hazardous waste, when that disposal, in fact, endangers the health, safety or welfare of another, is liable in a civil suit for all resulting damages. It is not necessary to prove negligence.

For the purposes of this ~~action~~ section, damages shall be limited to damages to real estate or personal property or loss of income directly or indirectly as a result of a disposal of hazardous wastes. Damages awarded may be mitigated if the disposal is the result of an act of war or an act of God.

Sec. 8. 38 MRSA §1308-A, sub-§1, as enacted by PL 1981, c. 303, §2, is repealed and the following enacted in its place:

1. Closure plan. Closure of any new or existing waste facility for hazardous waste and, if required, post-closure care, shall be in accordance with a closure plan and, if required, a post-closure plan, approved by the board. An applicant for a license for a waste facility for hazardous waste shall submit a closure plan and, if required, post-closure plan, for approval with his application for a license. For a facility which is licensed at the time of closure under an interim license, the licensee shall submit a closure plan and, if required, post-closure plan, for approval at least 180 days before the date on which he begins closure. The closure plan and, if required, post-closure plan must include measures, such as leachate control, site stabilization and monitoring, to evaluate and maintain the integrity of the facility site in order to prevent harm to the public health, safety and welfare and to the environment.

Sec. 9. 38 MRSA §1319-I, sub-§10, as enacted by PL 1981, c. 478, §7, is repealed.

Sec. 10. 38 MRSA §1401, sub-§1, as enacted by PL 1983, c. 111, is repealed and the following enacted in its place:

1. Discharge. "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, disposing, emptying or dumping onto the land or into the water or ambient air.

Sec. 11. 38 MRSA §1401, sub-§2, as enacted by PL 1983, c. 111, is repealed and the following enacted in its place:

2. Hazardous material. "Hazardous material" includes:

A. Hazardous waste, as defined in section 1303;

B. Hazardous matter, as defined in section 1317;

C. Hazardous material, as defined in Title 25, section 2102;

D. Toxic substances, as defined in Title 26, section 1702; and

E. Other substances identified as hazardous by any state or federal agency.

Sec. 12. 38 MRSA §1403, sub-§1, as enacted by PL 1983, c. 111, is amended to read:

1. Persons causing the discharge. Whose act or omission caused in whole or in part the actual or threatened discharge and or who would otherwise be liable therefore therefor; or

Effective September 23, 1983.

CHAPTER 433

H.P. 1273 - L.D. 1687

AN ACT to Clarify the Types of Property
Which Pass by Deed.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Title 33, section 151, parts of which were enacted in the 19th century, unnecessarily and arbitrarily classify stoves and carpets as personal property even though under applicable common law some stoves and carpets may be classified as realty; and