

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 ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

Where supervision of a parolee or probationer is being administered pursuant to Articles I and II, the appropriate judicial or administrative authorities in this State shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. ~~Prior to the giving of any such notification,~~ a hearing shall be held in accordance with this chapter within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this State shall as soon as practicable, following termination of any such hearing, report to the sending state, furnish a copy of the hearing record and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this chapter, the appropriate officers of this State may take custody of and detain the parolee or probationer involved for a period not to exceed 15 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

Effective July 25, 1984.

CHAPTER 736

H.P. 1666 - L.D. 2198

AN ACT Concerning Hazardous Materials Control.

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

Sec. 1. 25 MRSA §2102, as enacted by PL 1977, c. 622, is repealed.

Sec. 2. 25 MRSA §2102-A is enacted to read:

§2102-A. Definitions

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

1. Commerce. "Commerce" means trade, traffic, commerce or transportation within or through the jurisdiction of the State. "Commerce" does not mean movement of hazardous materials by a farmer for his own use to and from the farm or field within a 20-mile radius.

2. Hazardous material. "Hazardous material" means a substance or material which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated in 49 Code of Federal Regulations, Part 172.

3. Person. "Person" means an individual, firm copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof.

4. Transport or transportation. "Transport" or "transportation" means any movement of hazardous material by any mode and any loading, unloading or storage incidental thereto.

Sec. 3. 25 MRSA §2103, as enacted by PL 1977, c. 622, is repealed.

Sec. 4. 25 MRSA §2103-A is enacted to read:

§2103-A. Adoption of rules

The Commissioner of Public Safety shall, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, adopt by reference the rules as found in the 49 Code of Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178, 179, 387 and 397, as amended. For purposes of this section, "as amended" means those Federal Regulations effective on the effective date of this section. If any part of this chapter is found to be in violation of the United States Constitution or Constitution of Maine, it shall have no effect on the remaining parts of this chapter.

Sec. 5. 25 MRSA §2104, as amended by PL 1983, c. 474, §§1 and 2, is repealed.

Sec. 6. 25 MRSA §2104-A is enacted to read:

§2104-A. Reporting system

In addition to the reporting requirements of 49 Code of Federal Regulations, Part 171, any person who transports a hazardous material within this State involved in an accident resulting in death, serious illness or serious personal injury, or resulting in a discharge of a hazardous material, shall report the accident, as provided for hazardous matter, Title 38, section 1318-B.

Sec. 7. 25 MRSA §2105, as enacted by PL 1977, c. 622, is repealed.

Sec. 8. 25 MRSA §2105-A is enacted to read:

§2105-A. Enforcement

It is the responsibility of the State Police, sheriffs and their deputies and all other police officers to investigate any alleged violations of this chapter and any rules adopted by reference thereto. Prior to taking enforcement action, a law enforcement officer shall have met minimum training requirements established by the Criminal Justice Academy with respect to hazardous materials.

Sec. 9. 25 MRSA §2106, as enacted by PL 1977, c. 622, is repealed.

Sec. 10. 25 MRSA §2106-A is enacted to read:

§2106-A. Penalties

Violation of section 2104-A is a Class D crime.

Sec. 11. 25 MRSA §2107, as enacted by PL 1977, c. 622, is repealed.

Sec. 12. 25 MRSA §2109, as enacted by PL 1983, c. 88, §5, is repealed.

Effective July 25, 1985

CHAPTER 737

S.P. 819 - L.D. 2199

AN ACT to Require State Agencies
Authorized to Expend Proceeds of Bonds Approved
by the Electorate to Report the Status of the
Bonds to the Legislature Prior to the Date of
Deauthorization as Provided in the
Constitution of Maine.