

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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mit, approval or decision of the board or order of the commissioner with respect to the handling or transporting of such substance or material; or

C. Gives custody or possession of any such substance or material to any other person whom he knows or has reason to believe:

(1) Does not have a license or permit to transport or handle such substance or material as may be required under this subchapter; or

(2) Will transport or handle such substance or material in violation of this subchapter or rules adopted under it.

A person who violates the provisions of this subsection may be punished accordingly, except that, notwithstanding Title 17-A, section 1301, subsection 1, paragraph B, or Title 17-A, subsection 3, paragraph E, the fine for such violation may not exceed \$25,000 for each day of the violation.

Sec. 29. 38 MRSA §1362, sub-§1, ¶A, as enacted by PL 1983, c. 569, §1, is amended to read:

A. Any substance identified by the board under section ~~1303-A~~ 1319-O;

Sec. 30. 38 MRSA §1370, first ¶, as enacted by PL 1983, c. 569, §1, is amended to read:

The following property shall be subject to forfeiture to the State in accordance with the procedures set forth in section ~~1306-C~~ 1319-U and all property rights therein shall be in the State:

Sec. 31. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>		
Maine Environmental Protection Fund		
Positions	(3)	(9)
Personal Services	\$60,590	\$221,245
All Other	24,900	90,000
Capital Expenditures	9,400	5,400
Total	<u>\$94,890</u>	<u>\$316,645</u>

Provides funds for the enforcement, monitoring and licensing of the solid and special waste programs. Program elements include waste transportation and special waste handling.

Maine Environmental Protection Fund		
Position	(2)	(2)
Personal Services	\$ 49,800	\$ 65,100
All Other	76,600	60,000

Capital Expenditures	1,150	
Total	<u>\$127,550</u>	<u>\$125,100</u>

Provides funds for administering new elements of the facility siting program; involves public benefit determinations and recycling plan consistency findings; includes mandatory public hearings and costs.

Maine Environmental Protection Fund		
All Other	\$75,000	

Provides funds for development of the initial state capacity — needs analysis needed for licensing solid waste disposal facilities.

TOTAL	<u>\$297,440</u>	<u>\$441,745</u>
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Sec. 32. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	<u>1988-89</u>
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>	
Maine Environmental Protection Fund	
Positions	(4)
Personal Services	\$ 96,000
All Other	40,000
Capital Expenditures	25,700

Total	<u>\$161,700</u>
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Provides funds for monitoring and compliance in the remediation and closure program upon approval by the voters of the related bond issue.

Sec. 33. Effective date. The allocations contained in section 32 of the new draft are effective when the Governor certifies that the voters have approved the bond issue needed to provide state grants for implementation of the remediation and closure program. The remainder of the new draft is effective when approved.

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

Effective June 29, 1987, unless otherwise indicated.

CHAPTER 518

H.P. 1372 — L.D. 1874

AN ACT to Remove a Certain Sunset Provision in the Judiciary Laws.

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

Whereas, unless this legislation is immediately enacted, there will be a significant loss of revenue to the General Fund which would unbalance the budget; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

4 MRSA §18, sub-§6, as amended by PL 1985, c. 814, Pt. K, is further amended to read:

6. **Fees.** When the court refers parties to the Court Mediation Service after the filing of a complaint or petition under Title 19, section 214 or 581, or Title 19, chapter 13, the court shall assess the parties a \$60 fee to be apportioned equally between the parties, unless the court otherwise directs. The court shall not assess the parties any fees beyond the initial \$60 fee, unless one or both of the parties files under Title 19, section 214 or 581, or Title 19, chapter 13, a motion to amend a final decree, a motion to enforce a final decree or a motion for contempt. When the court refers the parties to the Court Mediation Service after the filing under Title 19, section 214 or 581, or Title 19, chapter 13, of a motion to amend a final decree, a motion to enforce a final decree or a motion for contempt, the court shall assess the parties another \$60 fee to be apportioned equally between the parties, unless the court otherwise directs.

A party may file an in forma pauperis application for waiver of a fee established by this subsection. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

~~This subsection is repealed on June 30, 1987.~~

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

Effective June 29, 1987.

CHAPTER 519

H.P. 1053 — L.D. 1416

AN ACT to Establish a State Nuclear Safety Inspection and Monitoring Program for Commercial Nuclear Power Facilities in the State.

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

Whereas, this Bill requires rulemaking to be initiated in time for a report to be submitted to the Legislature by January 1987; and

Whereas, immediate action is necessary in order to allow sufficient time for rulemaking to take place; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA c. 159-A is enacted to read:

CHAPTER 159-A

STATE NUCLEAR SAFETY PROGRAM

§661. Public policy

In the interests of the public health and welfare of the people of this State, it is the declared public policy of this State that the operation of nuclear power facilities licensed to operate in the State shall be accomplished in a manner consistent with protection of the public health and safety and in compliance with the environmental protection policies of this State. It is the purpose of this chapter, in conjunction with sections 671 to 690; Title 25, sections 51 and 52; Title 37-B, section 951; and Title 35, sections 3331 to 3393, to exercise the jurisdiction of the State to the maximum extent permitted by the United States Constitution and federal law and to establish in cooperation with the Federal Government a State Nuclear Safety Inspector Program for the on-site monitoring, regulatory review and oversight of the operations of commercial nuclear power facilities within the State which hold an operating license issued by the United States Nuclear Regulatory Commission. Nothing in this chapter may be construed as an attempt by the State to regulate radiological health and safety reserved to the Federal Government by reason of the United States Atomic Energy Act of 1954, as amended.

§662. Definitions

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

1. Commercial nuclear power facility or facility. A "commercial nuclear power facility" or "facility" means a utilization facility situated in this State which holds an operating permit or license issued by the United States Nuclear Regulatory Commission.

§663. State Nuclear Safety Inspector

There is established within the Department of Human Services the State Nuclear Safety Inspector Office administered by a State Nuclear Safety Inspector. The State Nuclear Safety Inspector shall be a classified employee, subject to the Civil Service Law.