

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 543

S.P. 664 — L.D. 1893

**AN ACT to Alter the Effective Date of
Extension of Maine's Bottle Bill.**

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

PL 1987, c. 275, §2 is amended to read:

Sec. 2. Effective date. This Act shall take effect ~~July 1, 1988~~ April 1, 1988.

Effective April 1, 1988.

CHAPTER 544

S.P. 669 — L.D. 1901

**AN ACT to Extend the Reporting Deadline for
Adoption of a Plan by the Maine
Low-level Radioactive Waste Authority.**

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

Whereas, the Legislature created the Maine Low-level Radioactive Waste Authority under Public Law 1987, chapter 530; and

Whereas, under that Act, the deadline established must be delayed out of necessity for the authority to effectively do its work; 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:

38 MRSA §1525, as enacted by PL 1987, c. 530, §4, is amended to read:

§1525. Low-level radioactive waste management plan

The authority shall promulgate by rule, following public hearing, a plan for the management of the State's low-level radioactive waste. The plan shall guide the State's activities in disposing of the State's low-level radioactive waste. The plan shall be adopted by ~~December 1, 1987~~ January 1, 1988, and shall be updated annually. The first plan is intended to meet the January 1, 1988, milestone date for the development of a siting plan required by the United States Code, Title 42, Section 5(e)(1)(B), of

the United States Low-level Radioactive Policy Amendments Act of 1985, Public Law 99-240.

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

Effective October 15, 1987.

CHAPTER 545

H.P. 1392 — L.D. 1890

**AN ACT to Correct a Typographical Error in
the Solid Waste Law.**

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

Whereas, this Act reinstates a long standing provision in the hazardous waste laws which was inadvertently changed in a late draft of the solid waste Act which was passed as emergency legislation by the First Regular Session of the 113th Legislature; and

Whereas, continued existence of this error could severely hamper the administration of the State's hazardous waste laws; 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:

38 MRSA §1319-T, sub-§1, as enacted by PL 1987, c. 517, §28, is amended to read:

1. Penalty provisions. Any person is guilty of a ~~Class E~~ Class C crime and may be punished accordingly if that person, with respect to any substance or material which has been identified as hazardous waste by the board and which such person believes may be harmful to human health or knows or has reason to know has been so identified, 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 ~~desregarding~~ disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter;

C. Handles 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. Handles 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.

Notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1, or subsection 3, paragraph C, the fine for such violation shall not exceed \$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.

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

Effective October 15, 1987.

CHAPTER 546

H.P. 1393 — L.D. 1891

AN ACT to Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law.

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

Whereas, changes in the state law are necessary in order to improve the fairness of the state tax system; and

Whereas, it is necessary to enact these changes without delay in order to avoid continuation of unnecessary inequities and statutory conflicts; 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:

8 MRSA §388, as enacted by PL 1987, c. 505, §2, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall apply to tax years beginning on or after January 1, 1987.

Effective October 15, 1987.

CHAPTER 547

H.P. 1382 — L.D. 1884

AN ACT Amending the Law Concerning "Beano" or "Bingo" on Indian Reservations.

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

Whereas, an immediate change in the law concerning "beano" or "bingo" on Indian reservations is needed for clarification and for the efficient conduct of the bingo games; 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. 17 MRSA §314-A, sub-§1, ¶A is enacted to read:

A. The Chief of the State Police may also issue, to any federally recognized tribe, licenses to sell lucky seven or other similar sealed tickets in accordance with section 324.

Sec. 2. 17 MRSA §314-A, sub-§7, as enacted by PL 1987, c. 197, §3, is amended to read:

7. Payment for services. Except as provided in paragraph A, an organization licensed under this section may pay the persons operating the high-stakes beano games for the organization no more than the minimum wage as established by Title 26, chapter 7, subchapter III. The persons need not be members of an organization licensed under this section.

A. An organization licensed under this section may contract for provision of professional legal, advertising, accounting and auditing services. The persons employed under a contract entered into under this paragraph may receive reasonable professional fees at a rate higher than minimum wage.

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

Effective October 19, 1987.

CHAPTER 548

S.P. 674 — L.D. 1907