

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

which require the new operator to select employees of the prior operator, and existing or future collective bargaining agreements;

B. Second, all employees, in seniority order for each craft or class, who hold or held seniority rights in, or in connection with, the railroad line when it was last operated by its prior operator;

C. Third, employees drawing benefits under the United States Railroad Unemployment Insurance Act, United States Code, Title 45, chapter 11, first in the geographical area in which the railroad line is located, and then elsewhere within the State; and

D. Fourth, any other individual;

2. Existing employment obligations and practices. Assume the existing employment obligations and practices of the railroad whose property is condemned, including all agreements governing rates of pay, rules and working conditions, until changes are made by agreement or otherwise, in accordance with applicable law; and

3. Employee protection. Agree to provide a fair arrangement to protect the interests of railroad employees who are affected by the condemnation which is at least as protective of the interests of those employees as the levels of protection established by regulation or decision of the Interstate Commerce Commission.

Any person who is entitled to priority of employment under this section shall be presumed to be physically and mentally qualified to perform the same or comparable work with the new employer.

Effective August 4, 1988.

CHAPTER 749

H.P. 1707 — L.D. 2344

AN ACT to Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations.

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

Sec. 1. 12 MRSA §5012, as amended by PL 1987, c. 308, §§6 to 8, is further amended by adding at the end a new paragraph to read:

The department shall publish a compendium of laws affecting forestry including, without limitation, laws regarding boundary lines, trespass, timber harvest, wood measurement, forest fire prevention, forest land taxation, shoreland zoning and the site location of development law. The department shall publish the first compendium by January 1, 1989, and subsequent editions by 90 days after the adjournment of the 2nd regular ses-

sion of the Legislature. The department shall make the compendium available to the public at cost. The department may use the revolving fund established under this section for printing and distribution.

Sec. 2. 12 MRSA §8864, as enacted by PL 1987, c. 286, is amended to read:

§8864. Repeal

This article is repealed 90 days after the end of the Second Regular Session of the 113th Legislature on August 15, 1990.

Effective August 4, 1988.

CHAPTER 750

S.P. 955 — L.D. 2533

AN ACT to Provide Regulatory Oversight of Over-the-Road and Over-the-Rail Transportation of Hazardous Materials and to Increase Revenue to the Maine Hazardous Waste Fund and the Maine Coastal and Inland Surface Oil Clean-Up Fund.

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

Sec. 1. 29 MRSA §§246-B and 246-C are enacted to read:

§246-B. License for transportation of hazardous materials

1. License required. As of January 1, 1989, any person, including a private carrier or a common or contract carrier, who transports certain hazardous materials as specified in this section by highway, such that the motor vehicle used in that transportation, transports more than 2,000 pounds of any of those hazardous materials at any one time shall first obtain from the Secretary of State an annual license or single-trip license for each motor vehicle used in that transportation. This license shall be available for examination and displayed in accordance with rules adopted by the Commissioner of Public Safety. Annual licenses shall expire one year following the date of issuance. The license shall be in such form as the Secretary of State by rule prescribes. No license may be transferable to another motor vehicle.

2. Hazardous materials covered. Hazardous materials subject to the requirements of this section shall mean those substances identified pursuant to the United States Superfund Amendments and Reauthorization Act of 1986, Title III, Sections 302 and 313.

3. Exceptions. This section shall not apply to:

A. Any motor vehicle owned or operated by the Federal Government or any political subdivision of the Federal Government;

B. Any properly registered agricultural motor vehicle used in a bona fide farming operation;

C. Any motor vehicle used during an emergency with the specific approval of a peace officer, fire chief, designated official of the Department of Environmental Protection or the Department of Public Safety; or

D. Any motor vehicle which has a valid license issued by the Department of Environmental Protection for the transportation of hazardous waste or waste oil pursuant to Title 38, section 1319-O.

4. Fee. The fee for an annual license is \$50 and the fee for a single-trip license is \$25. No portion of the annual fee for licensing may be prorated or reduced.

5. Apportionment of fees. Fees shall be paid to the Secretary of State and, upon receipt, credited to the Maine Hazardous Waste Fund. Fees collected shall be apportioned in the following manner:

A. Sixty-five percent to the Maine Hazardous Waste Fund administered by the Department of Environmental Protection;

B. Fifteen percent to the Secretary of State for the costs of administering the licensing program;

C. Ten percent to the Department of Public Safety for costs related to motor vehicle inspections and enforcement of this section; and

D. Ten percent to the State Emergency Response Commission established under the Maine Emergency Management Agency for hazardous materials training of local and state officials.

§246-C. Enforcement

Every state police officer or any member of the Department of Public Safety designated by the Commissioner of Public Safety is authorized and directed to enforce section 246-B. A violation of section 246-B is a Class E crime, except that any owner or operator who displays, causes or permits to be displayed a fictitious license or a license issued to another motor vehicle shall be guilty of a Class D crime. All fines shall accrue to the Maine Hazardous Waste Fund.

Sec. 2. 38 MRSA §545-B is enacted to read:

§545-B. Registration of transportation of oil in inland areas

Effective October 1, 1988, any person who transports by rail or highway more than 25 barrels of oil into Maine at any one time shall register annually with the department.

Sec. 3. 38 MRSA §551, sub-§4, ¶D is enacted to read:

D. Any person who is required to register with the department pursuant to section 545-B and who first transports oil in Maine shall pay fees, which shall be determined on the basis of one cent per barrel of gasoline and 1/2¢ per barrel of all other refined oil, including #6 fuel oil, #2 fuel oil, kerosene, jet fuel, diesel fuel and liquid asphalt transported by the registrant during the period of registration. Fees shall be paid monthly by the registrant on the basis of records certified to the department. Fees shall be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund. The registrant shall make available to the department and its authorized representatives all documents relating to the oil transported by the registrant during the period of registration. This paragraph shall not apply to waste oil which is transported into Maine in any motor vehicle which has a valid license issued by the department for the transportation of waste oil pursuant to section 1319-O and which is subject to fees established under section 1319-I.

Sec. 4. 38 MRSA §1319-D, first ¶, as amended by PL 1985, c. 162, §11, is further amended to read:

The Maine Hazardous Waste Fund is established to be used by the department as a nonlapsing, revolving fund for carrying out the department's responsibilities under this subchapter. This fund shall not exceed \$600,000. All fees, penalties, interest and other charges under this subchapter shall be credited to this fund. This fund shall be charged with the expenses of the department related to this subchapter, including costs of removal or abatement of discharges and costs of the inspection or supervision of hazardous waste activities and hazardous waste handlers.

Sec. 5. 38 MRSA §1319-I, sub-§4-B is enacted to read:

4-B. Fee on hazardous materials transported by railroad. Effective October 1, 1988, any person who transports more than 25 tons of certain hazardous materials as specified in this subsection at any one time by rail shall register annually with the department. Fees for the transportation of hazardous materials by rail shall be imposed on the registrant who first transports the materials in Maine by rail. Fees for the transportation of hazardous materials shall be determined on the basis of 15¢ per ton of hazardous materials transported by the registrant during the period of registration and shall be paid monthly by the registrant on the basis of records certified to the department. Fees shall be paid to the department and upon receipt by it credited to the Maine Hazardous Waste Fund. Hazardous materials subject to the requirements of this subsection shall mean those substances identified pursuant to the United States Superfund Amendments and Reauthorization Act of 1986, Title III, Sections 302 and 313. The registrant shall make available to the department and its authorized

representatives all documents relating to the hazardous materials transported by the registrant during the period of registration.

Sec. 6. 38 MRSA §1319-I, sub-§7, as enacted by PL 1981, c. 478, §7, is repealed.

Sec. 7. Allocation. The following funds are allocated from the Maine Hazardous Waste Fund to carry out the purposes of this Act.

<u>1988-89</u>	
<u>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</u>	
Maine Emergency Management Agency	
All Other	\$ 30,000
Provides funds for the training of local and state officials to safely respond to discharges and threatened discharges of hazardous materials. The funds are to be spent under the direction of the State Emergency Response Commission.	

<u>1988-89</u>	
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>	
Bureau of Oil and Hazardous Materials Control	
Positions	(5)
Personal Services	\$142,798
All Other	14,737
Capital Expenditures	5,000
Total	<u>\$162,535</u>
Provides funds for one Oil and Hazardous Materials Specialist II position; 2 Oil and Hazardous Materials Specialist I positions; 2 Environmental Specialist III positions; general operating expenses to respond to hazardous materials spills; and to carry out inspection and enforcement activities.	

<u>PUBLIC SAFETY, DEPARTMENT OF</u>	
State Police	
Positions	(1)
Personal Services	\$ 38,435
Provides funds for one State Police Trooper to inspect vehicles carrying hazardous materials in Maine.	

<u>SECRETARY OF STATE, DEPARTMENT OF THE</u>	
Division of Motor Vehicles	
Positions	(2)
Personal Services	\$37,104
All Other	5,000
Capital Expenditures	3,000

Total	<u>\$ 45,104</u>
Provides a one-time allocation from the Maine Hazardous Waste Fund for the division's start-up cost of the licensing program for those vehicles which carry hazardous materials.	

Division of Motor Vehicles	
Positions	(2)
Personal Services	\$ 37,104
All Other	5,000
Capital Expenditures	3,000

Total	<u>\$ 45,104</u>
Provides funds for 2 Clerk Typist II positions to administer the licensing program for vehicles transporting hazardous materials.	

TOTAL \$321,178

Sec. 8. Allocation. The following funds are allocated from the Maine Coastal and Inland Surface Oil Clean-up Fund to carry out the purposes of this Act.

<u>1988-89</u>	
<u>PUBLIC SAFETY, DEPARTMENT OF</u>	
State Police	
All Other	\$11,105
Capital Expenditures	16,465
Total	<u>\$27,570</u>

Provides funds for costs related to vehicle registration inspections involving the highway transportation of oil into Maine and the purchase of a vehicle to be used in the inspection program.

Effective August 4, 1988.

CHAPTER 751

S.P. 992 — L.D. 2625

AN ACT Concerning the Authority of the Maine Municipal Bond Bank to Issue Certain Bonds and to Establish and Administer a Revolving Loan Fund.

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

Whereas, this legislation is immediately necessary in order to provide a smooth transition from the federal loan program to the state revolving loan fund program established in this legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the