

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
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1987

the same, the person reporting the same or the department by itself or through its agents or contractors, may be paid in the first instance from the Ground Water Oil Clean-up Fund and any reimbursements due that fund shall be collected in accordance with section 569.

Sec. 15. 38 MRSA §570-G, as enacted by PL 1987, c. 491, §24, is amended to read:

§570-G. Construction

This subchapter is necessary for the general welfare, public health and public safety of the State and its inhabitants and shall be liberally construed to effect the purposes set forth under this subchapter. No rule or order of the ~~board~~ department may be stayed pending appeal under this subchapter.

Sec. 16. 38 MRSA §1303, sub-§10-B, ¶H, as enacted by PL 1987, c. 517, §6, is repealed and the following enacted in its place:

H. Medical and other biological waste not identified under section 1319-O, subsection 1, paragraph A, subparagraph (4);

Sec. 17. 38 MRSA §1319-H, sub-§1, ¶A, as amended by PL 1985, c. 746, §30, is further amended to read:

A. Any person who applies for a license for a hazardous waste facility shall pay the appropriate fee. An application for a license will not be considered complete and will not be processed until this fee is received. Application fees are as follows.

- (1) Disposal facility \$10,000
- (2) Commercial treatment facility 7,000
- (3) On-site treatment facility 4,000
- (4) Other waste facility for hazardous waste, including ~~treatment storage~~ facilities ~~other than on-site and commercial treatment facilities~~ 2,500
- (5) Waste oil storage facility 2,500
- (6) Treatment facility under license by rule provisions where the hazardous waste treated is ~~less than 200~~ 1,000 kilograms or less per calendar month 75
- (7) All other facilities for hazardous waste under license by rule provisions 400

Sec. 18. 38 MRSA §1319-H, sub-§2, as enacted by PL 1985, c. 746, §31, is amended to read:

2. Annual fees. Licensed hazardous waste facilities are subject to the following annual fees.

- A. Disposal facility \$1,500

B. Commercial treatment facility and on-site treatment facility 1,000

C. Other waste facilities for hazardous waste, including ~~treatment storage~~ facilities ~~other than on-site and commercial treatment facilities~~ 500

D. Waste oil storage facility 500

E. Treatment facility under license by rule provisions where the hazardous waste treated is ~~less than 200~~ 1,000 kilograms or less per calendar month 100

F. All other facilities for hazardous waste under license by rule provisions 200

Sec. 19. 38 MRSA §1319-I, sub-§3, as repealed and replaced by PL 1987, c. 491, §25, is amended to read:

3. Fee for transportation into Maine from out of state. If hazardous waste or waste oil is transported into Maine from out of state, the person who first transports the hazardous waste or waste oil into Maine shall pay a fee equal to twice the amount indicated by the schedules outlined in subsection 2 for hazardous waste or ~~subsection 5 subsection 4-A~~ for waste oil, as if that person were the waste oil dealer.

The commissioner may waive up to 50% of the fee imposed under this subsection if the state from which the hazardous waste or waste oil is transported to Maine observes the same reciprocity with regard to hazardous waste transported to that state from Maine.

Sec. 20. 38 MRSA §1478, sub-§3, as enacted by PL 1983, c. 500, §5, is amended to read:

3. Municipal participation. The municipality in which the proposed facility would be located may participate in the departmental site review using procedures conformed to the procedures for municipal participation in siting ~~or of~~ hazardous waste facilities under ~~section 1305-A, subsection 2~~ section 1319-R, subsection 3.

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

Effective April 27, 1988.

CHAPTER 788

S.P. 1007 — L.D. 2640

AN ACT to Adjust the Rainy Day Fund Program.

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

Whereas, Public Law 1987, chapter 68, subsection 2 established a committee to study the retirement system in order to ensure its fiscal soundness; and

Whereas, Public Law 1987, chapter 349, Part H, section 4 authorized a temporary increase to the limit of the State's Rainy Day Fund Program in order that resources necessary to fund the recommendations resulting from the aforementioned study could be set aside; and

Whereas, Public Law 1987, chapter 349, Part C, section 1 appropriated funds to the Rainy Day Fund Program in accordance with this intent of the Legislature; and

Whereas, Public Law 1987, chapter 348, section 2 allocated income to the Highway Fund for the same purpose; and

Whereas, the actual amounts needed to ensure the fiscal soundness of the Maine State Retirement System have now been determined; 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. 5 MRSA §1513, sub-§4, as enacted by PL 1987, c. 349, Pt. H, §4, is repealed.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>FINANCE, DEPARTMENT OF</u>		
Rainy Day Fund Program		
Unallocated		\$(23,000,000)
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		
Teacher Retirement		
All Other	\$8,429,434	11,063,960
<u>MAINE STATE RETIREMENT SYSTEM, BOARD OF TRUSTEES</u>		
Retirement System - Retirement Allowance Account		
All Other	1,108,915	
TOTAL	<u>\$9,538,349</u>	<u>\$(11,936,040)</u>

Sec. 3. Allocation. In order to provide for the full costs of employee retirement contributions for fiscal

years 1987-88 and 1988-89 the following sums are allocated from the Highway Fund.

	<u>1987-88</u>	<u>1988-89</u>
<u>MAINE STATE RETIREMENT SYSTEM, BOARD OF TRUSTEES</u>		
Reserve for Future Funding - State Employees		
All Other		\$(1,365,839)
Retirement System -- Retirement Allowance Fund		
All Other	\$336,264	
Total	<u>\$336,264</u>	<u>\$(1,365,839)</u>

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that section 1 shall take effect on July 2, 1988.

Effective April 27, 1988, unless otherwise indicated.

CHAPTER 789

H.P. 1930 — L.D. 2630

AN ACT to Amend the Motor Vehicle Laws and to Allocate Funds to the Division of Motor Vehicles.

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

Whereas, it is necessary that the clarifications and corrections in this bill be resolved as soon as possible in order to prevent hardship to the citizens of Maine; and

Whereas, in order to have appropriate space available for the Division of Motor Vehicles at the most reasonable cost, it is necessary to proceed expeditiously; 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. 25 MRSA §2103-A, as enacted by PL 1983, c. 736, §4 is amended to read:

§2103-A. Adoption of rules

The Commissioner of Public Safety shall, in accordance with the Maine Administrative Procedure Act, Title 5,