

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

**FIRST REGULAR SESSION**

December 3, 1986 to June 30, 1987

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

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

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Twin City Printery  
Lewiston, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
THIRD SPECIAL SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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

Whereas, the 90-day period would further delay the hiring of the State Nuclear Safety Inspector; and

Whereas, the annual registration fee which was to pay for radiation monitors mandated by the 113th Legislature is insufficient; and

Whereas, both the hiring of the State Nuclear Safety Inspector and the installation of the radiation monitors necessitate legislative action; 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**Sec. 1.** 22 MRSA §663, sub-§1, as enacted by PL 1987, c. 519, §1, is repealed and the following enacted in its place:

1. Qualifications. The State Nuclear Safety Inspector shall be an individual knowledgeable in the field of nuclear power production and shall possess, at a minimum:

A. A bachelor's degree in a relevant science and 5 years of related experience;

B. A master's degree in a relevant science and 3 years of related experience; or

C. Any equivalent combination of education and experience.

**Sec. 2.** 22 MRSA §664, sub-§5, as enacted by PL 1987, c. 519, §1, is amended to read:

5. Fees. Each nuclear power plant licensee whose operations are monitored under this chapter shall pay a fee to the State Nuclear Safety Inspector to the permanent fund established in section 680, subsection 7. ~~The amount of the fee for each licensee shall be calculated by multiplying the total allocation to the Department of Human Services. The fee shall take the form of a yearly payment indicated in this subsection for the fiscal year from the fund established in section 680, subsection 7, for the full cost of the on-site inspection program, including the cost to the State for personnel and fringe benefits, by the licensee's proportion of the total electric generating capacity of all licensees subject to this chapter.~~

The State Nuclear Safety Inspector fee shall be \$80,000 annually.

**Sec. 3.** 22 MRSA §680, sub-§1, as amended by PL 1985, c. 40, §1, is further amended to read:

1. Nuclear power plants. The annual registration fee for operating nuclear power plants is \$75,000 per year \$310,000 for the fiscal year ending 1989, and \$100,000 thereafter.

**Sec. 4.** 22 MRSA §680, sub-§2, ¶¶C and D as enacted by PL 1983, c. 345, §§13 and 14, are amended to read:

C. Inspections of registrants or licensees; and

D. Environmental surveillance activities to assess the radiological impact of activities conducted by licensees; and

**Sec. 5.** 22 MRSA §680, sub-§2, ¶E is enacted to read:

E. Off-site monitoring network activities of licensed nuclear power production facilities conducted pursuant to section 674, subsection 4, paragraph M.

**Sec. 6. Allocation.** The following funds are allocated from the General Fund to carry out the purposes of this Act:

1988-89

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health

All Other

\$235,000

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

Effective September 23, 1988.

## CHAPTER 883

S.P. 1026 — L.D. 2682

### AN ACT to Expedite the Allocation of Solid Waste Management Assistance.

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

Whereas, the safe and efficient management of solid waste benefits all citizens of the State; and

Whereas, landfills across the State have been closed because of their adverse environmental impacts; and

Whereas, over 100 municipalities are changing from solid waste disposal systems which rely principally on landfills to disposal systems where the majority of solid waste is incinerated; and

Whereas, portions of the municipal solid waste stream cannot be incinerated and must be landfilled or recycled; and

Whereas, the siting and development of stump and demolition debris disposal facilities and tires and white goods disposal facilities require extensive planning and technical expertise not readily available to many municipalities; 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. 38 MRSa §1304, sub-§4, as amended by PL 1979, c. 383, §5, is further amended to read:

4. Technical assistance. The department is authorized to establish guidelines for effective waste management, to provide technical assistance to persons planning, constructing or operating waste facilities, and to conduct applied research activities in the field of waste management, including methods of recycling hazardous or solid waste, sludge or septage. The department shall develop a pilot program to provide grants for the identification, design and development of tire and white goods disposal facilities, including pickup of these items, and stump and demolition debris disposal facilities by municipalities, county governments and regional planning agencies.

Sec. 2. Reporting date. The Bureau of Solid Waste in the Department of Environmental Protection shall conclude their current revision of rules governing solid waste disposal and the Board of Environmental Protection shall adopt and disseminate revised rules on solid waste disposal by January 15, 1989.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

|  |           |
|--|-----------|
|  | 1988-89   |
| <u>ENVIRONMENTAL PROTECTION,</u>   |           |
| <u>DEPARTMENT OF</u>   |           |
| Solid Waste Management   |           |
| All Other  | \$200,000 |
| Provides funding for a pilot program providing grants to municipalities, county government and regional planning agencies for identification, design and development of tire and white goods disposal facilities, including pickup, and stump and demolition debris disposal facilities. |           |

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

Effective September 23, 1988.

CHAPTER 884

S.P. 1024 — L.D. 2680

**AN ACT to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1989.**

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

Whereas, certain obligations and expenses will become due and payable immediately; 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:

PART A

Sec. 1. **Supplemental appropriation from the General Fund.** There is appropriated from the General Fund for the fiscal year ending June 30, 1989, to the departments listed, the following amounts:

|                                      |            |
|--------------------------------------|------------|
|                                      | 1988-89    |
| <u>CONSERVATION, DEPARTMENT OF</u>   |            |
| Maine Land Use Regulation Commission |            |
| Positions                            | (10)       |
| Personal Services                    | \$ 152,001 |
| All Other                            | 55,000     |
| Capital Expenditures                 | 69,500     |

Provides funds to meet increased development activity. Includes 8 months funding for: Three Environmental Specialist II positions for enforcement to be located in Aroostook County, the Bangor area and in western Maine; one Word Processing Operator; one Clerk Typist II position; one Resource Administrator; one Senior Planner; and 3 Environmental Specialist II positions for permitting. Funds also provide for general office operations, including contractual services. It is intended that \$36,000 of the Capital Expenditures be transferred to the Department of Conservation, Vehicle Rental Agency, for the purchase of 3 four-wheel drive pickup trucks in accordance with the Maine Revised Statutes, Title 5, section 1585.

|  |        |
|--|--------|
| Administrative Services — Conservation |        |
| All Other                              | 25,000 |