

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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

Sec. 1. 17 MRSA §3521, as enacted by PL 1975, c. 543, is amended to read:

§3521. Detention of shoplifters

A store owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person ~~he has~~ as to whom there is probable cause to believe is unlawfully concealing merchandise. The purposes of ~~such~~ detention shall be: To require the person being detained to ~~identify himself~~ provide identification; to verify ~~such~~ the identification; to inform a law enforcement officer of the detention and to surrender ~~such that~~ that person to ~~said~~ the officer; and when the detained person is a minor, to inform a law enforcement officer or the parents or guardian of ~~said~~ the minor of the detention and to surrender ~~him~~ the minor to the person so informed.

~~Any sheriff, deputy sheriff, municipal or state police officer, if he has probable cause to believe that a person has unlawfully concealed merchandise, may arrest such person without a warrant, whether or not such concealment was committed in his presence.~~

Sec. 2. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1987, c. 870, §11, is further amended to read:

A. Any person who he has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault, criminal threatening, terrorizing or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;
- (6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of ~~his~~ probation when requested by an official of the Division of Probation and Parole; ~~or~~

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3, section 1051, subsection 2, section 1051, subsection 9 and section 1092; ~~and or~~

(11) Theft involving a detention under Title 17, section 3521; and

See title page for effective date.

CHAPTER 123

H.P. 452 - L.D. 617

An Act to Further Define the Responsibilities of the Maine Milk Commission to Ensure a Supply of Milk to the Consumers of Maine

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

7 MRSA §2953, first ¶, as repealed and replaced by PL 1975, c. 517, §2, is amended to read:

The commission shall have power to establish and change the minimum wholesale and retail prices for the sale of milk within the State, in such a manner as to supplement ~~such the~~ supervision and regulations as are now imposed by existing ~~statutes~~ laws or by lawful ordinances or rules and regulations of the several cities and towns of the State. The commission shall have no power to modify, add to or ~~annual~~ annul any sanitary regulations imposed by any state or municipal authority or to compel ~~pasturization~~ pasteurization in any market area. The commission shall ensure that distributors give 30 days' notice before terminating delivery to any customer in their delivery area or in the traditional delivery area of a distributor they have purchased. The 30-day notice does not apply to cancellations resulting from a failure to pay bills.

See title page for effective date.

CHAPTER 124

H.P. 512 - L.D. 692

An Act to Regulate Medical Wastes

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

Whereas, the Legislature, on June 29, 1987, directed the Department of Environmental Protection to develop rules to regulate the handling and disposal of infectious and pathogenic waste as hazardous waste in order to protect the public health, safety, welfare and the environment; and

Whereas, the Legislature recognizes that the department is preparing draft rules to deal with the threat to public health and safety; and

Whereas, the Legislature remains deeply concerned over the continued delay in the development of an adequate management program for the handling, treatment and disposal of infectious and pathogenic waste and related biomedical wastes; and

Whereas, this legislation is necessary immediately to provide an appropriate impetus to the rule-making effort; 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 §1303, sub-§10-B, ¶H, as repealed and replaced by PL 1987, c. 787, §16, is repealed.

Sec. 2. 38 MRSA §1319-O, sub-§1, ¶A, as enacted by PL 1987, c. 517, §28, is amended to read:

A. The board may adopt and amend rules identifying hazardous waste. It is the intent of the Legislature that the board shall identify as hazardous waste those substances which are identified by the United States Environmental Protection Agency in proposed or final regulations. The Legislature also intends that the board may identify as hazardous waste, in accordance with paragraph B, other substances in addition to those identified by the United States Environmental Protection Agency. Further, the Legislature intends that a substance which has been identified as a hazardous waste by the board shall be removed from identification only by further rulemaking by the board.

Hazardous waste may be identified as follows.

(1) The board may identify any substance as a hazardous waste if that substance is identified as hazardous by particular substance, by characteristic, by chemical class or as a waste product of a specific industrial activity in proposed or final rules of the United States

Environmental Protection Agency.

(2) The board may identify any substance as a hazardous waste if the board, after evaluation based on existing data or data reasonably extrapolated from previously conducted studies using similar classes of substances or compounds under similar circumstances, has determined that the substance is an acute or chronic toxin causing significant potential adverse public health or environmental effects. An acute or chronic toxin may include the characteristics of:

- (a) Carcinogenicity;
- (b) Mutagenicity;
- (c) Teratogenicity; or
- (d) Infectiousness.

Rules adopted under this subparagraph shall be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources for review. These rules shall remain in effect until 90 days after adjournment of the next regular session of the Legislature unless adopted by legislative enactment.

(3) Whenever the board proposes to adopt or amend rules identifying hazardous waste or removing hazardous waste from identification, it shall hold a public hearing.

(4) In addition to hazardous waste identified under subparagraphs (1) and (2), the Legislature identifies the following chemicals, materials, substances or waste as being hazardous waste:

- (a) Polychlorinated biphenyls and any substance containing polychlorinated biphenyls; and
- ~~(b) Pathogenic and infectious waste, as defined by the department, by rule.~~
- (c) Pathogenic and infectious waste. For the purposes of this section, "pathogenic and infectious waste" means any material containing microorganisms or viruses capable of causing human disease.

Sec. 3. 38 MRSA §1319-O, sub-§3 is enacted to read:

3. Handling and disposal of biomedical waste. On or before January 1, 1990, the board shall adopt rules relating to the packaging, labeling, handling, storage, collection, transportation, treatment and disposal of biomedical waste,

including infectious and pathogenic waste, to protect public health, safety and welfare and the environment.

A. The rules shall include, without limitation:

- (1) Registration of biomedical waste generators;
- (2) Handling of biomedical waste by generators;
- (3) Licensing of biomedical waste transporters and the conveyances used for the transportation of biomedical waste;
- (4) Implementation of a biomedical waste tracking or manifest system; and
- (5) Establishment of treatment and disposal standards.

B. The board shall adopt rules governing the siting, licensing, operational and record keeping requirements for biomedical waste treatment, storage and disposal facilities.

C. The board shall require evidence of financial capacity.

D. The board may assess licensing fees sufficient to pay for the department's administrative costs in regulating biomedical waste.

The board shall submit the rules to the joint standing committee of Legislature with jurisdiction over natural resources for review on or before January 1, 1990.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1989-90	1990-91
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Hazardous Waste Fund		
Positions	(3)	(3)
Personal Services	\$74,614	\$78,345
All Other	13,538	14,102
Capital Expenditures	9,000	
Provides funds for an Environmental Specialist III, an Environmental Specialist II, a Clerk Typist III and general operating expenses to assist in the proposed control of biomedical wastes.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	<u>\$97,152</u>	<u>\$92,447</u>

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

except that sections 1 and 2 shall take effect on February 1, 1990.

Effective May 11, 1989, unless otherwise indicated.

CHAPTER 125

S.P. 69 - L.D. 57

An Act to Allow Graduates of the Department of Corrections Vocational-electrical Program to be Eligible to Apply for the Journeyman-in-training License

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

Sec. 1. 32 MRSA §1202, sub-§1, ¶A, as repealed and replaced by PL 1987, c. 769, Pt. A, §120, is amended to read:

A. For a journeyman electrician's license, a person must:

(1) Complete at least 8,000 hours of service as an apprentice or helper electrician or at least 8,000 hours of experience in electrical installations, as defined in section 1101, and satisfactorily complete a program of study comprising 576 hours as approved by the Electricians' Examining Board or from an accredited institution. The 576 hours shall consist of 225 hours of required study, including an approved course of not less than 45 hours in the current National Electrical Code; and 351 hours of elective study, comprised of all trade-related electives or 225 hours of trade-related courses and 135 hours of degree-related courses;

(2) Be a graduate of an accredited regional vocational high school 2-year electrical program, have worked for 8,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent and have completed a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board;

(3) Be a graduate of an accredited Maine vocational-technical institute or Department of Corrections vocational-electrical program, have worked for 4,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent and have completed a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board. Persons qualifying under this paragraph may write the journeyman's examination upon