

MAINE STATE LEGISLATURE

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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:

12 MRSA §7573 is enacted to read:

§7573. Illegal use of antifreeze

Adding substances containing ethylene glycol or other antifreeze agents to the waters of this State is a violation of Title 38, section 413.

See title page for effective date.

CHAPTER 233

S.P. 186 - L.D. 343

An Act to Include Sheriffs' Deputies in the Maine Tort Claims Act

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

14 MRSA §8102, sub-§1, as repealed and replaced by PL 1987, c. 769, Pt. A, §52, is amended to read:

1. **Employee.** "Employee" means a person acting on behalf of the governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials; volunteer firefighters as defined in Title 30, section 3774; Title 30-A, section 3151; emergency medical service personnel; ~~and~~; Maine National Guardsmen while receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 to 183 and 742, and while engaged in the Domestic Action Program; and sheriffs' deputies as defined in Title 30-A, section 381 when they are serving orders pursuant to section 3135, but the term "employee" shall not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

See title page for effective date.

CHAPTER 234

H.P. 369 - L.D. 500

An Act to Amend the Low-level Radioactive Waste Authority Laws

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

Whereas, hospital waste that is stored on site for decay within 3 years and is not shipped out of state should be exempt from the assessment for funding the administra-

tive costs of the Low-level Radioactive Waste Commission; and

Whereas, assessments for hospitals are due in June; 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 §1534-A, sub-§3 is enacted to read:

3. Fee exemptions. Generators shall be exempt from the service fee assessed pursuant to subsection 1 if the generator generates the following types of low-level radioactive waste:

A. Waste which is authorized by the United States Nuclear Regulatory Commission as of January 1, 1989, for disposal without regard to radioactivity;

B. Waste which is authorized by the United States Nuclear Regulatory Commission to be stored for up to 3 years at the site of generation for decay and ultimate disposal without regard to radioactivity; and

C. Radioactive waste or other material, including, but not limited to, sealed radioactive sources, which is returned to the vendor.

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

Effective June 6, 1989.

CHAPTER 235

S.P. 245 - L.D. 575

An Act to Amend the Records Management Laws

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

Sec. 1. 5 MRSA §95, sub-§9, as enacted by PL 1973, c. 625, §16, is amended to read:

9. Destruction of records. To authorize and receive confirmation of the destruction of the records of any state department which, in the opinion of the head of the department, are no longer of value to the department, and which, in the opinion of the State Archivist and the Archives Advisory Board, have no archival value to the State;

Sec. 2. 5 MRSA §95, sub-§10-C, as enacted by PL 1973, c. 625, §16, is amended to read: