

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

surface of a floor and in such a manner that they may be readily inspected.

Sec. 17. 38 MRSA §564, sub-§1, ¶B, as amended by PL 1987, c. 402, Pt. A, §200, is further amended to read:

B. All new and replacement facilities shall be installed by an underground oil storage tank installer who has been properly certified pursuant to Title 32, chapter 104-A, and shall be registered with the department prior to installation pursuant to section 563. Underground gasoline storage tanks may be removed by an underground gasoline storage tank remover who has been properly certified pursuant to Title 32, chapter 104-A.

Sec. 18. 38 MRSA §565, sub-§1, ¶B, as amended by PL 1987, c. 402, Pt. A, §201, is further amended to read:

B. All new and replacement facilities shall be installed by an underground oil storage tank installer who has been properly certified pursuant to Title 32, chapter 104-A, and shall be registered with the department prior to installation pursuant to section 563. Underground gasoline storage tanks may be removed by an underground gasoline storage tank remover who has been properly certified pursuant to Title 32, chapter 104-A.

Sec. 19. 38 MRSA §566-A, sub-§5, enacted by PL 1987, c. 491, §14, is amended as to read:

5. **Qualified personnel.** All abandoned facilities and tanks used for the storage of Class 1 liquids that require removal shall be removed under the direction of an underground oil storage tank installer certified pursuant to Title 32, chapter 104-A, or of professional firefighting personnel, except for underground gasoline storage tanks removed pursuant to subsection 6. The certified installer need not be present at the site at the time of the tank's or facility's removal.

Sec. 20. 38 MRSA §566-A, sub-§6 is enacted to read:

6. **Underground gasoline storage tanks.** Underground gasoline storage tanks may be removed under the direction of an underground gasoline storage tank remover certified pursuant to Title 32, chapter 104-A, if the following conditions are met:

A. All underground gasoline storage tanks at a site are removed at the same time; and

B. No underground gasoline storage tanks are installed at the site for at least 6 months following that removal.

Sec. 21. 38 MRSA §567, as amended by PL 1987, c. 402, Pt. A, §202, is further amended to read:

§567. Certification of underground tank installers

No person may install an underground oil storage facility or tank after May 1, 1986, without first having been certified by the Board of Underground Oil Storage Tank Installers, pursuant to Title 32, chapter 104-A. ~~Prior to December 31, 1986, when the board determines that reasonable extenuating circumstances prevent the administration or completion of a certification test by May 1, 1986, Underground gasoline storage tanks may be removed by underground gasoline storage tank removers certified by the Board of Underground Oil Storage Tank Installers, pursuant to Title 32, sections 10009 and 10010, it may issue a provisional certificate valid until December 31, 1986 chapter 104-A.~~

Notwithstanding section 570, tank installers and removers shall be liable to other than the State as follows: With the exception of prohibited discharges resulting from an installer's or remover's negligence, the liability of certified installers and removers shall be limited to damages resulting from prohibited discharges discovered within the 12-month period immediately following the installation or removal of the underground tank or facility. To insure its continued relevance, this provision shall be reviewed by June 30, 1991, by the joint standing committee of the Legislature having jurisdiction over energy and natural resources.

Sec. 22. Application. Applicants for certification as underground storage tank installers who have successfully completed the initial examination for installers as of the effective date of this Act shall be subject to the certification provisions in effect on the date on which they passed the examination.

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

Effective June 15, 1989.

CHAPTER 313

H.P. 709 - L.D. 970

An Act Regarding Political Party Enrollment

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

Sec. 1. 21-A MRSA §121, sub-§2, as enacted by PL 1985, c. 161, is amended to read:

2. **Political party not a qualification.** The registrar shall ~~not inquire~~ be impartial as to the political party of the applicant in determining ~~his~~ the applicant's voting qualifications.

Sec. 2. 21-A MRSA §141, as enacted by PL 1985, c. 161, §6, is amended to read:

§141. Enrollment

When a person registers, the registrar shall ask ~~him~~ whether he or not the person wishes to enroll in a political

party. ~~If his the answer is in the affirmative, the registrar shall have ask in which party the person complete the enrollment portion of the application wishes to enroll. If the answer is in the negative, the registrar shall note on the enrollment portion of the application that the person chose not to enroll in a political party. Nothing in this section may be construed to require a person to enroll in a political party.~~

1. Influence prohibited. The registrar shall not attempt to influence an applicant in ~~his choice of a party, any aspect of the enrollment procedure~~ and he shall not allow anyone else present to do so.

Sec. 3. 21-A MRSA §142, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

A voter who had initially chosen not to enroll in a particular party may later enroll in a party by filing an application with the registrar personally, by mail or otherwise, at any time, except that on election day a voter must enroll in person.

Sec. 4. 21-A MRSA §151, as enacted by PL 1985, c. 161, §6, is amended to read:

§151. Same form

An individual ~~may shall~~ register to vote and ~~enroll in a political party~~ indicate enrollment status at the same time and on the same form. If an individual chooses to enroll in a political party, the registrar shall indicate the party chosen on the registration form. The registrar shall indicate on the registration form if an individual chooses not to enroll in a political party.

Sec. 5. 21-A MRSA §152, sub-§1, ¶L, as amended by PL 1987, c. 145, is further amended to read:

L. Choice of political party if the applicant desires to enroll in a political party or an indication that the applicant chose not to enroll in a party.

Sec. 6. 21-A MRSA §154, sub-§1, ¶N, as enacted by PL 1985, c. 161, §6, is amended to read:

N. Choice of political party if the registrant wishes to enroll in a political party or an indication that the applicant chose not to enroll in a party.

Sec. 7. 21-A MRSA §171, sub-§1, ¶¶H to J, as enacted by PL 1985, c. 161, §6, are amended to read:

H. Remarks concerning registration ~~or enrollment;~~

I. Date of registration; ~~and~~

J. Signature of registrant; ~~and~~

Sec. 8. 21-A MRSA §171, sub-§1, ¶K is enacted to read:

K. Political party designation or indication that the voter wishes unenrolled status.

See title page for effective date.

CHAPTER 314

H.P. 751 - L.D. 1055

An Act to Restrict Smoking in Enclosed Shopping Malls

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

22 MRSA §1672-A is enacted to read:

§1672-A. Smoking restricted

1. Policy notice. The owner or manager, or designee, of every shopping center subject to this chapter shall establish a written policy concerning smoking and nonsmoking by members of the public in any enclosed common area of the center. In order to protect the public from detrimental effects of smoking by others, the policy shall prohibit smoking, except in designated smoking areas. A printed copy of this policy shall be posted in conspicuous locations throughout the common areas governed by the policy. In any area in which smoking is prohibited, the managing entity of the shopping center shall post in a conspicuous place a sufficient number of signs indicating that smoking is prohibited. The letters in the signs shall be at least 1 1/2 inches high and proportionally wide.

2. Designated smoking areas. Areas designated as smoking areas shall be in locations designed to minimize the effect of environmental tobacco smoke on the public.

3. Shopping centers; food or beverage service areas. Smoking in any part of an enclosed common area where food or beverages are served and tables provided shall be governed by subsection 1579-A.

See title page for effective date.

CHAPTER 315

H.P. 791 - L.D. 1103

An Act to Strengthen the Law Pertaining to Taking or Defacing Political Campaign Signs

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

23 MRSA §1917-A is enacted to read:

§1917-A. Unlawful removal of political signs

1. Taking, defacing or disturbing political sign; civil violation. A person who takes, defaces or disturbs a