

# 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

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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
1989

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assessments under this section based on the amount of low-level radioactive waste shipped by that generator in the previous calendar year, multiplied by a fraction, the numerator of which is 3750 and the denominator of which is the total volume of low-level radioactive waste shipped from the State in the previous calendar year.

The assessments shall be in addition to any other charges, taxes or surcharges that may be imposed on generators or brokers of low-level radioactive waste for the disposal of low-level radioactive waste at any regional disposal facility. The authority shall take all necessary action, including legal action, to recover such assessments from all low-level waste generators shipping waste out of State for disposal. The authority may require additional assessments from generators assessed under this section to meet the financial requirements of the contract. This additional assessment shall be refunded upon payment of previously unpaid base assessments. If a generator does not pay the base assessment for the current year within 30 days of the assessment, that generator's entitlement shall be withdrawn and reallocated.

4. Additional assessments. After a generator has shipped low-level radioactive waste in excess of that generator's entitlement under subsection 3, paragraph B, the authority shall assess that generator \$55 per cubic foot for any additional volume shipped, to be paid within 30 days. This assessment shall be made in addition to any other charges, taxes or surcharges that may be imposed on generators or brokers of low-level radioactive waste for the disposal of low-level radioactive waste at any regional disposal facility.

5. Segregation of accounts. The authority shall establish a Rocky Mountain contract account and shall deposit all revenues received under this section in that account. The authority shall keep these revenues separate from all other accounts, using them solely for compensating the Rocky Mountain Low-level Radioactive Waste Board in accordance with the contract referred to in subsection 1. Upon termination of the contract and after payment of any amounts owed, and reimbursement for the authority's reasonable administrative costs, any surplus remaining in the Rocky Mountain contract account shall be returned pro rata to the generators that paid assessments into the account.

**Sec. 2. Disposal contract with Rocky Mountain Low-level Radioactive Waste Board.** The Legislature ratifies, endorses and recommends for approval by a majority of the voters in accordance with the Maine Revised Statutes, Title 38, section 1494, a contract between the State and the member states of the Rocky Mountain Low-level Radioactive Waste Board for access to facilities for the disposal of all low-level radioactive waste generated in the State and for which the state is responsible for the period beginning January 1, 1990, and ending December 31, 1992.

**Sec. 3. Referendum for ratification; submission at statewide election; form of question; effective date.** This Act shall be submitted to the legal voters of the State of Maine pursuant to the Maine Revised Statutes, Title 38, section 1494 at a statewide election to be held on the Tuesday following the first Monday of November following

passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this contract by voting on the following question:

"Do you approve of the agreement for the disposal of low-level radioactive waste proposed to be made with the Rocky Mountain Low-level Radioactive Waste Board whose member states are Colorado, Nevada, New Mexico and Wyoming for disposal of low-level radioactive waste at an existing facility in Beatty, Nevada?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the contract, the Governor shall proclaim that fact without delay, and the contract shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

**Emergency clause.** In view of the emergency cited in the preamble, sections 2 and 3 of this Act shall take effect when approved. Section 1 of this Act shall take effect 30 days after the Governor proclaims that a majority of the legal voters have voted in favor of the contract.

Effective July 12, 1989, unless otherwise indicated.

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## CHAPTER 590

H.P. 1218 - L.D. 1690

### An Act Relating to Periodic Justification of Programs of State Government under the Maine Sunset Laws

**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 may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of the Bureau of Labor Standards will become due and payable on or immediately after July 1, 1989; and

**Whereas**, the changes in government operations made by this Act are consistent with certain other proposed changes to government operations which may take effect prior to the expiration of the 90-day period; 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. 26 MRSA §176**, as amended by PL 1977, c. 694, §§448 and 448-A, is further amended to read:

**§176. Deputy and authorized inspectors to be examined**

The examination for deputy inspectors and authorized inspectors shall be given by the Chief Inspector of Boilers, or by at least 2 examiners to be appointed by said the chief inspector. ~~The person to be examined must pay an examination fee of \$10. An examination fee for authorized inspectors shall be set by the board, but shall not exceed \$100. Such~~ The examination must be written or ~~part~~ partly written and ~~part~~ partly oral, recorded in writing, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform grade throughout the State. The chief inspector shall certify to the director the names of applicants who have successfully passed the examination. ~~In case~~ If an applicant for an inspector's certificate of authority fails to pass this examination, ~~he~~ the applicant may appeal to the Board of Boiler Rules for a ~~2nd~~ subsequent examination; which shall be given by ~~said~~ the board; or, by examiners other than those by whom the first examination was given and these examiners shall be appointed ~~forthwith~~ immediately to give ~~said~~ the subsequent examination. ~~Upon~~ Based on the result of this subsequent examination ~~on appeal~~, the board shall determine whether the applicant ~~be~~ is qualified to be issued an inspector's certificate. The record of an applicant's examination, whether original or on appeal, shall be accessible to ~~him~~ the applicant and to ~~his~~ the applicant's employer.

The fee for issuing a certificate of authority as authorized inspector shall be ~~\$10 set by the board, but shall not exceed \$50 per year~~ when ~~such~~ the certificate is granted under section 247, to a person who holds a certificate as an inspector of steam boilers for a state that has a standard of examination equal to that of this State or a certificate from the National Board of Boiler and Pressure Vessel Inspectors, and whose examination has been waived in accordance with section 247. The certificate shall be valid for a 3-year period beginning with the date of issuance.

The director may file a complaint with the Administrative Court to revoke a certificate of authority pursuant to Title 4, section 1151, for incompetence or untrustworthiness of the holder thereof or for willful falsification of any matter or statement contained in ~~his~~ the person's application or in a report of any inspection. If a certificate is lost or destroyed,

a new certificate shall be issued in its place without another examination. A person, who has failed to pass the examination or whose certificate of authority has been revoked, shall be entitled to apply for a new examination and certificate after 90 days from ~~such~~ failure or revocation.

**Sec. 2. 26 MRSA §178, sub-§9**, as amended by PL 1981, c. 90, §2, is further amended to read:

**9. Fees.** The fees charged for examination and for licenses issued pursuant to this section shall be ~~as follows~~ set by the board, but shall not exceed the following:

A. License and license renewal fee for stationary steam engineers ~~\$15~~ \$100;

B. License and license renewal fee for boiler operators ~~\$10~~ \$100;

C. ~~The board may charge a~~ A late fee of up to ~~\$10~~ \$75 on all renewals for which ~~the~~ the board receives a renewal application up to 2 years after the expiration of the license under such rules as the board may adopt; and

D. Examination fee for engineers and operators ~~shall be \$5~~ \$50.

**Sec. 3. 26 MRSA §244**, as repealed and replaced by PL 1977, c. 694, §452, is amended to read:

**§244. Inspection required; certificates issued**

Each boiler used or proposed for use within this State, except boilers exempt under section 142, shall be thoroughly inspected by the chief inspector or one of the deputy inspectors or authorized inspectors, as to its design, construction, installation, condition and operation. The Board of Boiler Rules shall promulgate rules pursuant to Title 5, ~~section 8051 et seq.~~ chapter 375, subchapter II, specifying the method and frequency of inspection. Whenever any boiler is inspected as specified by the Board of Boiler Rules and is found to be suitable and to conform to the rules of the Board of Boiler Rules, the chief inspector shall issue to the owner or user of that boiler, upon payment of a fee ~~of \$5~~ to the bureau, an inspection certificate for each boiler. The fee shall be set by the board and shall not exceed \$100. Inspection certificates shall specify the maximum pressure that the boiler inspected is allowed to carry. The inspection certificate shall be valid for not more than 14 months from its date and shall be posted under glass in the engine or boiler room containing the boiler or an engine operated by it; or, in the case of a portable boiler, in the office of the plant where it is temporarily located ~~for the time being~~.

In accordance with the provisions of Title 5, chapter 375, the chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in ~~his~~ the inspector's opinion, the boiler for which it was issued may not continue to be operated without menace to the public safety. An authorized ~~inspector~~ inspector shall have corresponding powers with respect to inspection certificates for boilers insured by the company employing ~~him~~ the inspector. This

suspension shall continue pending decision on the board's application with the Administrative Court for a temporary suspension pursuant to Title 4, section 1153.

**Sec. 4. 26 MRSA §245, first ¶,** as amended by PL 1971, c. 620, §13, is further amended to read:

The owner or user of each boiler, required by this subchapter to be inspected by the chief inspector or a deputy inspector, shall pay the inspector upon inspection a fee; or fees; to be determined, ~~except for miniature boilers, as follows: For the certificate inspection of a boiler of steel construction, which shall be an internal and external inspection while such boiler is not under pressure and for the certificate inspection of a boiler of cast iron construction, which shall be an inspection of all normally accessible external surfaces while such boiler is full of water and not in service, when any such a boiler has a grate area of not more than 10 square feet or equivalent, the fee shall be \$12, and if the grate area of any such boiler exceeds 10 square feet or equivalent, the fee shall be \$12 plus 10¢ for every square foot of grate area, or equivalent, in excess of 10 square feet or equivalent. In cases of specially designed boilers of steel construction, except miniature boilers, wherein no grate area exists, the board is authorized to set the fee for the certificate inspection of such boilers, on the basis of the maximum boiler horsepower that can be generated by such boilers. For the certificate inspection of a miniature boiler, which shall be an internal and external inspection while such boiler is not under pressure, the fee shall be \$5. For the external inspection of a boiler under this subchapter, while under pressure or in service, the fee shall be \$4. For a hydrostatic test of any boiler, except miniature boilers, a fee of \$10 shall be charged in addition to the inspection fees provided for in this section by the board. Not more than \$25 \$500 shall be collected for the inspection of any one boiler made in any one year exclusive of the fee for hydrostatic test, unless additional inspections are required by the owners or users of the boiler or unless the boiler has been inspected and an inspection certificate has been refused, withheld or withdrawn, or unless an additional inspection is required because of the change of location of a stationary boiler. The nature and size of miniature boilers to be inspected shall be determined by the Board of Boiler Rules. The inspector shall give receipts for all fees collected and shall pay all sums so received to the chief boiler inspector, who shall pay the same to the director, who shall turn same over to and those fees shall be deposited with~~ the Treasurer of State to be credited to the General Fund.

**Sec. 5. 26 MRSA §474, 2nd ¶,** as enacted by PL 1985, c. 310, is amended to read:

Any person who is or will be aggrieved by the application of any law, code or rule relating to the installation or alteration of elevators or tramways may file a petition for a variance with the board, whether or not compliance with that provision is required at the time of filing or at a future date when that provision becomes effective. The filing fee for a petition for a variance ~~is \$50 shall be set by the board and shall not exceed \$100.~~ The board shall hold a hearing pursuant to Title 5, chapter 375, subchapter IV. The board shall grant a variance if, owing to conditions especially affect-

ing the particular building or installation involved, the enforcement of any law, code or rule relating to elevators or tramways, would do manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or any occupant of the petitioner's building or would be unreasonable under the circumstances or condition of the property, provided that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of that law, code or rule. In exercising its powers under this section, the board may impose limitations both of time and of use and a continuation of the use permitted may be conditioned upon compliance with rules made and amended from time to time. The board shall immediately send a copy of its decision by registered mail to all interested parties.

**Sec. 6. 26 MRSA §479, sub-§5, ¶C** is enacted to read:

C. The fee for a tramway inspector license shall be set by the board and shall not exceed \$150 for a 3-year period.

**Sec. 7. 26 MRSA §486,** as enacted by PL 1977, c. 543, §4, is amended to read:

**§486. Examination; applications; fees**

The examination for elevator mechanics shall be given by the supervising inspector and one member of the ~~Electricians~~ Electricians' Examining Board or by 2 or more examiners, one of whom shall be a member of the ~~Electricians~~ Electricians' Examining Board to be appointed by the supervising inspector. ~~The person to be examined shall pay an examination fee of \$10. The examination fee shall be set by the board and shall not exceed \$100. Such~~ The examination shall be written in whole or in part, and shall be confined to questions, the answers to which will determine the fitness and competency of the applicant for the intended service.

~~In case~~ If an applicant for a mechanic's license fails to pass ~~his~~ the examination, ~~he~~ the applicant may request a 2nd examination within 90 days of notification of ~~his~~ the applicant's failure to pass and ~~such~~ the 2nd examination shall be given without further fee. Any additional examinations shall be given only upon the payment of the examination fee as provided in this section.

The record and examination papers of the applicant shall be accessible to ~~him~~ the applicant and ~~his~~ the applicant's employer and shall be kept on file in the office of the supervising inspector for a period of not less than 2 years.

Applications for examination and license shall be made on forms furnished by the bureau.

All elevator mechanics' licenses shall expire on the 3rd anniversary date of the original issue and may be renewed thereafter for periods of ~~one year~~ 3 years without further examination, provided a renewal fee in ~~the an~~ amount of ~~\$40~~ set by the board, not to exceed \$100, is paid and provided that during that period ~~he~~ the licensee has worked as an elevator mechanic.

**Sec. 8. 26 MRSA §490-A, first ¶,** as enacted by PL 1977, c. 543, §4, is amended to read:

Each elevator or tramway proposed to be used within this State shall be thoroughly inspected by either the supervising inspector, a state inspector or a licensed inspector, and if found to conform to the rules of the board, ~~upon payment of the inspection fee where required and a certificate fee of \$5 per year by the owner or user of such elevator or tramway,~~ the board shall issue to ~~such the~~ owner or user an inspection certificate. Fees for inspection and certification of elevators and tramways shall be set by the board pursuant to section 490-E, and shall be paid by the owner or user of the elevator or tramway. The certificate shall specify the maximum load to which ~~such the~~ conveyance shall be subjected, the date of its issuance and the date of its expiration. ~~Such elevator Elevator~~ certificates shall be posted in the elevator and the tramway certificate at a conspicuous place in the machine area.

**Sec. 9. 26 MRSA §490-D,** as amended by PL 1981, c. 564, §6, is further amended to read:

**§490-D. Installation of new elevators and tramways; fees**

Detailed plans or specifications of each new or altered elevator or tramway shall be submitted to and approved by the supervising inspector before the construction of the same may be started. Fees for examination of ~~such the~~ plans or specifications shall be ~~\$2 \$5~~ per thousand of the valuation of the elevator or tramway as covered by the blueprints. The minimum fee shall not be less than ~~\$10 \$35~~ and the maximum fee shall not be more than ~~\$35 \$100~~. All fees and sums received shall be deposited with the Treasurer of State to be credited to the General Fund.

**Sec. 10. 26 MRSA §490-E,** as amended by PL 1981, c. 564, §7, is further amended to read:

**§490-E. Inspection fees**

The initial inspection of elevators shall be made by the supervising inspector or a state inspector and the fee for ~~such the~~ initial inspection of each new or altered elevator shall be ~~\$35~~ set by the board, not to exceed \$100, plus expenses.

The initial inspection of tramways shall be made by the supervising inspector, a state inspector or a licensed inspector and the fee for ~~such the~~ initial inspection of each new or altered tramway shall be ~~\$35~~ set by the board, not to exceed \$100, plus expenses.

The fee for each required inspection of elevators shall be ~~\$30, plus \$1~~ set by the board, not to exceed \$100, plus \$10 for each landing.

The annual fee for the required inspections of tramways, ~~when conducted by a state inspector,~~ shall be: ~~Gondola, \$200, plus \$10 for each 500 feet of length, sheave to sheave; chair lift, \$175, plus \$10 for each 500 feet of length, sheave to sheave; T-bar, J-bar or platter, \$150, plus \$10 for each 500 feet of length, sheave to sheave; and pony or~~

~~ropetow, \$50, plus \$10 for each 500 feet of length, sheave to sheave set by the board.~~

The certificate fee shall be set by the board, not to exceed \$100.

~~The annual fee for the required inspections of tramways, when conducted by a licensed tramway inspector, shall be: Gondola, \$200; chair lift, \$175; T-bar, J-bar or platter, \$150; and pony or ropetow, \$50.~~

When a tramway inspection has been made by a licensed tramway inspector, the inspector shall submit the inspection fee to the board along with ~~his~~ an inspection report.

All fees and sums received shall be deposited with the Treasurer of State to be credited to the General Fund.

**Sec. 11. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
LABOR, DEPARTMENT OF		
Bureau of Labor Standards - Administration		
All Other	\$20,000	\$40,000
Capital Expenditures	82,860	
Provides funds to computerize the bureau.		
DEPARTMENT OF LABOR		
TOTAL	<u>\$102,860</u>	<u>\$40,000</u>

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

Effective July 12, 1989.