

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

certification under the federal Private Sector Prison Industry Enhancement Certification Program. The authority's board of directors, upon receipt of a request, may recommend to the commissioner that the jail industry for that county be designated as a separate cost accounting center within the Department of Corrections' certification. The commissioner may provide technical assistance to counties that make requests under this subsection and may charge the counties a fee for the assistance.

Sec. 10. 39 MRSA §2, sub-§5, ¶E, as repealed and replaced by PL 1987, c. 654, §1, is amended to read:

E. The term "employee" does not include any person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered by the prisoner during incarceration and while the prisoner is:

- (1) A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of the county jail;
- (2) Employed by a private employer;
- (3) Participating in a work release program; ~~or~~
- (4) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261- ; or
- (5) Employed in a program established under a certification issued by the United States Department of Justice under the United States Code, Title 18, Section 1761.

Sec. 11. 39 MRSA §102-A, sub-§1, ¶¶B and C, as enacted by PL 1987, c. 654, §2, are amended to read:

- B. Participating in a work release program; ~~or~~
- C. Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261- ; or

Sec. 12. 39 MRSA §102-A, sub-§1, ¶D is enacted to read:

D. Employed in a program established under a certification issued by the United States Department of Justice under the United States Code, Title 18, Section 1761.

Sec. 13. Application. This Act shall apply only to injuries that occur after the effective date of this Act.

See title page for effective date.

CHAPTER 655

S.P. 792 - L.D. 2043

An Act to Prevent Burdensome Collection Practices when Collecting Consumer Debts

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

14 MRSA §3121-A, sub-§1, ¶D, as enacted by PL 1987, c. 184, §4, is amended to read:

D. Any proceeding under this chapter may be commenced in the division where the judgment creditor, if an individual, resides or, if not an individual, has a place of business, except that a consumer debt proceeding must be commenced, at the option of the creditor, in the division where the consumer transaction occurred or where the judgment debtor resides. Consumer debts are limited to debts arising from purchases that are primarily for personal, family or household purposes.

See title page for effective date.

CHAPTER 656

H.P. 1407 - L.D. 1955

An Act to Regulate the Dumping of Dredged Materials in Maine Waters

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

Whereas, the unregulated disposal of dredged materials may occur before the expiration of the 90-day period; and

Whereas, without the protections provided by this legislation, the disposal of dredged materials may cause severe environmental damage; 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 §413, sub-§2-C, as enacted by PL 1983, c. 566, §17, is amended to read:

2-C. Dredge spoils. Holders of a permit obtained pursuant to the United States Clean Water Act, Public Law 92-500, Section 404, are exempt from the need to obtain a waste discharge license for disposal of dredged

material into waters of the State when the dredged material is disposed of in an approved United States Army Corps of Engineers disposal site. Disposal of all dredged materials is governed by the natural resource protection laws, sections 480-A to 480-S.

Sec. 2. 38 MRSA §480-B, sub-§2-A is enacted to read:

2-A. Dredge spoils. “Dredge spoils” means sand, silt, mud, gravel, rock or other sediment or material that is moved from coastal wetlands.

Sec. 3. 38 MRSA §480-D, sub-§9 is enacted to read:

9. Dredging. If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant shall demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable. The department shall consult with the Department of Marine Resources in assessing the impacts on the fishing industry. The permit must include a requirement that the applicant publish the approved transportation route of the dredge spoils in a newspaper of general circulation in the area adjacent to the route.

Sec. 4. 38 MRSA §480-E, as enacted by PL 1987, c. 809, §2, is repealed and the following enacted in its place:

§480-E. Permit processing requirements

The department shall process all permits under this article in accordance with chapter 2 and the following requirements.

1. Municipal notification. The board may not issue a permit without notifying the municipality in which the proposed activity is to occur and considering any comments filed by the municipality within a reasonable period as established by the board.

2. Water supply notification. If the resource subject to alteration or the underlying ground water is utilized by a water company, municipality or water district as a source of supply, the applicant for the permit shall, at the time of filing an application, forward a copy of the application to the water company, municipality or water district by certified mail and the board shall consider any comments concerning the application filed with the department within a reasonable period, as established by the board.

3. Dredge spoils disposal. The commissioner may not accept an application for dredge spoils disposal in a coastal wetland unless the following requirements are met.

A. The applicant has collected and tested the dredge spoils in accordance with a protocol ap-

proved by the commissioner. The collection, testing and forwarding of the results of the tests to the commissioner must occur within one year before the submission of a completed application.

B. The applicant has published notice of the proposed route by which the dredged materials are to be transported to the disposal site in a newspaper of general circulation in the area adjacent to the proposed route.

C. The application has been submitted to each municipality adjacent to any proposed marine and estuarine disposal site and route.

Any public hearing held pursuant to this application must be held in the municipality nearest to the proposed disposal site.

4. Deferrals. When winter conditions prevent the board or municipality from evaluating a permit application, the board or municipality, upon notifying the applicant of that fact, may defer action on the application for a reasonable period. The applicant may not alter the resource area in question during the period of deferral.

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

Effective March 9, 1990.

CHAPTER 657

H.P. 655 - L.D. 889

An Act to Improve Indoor Air Quality Through Accurate Testing and Effective Reduction of Radon Levels in Buildings

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

Sec. 1. 22 MRSA c. 165 is enacted to read:

CHAPTER 165

RADON REGISTRATION ACT

§771. Short title

This chapter may be known and cited as the “Radon Registration Act.”

§772. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Associated radiological concerns. “Associated radiological concerns” means radioactive elements other