

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

30-A MRSA §1501, first ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The sheriff has the custody and charge of the county jail and of all prisoners in that jail and shall keep it in person, or by a deputy as jailer, master or keeper. The appointment, discipline, suspension or dismissal of the jailer, master or keeper is subject to section 501.

See title page for effective date.

CHAPTER 854

S.P. 940 - L.D. 2378

An Act to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws

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

Sec. 1. 24-A MRSA §2366, sub-§10 is enacted to read:

10. Rules. The superintendent shall adopt rules to provide for an equitable distribution among insurers of any deficit or surplus in the residual market not subject to section 2367. The rules must give due consideration to efforts by individual insurers to underwrite risks in the voluntary market.

Sec. 2. 24-A MRSA §2367, sub-§2, ¶B, as amended by PL 1989, c. 780, §§5 and 9, is further amended to read:

B. Any deficit determined by the superintendent pursuant to paragraph A is not the responsibility of the insurers on an individual or collective basis but is the financial obligation of all insured employers in the State, including employers who were insured during the policy year for which the deficit has been determined but who have since become self-insured. The surcharge must be an amount at least to offset the adverse cash flows resultant from the deficiency, provided that the application of the surcharge does not produce a rate of return in excess of a just and reasonable profit in the entire Maine workers' compensation market. In any event, the amount of the surcharge in any year must be at least equal to the investment income that would be earned in the 12 months following the surcharge on any portion of the deficit that is not recovered by surcharge in that year, except that the superintendent is not required to order this minimum amount in the first policy year in which a deficit is determined with respect to a policy year.

Sec. 3. 24-A MRSA §2367, sub-§§8 and 9 are enacted to read:

8. Limit on deficits or surpluses. Notwithstanding any provision of this section, neither a surcharge or credit may be applied with respect to deficits or surpluses arising from policies issued to employers on or after January 1st of the policy year following a determination by the superintendent that:

A. No deficit exists in the residual market regarding one or more policy years under review; or

B. The rate of return in the entire Maine workers' compensation market, as determined for the purposes of this section, is just and reasonable consistent with subsection 2, paragraphs A and B.

9. Final determination of deficit or surplus; timetable for surcharge or credit. In making the annual determination required by this section, the superintendent shall make a final determination of the deficit or surplus for any policy year with respect to which the superintendent has received 7 complete annual evaluations of residual market policy year experience. Regardless of receipt of 7 complete evaluations, the superintendent shall make a final determination regarding a policy year no later than the 8th calendar year following the close of the policy year under review. If the superintendent determines that there is a surplus for that policy year, the superintendent shall order a credit under subsection 1. If the superintendent determines that there is a deficit for that policy year, the superintendent shall establish a schedule of surcharges to recover the remainder of the deficit for that policy year over a period not to exceed 10 years, except that in each year application of the surcharge is subject to subsection 2.

See title page for effective date.

CHAPTER 855

H.P. 1770 - L.D. 2440

An Act to Allow the Loan of Automobiles to Municipal Law Enforcement Agencies for Educational Purposes

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

29 MRSA §256, sub-§2, as amended by PL 1987, c. 415, §8, is further amended to read:

2. Municipal vehicles. All county, municipal, school and water district vehicles shall be registered with the Secretary of State who shall furnish semipermanent plates for each vehicle which shall expire at the end of each 10-year semipermanent plate program. The vehicles shall be exempt from this Title as to payment of registration fees, but shall not be exempt from the inspection requirements of section 2502. The plate or plates shall be of a design determined by the Secretary of State.

Municipal vehicles used by full-time law enforcement departments may be issued special police plates at the request of the chief law enforcement official of that municipality. The plates may only be attached to municipally owned vehicles.

A municipal fire department or an organized volunteer fire department may be exempt from this Title as to registration and payment of registration fees, but shall not be exempt from the inspection requirements of section 2502.

All vehicles owned or used by any municipal corporation and all vehicles loaned by automobile dealers to municipalities for law enforcement agencies to use for educational purposes, use in driver education in secondary schools and all motor vehicles loaned by automobile dealers to private secondary schools for use in driver education in the schools, vehicles loaned to state universities used in organized programs and all motor vehicles used in volunteer ambulance and rescue squad services in such municipalities shall be registered, but shall be exempt from this Title as to the registration fees, except that when the vehicles are leased or rented for commercial purposes they shall be subject to payment of fees as provided in this Title. All such vehicles shall display registration plates as required by this Title or approved by the Secretary of State.

See title page for effective date.

CHAPTER 856

H.P. 1735 - L.D. 2394

An Act to Regulate and Monitor the Discharge of Toxic Substances into the State's Waters

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

Sec. 1. 38 MRSA §414-A, sub-§2, as repealed and replaced by PL 1983, c. 566, §19, is amended to read:

2. Schedules of compliance. The board may establish schedules, within the terms and conditions of licenses, for compliance with best practicable treatment, as defined in subsection 1, paragraph D, which includes the application of best conventional pollutant control technology or best available technology economically achievable, and for compliance with section 420, subsection 2. Schedules ~~shall~~ must be consistent with the times permitted for compliance with the ~~United States~~ Federal Water Pollution Control Act, Public Law 92-500, as amended, and may include such interim and final dates for attainment of specific standards as are necessary to carry out the purposes of this subchapter. The schedules ~~shall~~ must be as short as possible and ~~shall~~ be based upon a consideration of the technological and economic impact of the steps necessary to attain these standards.

Sec. 2. 38 MRSA §420, sub-§2, ¶¶A to G are enacted to read:

A. Except as naturally occurs or as provided in paragraphs B and C, the board shall regulate toxic substances in the surface waters of the State at the levels set forth in federal water quality criteria as established by the United States Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended.

B. The board may change the statewide criteria established under paragraph A for a particular toxic substance established pursuant to the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended, as follows:

(1) By adopting site-specific numerical criteria for the toxic substance to reflect site-specific circumstances different from those used in, or any not considered in, the derivation of the statewide criteria. The board shall adopt site-specific numerical criteria only as part of a licensing proceeding pursuant to sections 413, 414 and 414-A; or

(2) By adopting alternative statewide criteria for the toxic substance. The alternative statewide criteria must be adopted by rule.

The board may substitute site-specific criteria or alternative statewide criteria for the criteria established in paragraph A only upon a finding that the site-specific criteria or alternative statewide criteria are based on sound scientific rationale and are protective of the most sensitive designated use of the water body, including, but not limited to, human consumption of fish and drinking water supply after treatment.

C. When surface water quality standards are not being met due to the presence of a toxic substance for which no water quality criteria have been established pursuant to the Federal Water Pollution Control Act, Section 304(a), as amended, the board shall:

(1) Adopt statewide numerical criteria by rule; or

(2) Adopt site-specific numerical criteria as part of a licensing proceeding under sections 413, 414 and 414-A.

Nothing in this section restricts the authority of the board to adopt, by rule, statewide or site-specific numerical criteria for toxic substances that are not presently causing water quality standards to be violated.

D. For any criteria established under this subsection, the board shall establish the acceptable level of additional risk of cancer to be borne by the affected population from exposure to the toxic substance believed to be carcinogenic.