

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

~~license~~ confiscated items, together with a report stating the circumstances under which ~~it was~~ they were obtained, to the Secretary of State.

See title page for effective date.

CHAPTER 873

H.P. 1758 - L.D. 2423

An Act to Clarify the Laws on Manslaughter in the Workplace

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

Whereas, unless this legislation is enacted as an emergency measure, certain public employees or persons performing a public service may be held criminally liable for performing that public service or responding to a life-threatening situation; 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:

17-A MRSA §203, sub-§1, ¶C, as enacted by PL 1989, c. 505, §1, is amended to read:

C. Has direct and personal management or control of any employment, place of employment or other employee, and intentionally or knowingly violates any occupational safety or health standard of this State or the Federal Government, and that violation in fact causes the death of an employee and that death is a reasonably foreseeable consequence of the violation. This paragraph does not apply to:

(1) Any person who performs a public function either on a volunteer basis or for minimal compensation for services rendered; or

(2) Any public employee responding to or acting at a life-threatening situation who is forced to make and does make a judgment reasonably calculated to save the life of a human being.

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

Effective April 19, 1990.

CHAPTER 874

H.P. 1753 - L.D. 2416

An Act to Establish Fees for Nonferrous Metal Mining

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

Whereas, several enterprises have expressed interest in beginning nonferrous metal mining operations in the State; and

Whereas, the existing fee structure for permits from the Department of Environmental Protection is inadequate to assess properly the environmental impacts of large-scale mining operations; and

Whereas, considerable state resources are expended for review of mining projects in advance of submission of an application to mine; and

Whereas, the Department of Environmental Protection must have sufficient resources to assess the environmental, health and safety issues related to nonferrous metal mining in the State; and

Whereas, the Legislature has determined that nonferrous metal mining, if conducted properly, is an acceptable and necessary activity which results in benefits to the State and the nation; 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 §349-A is enacted to read:

§349-A. Mining rules

The board and the Maine Land Use Regulation Commission shall jointly adopt or amend rules necessary to regulate nonferrous metal mining by February 1, 1991. The commissioner and the Maine Land Use Regulation Commission shall convene a joint task force composed of 3 members from each agency to carry out the duties of this section. Any consultants hired must be jointly chosen by both the commissioner and the Director of the Maine Land Use Regulation Commission. Any rules adopted pursuant to this section must include reclamation requirements for a nonferrous metal mining site.

Sec. 2. 38 MRSA §352, sub-§4-A is enacted to read: