

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

where, based on the prisoners' security classifications. Exceeding this population in such an emergency situation may be done only for the length of time necessary to resolve the emergency.

Sec. 19. Reports. The Department of Corrections shall examine its hiring and training standards for correctional officers and determine the feasibility of increasing the entry-level requirements for correctional officers.

The Department of Corrections shall begin implementation of its master plan recommendations regarding substance abuse treatment, including the establishment of inpatient treatment programs within its facilities.

The Department of Corrections shall consult with officials from labor organizations, the Maine State Retirement System and the Department of Administration to determine the feasibility of equalizing employee benefits across correctional institutions.

By January 15, 1991, the Department of Corrections shall report its findings and progress regarding this section to the joint committee of the Legislature having jurisdiction over corrections matters. A copy of this report must be provided to the Office of the Executive Director of the Legislative Council.

See title page for effective date.

CHAPTER 926

S.P. 1004 - L.D. 2492

An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates

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

Sec. 1. 38 MRSA §451-A, sub-§1-A, as enacted by PL 1987, c. 492, is amended to read:

1-A. Time schedule for salt and sand-salt storage program. An owner or operator of a salt or sand-salt storage area is not in violation of any ground water classification or reclassification adopted on or after January 1, 1980, at any time prior to ~~October 1, 1996~~ October 1, 1997, with respect to discharges to the ground water from those facilities, if by that time the owner or operator has completed all steps then required to be completed by the schedules set forth in this subchapter. The department shall administer this schedule according to the project priority list adopted by the board pursuant to section 411 and the provisions of this subsection.

A. Preliminary plans and engineers' estimates ~~shall~~ must be completed and submitted to the Department of Transportation by the following dates:

(1) For Priority 1 and 2 projects - ~~January 1989~~ January 1990;

(2) For Priority 3 project - ~~January 1990~~ January 1991;

(3) For Priority 4 project - ~~January 1991~~ January 1992; and

(4) For Priority 5 project - ~~January 1992~~ January 1993.

B. Arrangements for administration and financing ~~shall~~ must be completed within 12 months of the dates established in paragraph A for each priority category.

C. Detailed engineering and final plan formulation ~~shall~~ must be completed within 24 months of the dates established in paragraph A for each priority category.

D. Review of final plans with the Department of Transportation ~~shall~~ must be completed and construction commenced within 36 months of the dates established in paragraph A for each priority category. The Department of Transportation shall consult with the department in reviewing final plans.

E. Construction ~~shall~~ must be completed and in operation on or before ~~January 1, 1996~~ January 1, 1997.

In no case ~~shall~~ may violations of the lowest ground water classification be allowed. In addition, no violations of any ground water classifications adopted after January 1, 1980, may be allowed for more than 3 years from the date of an offer of a state grant for the construction of those facilities or after ~~January 1, 1996~~ January 1, 1997, whichever is earlier.

The board ~~shall~~ may not issue time schedule variances under subsection 1 to owners or operators of salt or sand-salt storage areas.

An owner or operator of a salt or sand-salt storage area who is in compliance with this section is exempt from the requirements of licensing under section 413, subsection 2-D.

An owner or operator is not in violation of a schedule established pursuant to this subsection if the owner or operator is eligible for a state grant to implement the schedule and the state grant is not available.

Sec. 2. 38 MRSA §563-A, sub-§1, as enacted by PL 1987, c. 491, §10, is amended by amending the first paragraph to read:

1. Compliance schedule. ~~No~~ Notwithstanding subsection 1-A, no person may operate, maintain or store oil in a registered underground oil storage facility or tank ~~which~~ that is not constructed of fiberglass, cathodically

protected steel or other noncorrosive material approved by the department after:

Sec. 3. 38 MRSA §563-A, sub-§1-A is enacted to read:

1-A. Compliance schedule for municipalities and school administrative units. A municipality or school administrative unit may not operate, maintain or store oil in a registered underground oil storage facility or tank that is not constructed of fiberglass, cathodically protected steel or other noncorrosive material approved by the department after:

A. October 1, 1992, if that facility or tank is more than 25 years old or if that facility or tank is more than 15 years old and is located in a sensitive geological area;

B. October 1, 1994, if that facility or tank is more than 20 years old or if that facility or tank is 15 years old and is located in a sensitive geological area; or

C. October 1, 1997.

See title page for effective date.

CHAPTER 927

H.P. 1821 - L.D. 2494

An Act to Provide Funds for the Maine Solid Waste Management Fund

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

Whereas, this bill requires that certain requirements be met prior to 90 days after adjournment; 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. 36 MRSA §2526 is enacted to read:

§2526. Solid waste reduction investment tax credit

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employing unit" has the same meaning as in Title 26, section 1043.

B. "Solid waste" has the same meaning as in Title 38, section 1303-C.

C. "Waste reduction, reuse or recycling equipment" means structures, machinery, equipment or devices, singly or in combination, designed and required to separate, process, modify, convert, treat or repair solid waste generated within the State so that component materials or substances or recoverable resources may be used as a raw material or for productive use and includes:

(1) Vehicles designed and dedicated exclusively for the collection of source-separated municipal solid waste generated within the State for the purpose of recycling;

(2) Add-ons or trailers designed to modify collection vehicles and dedicated to sorting, separating and transporting collected wastes generated within the State that are held for the purpose of recycling; or

(3) Containers for the source separation and temporary storage of recyclable wastes generated within the State.

"Waste reduction, reuse or recycling equipment" does not include structures, machinery, equipment or devices used to burn solid waste.

2. Credit allowed. A taxpayer constituting an employing unit that purchases and uses, or purchases and leases to a person for use by that person at a fixed facility that separates, processes, converts or treats solid waste intended for sale by that person, any waste reduction, reuse or recycling equipment, or other equipment used exclusively in the implementation of a solid waste reduction, reuse or recycling program, is entitled to a credit against the tax imposed by this Part equal to 30% of the cost of that equipment. "Cost of the equipment" means the original basis, without adjustment, of the equipment for federal income tax purposes exclusive of all architectural and engineering fees, site survey fees, legal expenses, development fees and insurance premiums that are included in the basis of the equipment for federal income tax purposes.

3. Eligible machinery and equipment. Purchases eligible for the credit allowed under this section include structures, machinery equipment and devices used to reduce, reuse or recycle solid waste, at least 90% of which is generated within the State. A certificate that the structures, machinery, equipment and devices qualify for the credit provided for in this section from the Maine Waste Management Agency is required before the tax credit may be taken. Machinery and equipment associated with the separation of wastes prior to incineration are eligible when the Maine Waste Management Agency certifies that the separated wastes are being recycled.

4. Limitation; carry-over; carry-back. The amount of the credit that may be used by a taxpayer for