

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
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J.S. McCarthy Company
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PUBLIC LAWS
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is no council, at least once each year residents ~~shall~~ must be given the choice to establish one. A majority vote ~~shall prevail~~ prevails.

The council shall draw up bylaws. The council may meet as often as specified in the bylaws, but at least quarterly. No employee or representative of the facility may be a member of the council. Family members may sit on the council, but ~~shall~~ may not be members.

3. Assistance. ~~The~~ Except as provided in this subsection, the administrator shall designate a staff member, not related to the administrator, to assist the residents' council. In small long-term care facilities in which no staff members are unrelated to the administrator or owner of the facility, the administrator may designate a staff member who is related to the administrator.

See title page for effective date.

CHAPTER 70

S.P. 279 - L.D. 738

An Act to Reestablish the Board of Visitors of State Institutions, except for the Augusta Mental Health Institute and the Bangor Mental Health Institute

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

Sec. 1. 5 MRSA §12004-I, sub-§60-A is enacted to read:

<u>60-A.</u>	<u>Board of Visitors</u>	<u>Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health and Mental Retardation</u>	<u>(for certain state institutions under the Department of Mental Health and Mental Retardation)</u>	<u>Only</u>	<u>§1403-A</u>

Sec. 2. 34-B MRSA §1403-A is enacted to read:

§1403-A. Boards of visitors

1. Appointment. The Governor shall appoint a board of 5 visitors, as authorized by Title 5, section 12004-I, subsection 60-A, for each state institution under the department.

- A. The term of the visitors is for one year.
- B. Members of boards of visitors are eligible for reappointment at the expiration of their terms.
- C. A member of the Legislature may not serve on any board of visitors.
- D. Members of boards of visitors are entitled to compensation for expenses according to the provisions of Title 5, chapter 379.

2. Powers. Each board of visitors may inspect the institution to which it is assigned and may make recommendations on the management of the institution to the commissioner.

3. Duties. Boards of visitors have the following duties.

- A. Boards of visitors shall send copies of all recommendations to the members of the joint standing committee of the Legislature having jurisdiction over human resources matters.
- B. Each board of visitors shall appear before the joint standing committee of the Legislature having jurisdiction over human resources matters upon request.

4. Exceptions. This section does not apply to the Augusta Mental Health Institute, the Bangor Mental Health Institute or the Bath Children's Home.

See title page for effective date.

CHAPTER 71

S.P. 39 - L.D. 61

An Act to Require the Earlier Determination of State Aid to Education

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

20-A MRSA §15613, sub-§2, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. The commissioner shall annually, prior to ~~April 21st~~ February 1st, notify each school board of the amount allocated to the school administrative unit.

See title page for effective date.

CHAPTER 72

H.P. 318 - L.D. 448

An Act Concerning Waste Management

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

Whereas, the space in landfills is severely limited and at a critical state; and

Whereas, effective disposal alternatives exist for certain materials that are currently deposited in landfills; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Consti-

tution 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 §1303-C, sub-§§12, 13 and 41, as enacted by PL 1989, c. 585, Pt. E, §4, are amended to read:

12. Disposal. "Disposal" means the discharge, deposit, dumping, incineration, spilling, leaking or placing of any hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage into or on any land, air or water so that the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

13. Generation. "Generation" means the act or process of producing hazardous, biomedical or solid waste, waste oil, sludge or septage.

41. Waste management. "Waste management" means purposeful, systematic and unified control of the handling and transportation of hazardous, biomedical or solid waste, waste oil, sludge or septage.

Sec. 2. 38 MRSA §1303-C, sub-§47 is enacted to read:

47. Yard wastes. "Yard wastes" means grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.

Sec. 3. 38 MRSA §1304, sub-§13, as affected by PL 1989, c. 890, Pt. A, §40 and as amended by Pt. B, §229, is further amended to read:

13. Innovative disposal and utilization. Recognizing that environmentally suitable sites for waste disposal are in limited supply and represent a critical natural resource, the commissioner may investigate and implement with the approval of the board innovative programs for managing, utilizing and disposing of solid waste. Innovative programs may include agricultural and forest land spreading of wood-derived ash, utilization of ash resulting from combustion of municipal solid waste, paper mill sludges ~~and~~, municipal waste water treatment plant sludges and the composting of yard wastes. The agency shall first determine that the proposed innovative disposal and waste management programs are consistent with the state plan. The commissioner shall review proposed innovative programs for each waste category and shall apply all controls necessary to ensure the protection of the environment and public health consistent with this chapter. The board may adopt application review procedures designed to review individual applications and their individual waste sources with prior approval of classes of disposal or utilization sites. The board shall adopt provisions for municipal notification prior to use of individual utilization sites.

Sec. 4. 38 MRSA §1304-B, sub-§2, ¶B, as amended by PL 1987, c. 517, §14, is further amended to read:

B. Requiring delivery of wastes generated within the municipality, or any portion of those wastes, to a designated disposal or reclamation facility; ~~and~~

Sec. 5. 38 MRSA §1304-B, sub-§2, ¶C, as enacted by PL 1987, c. 517, §15, is amended to read:

C. Designating certain materials as recyclable and exempt from the provisions of paragraph B: ; and

Sec. 6. 38 MRSA §1304-B, sub-§2, ¶D is enacted to read:

D. Designating yard wastes as compost material and requiring delivery of these wastes to a designated composting facility.

Sec. 7. 38 MRSA §1310-N, sub-§8 is enacted to read:

8. Exemption. The disposal of construction and demolition debris, land clearing debris and wood wastes is exempt from the requirements of this chapter when:

A. The disposal facility is less than one acre in size;

B. The disposal facility is located on the same parcel of property where the waste is generated; and

C. Only one exempt disposal facility is located on a single parcel of property, except that additional disposal facilities on the same parcel that are less than one acre in size and that were in existence prior to the effective date of this subsection do not require a license under this chapter if no additional waste is disposed of in those additional facilities after the effective date of this subsection.

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

Effective May 6, 1991.

CHAPTER 73

S.P. 323 - L.D. 879

An Act to Prevent Multiple Assessments of Patients at the Augusta Mental Health Institute

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

Whereas, the Department of Mental Health and Mental Retardation must complete assessments by June 30, 1991; and