

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
NON-EMERGENCY LAWS IS
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

objectivity. ~~No~~ A person shall may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, or who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment, or who now holds an elective county, state or federal office, or who is an officer of a political committee, party committee or political action committee.

See title page for effective date.

CHAPTER 87

H.P. 67 - L.D. 95

An Act Concerning the Licensing of Organizations Operating Games of Chance or Beano

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

Sec. 1. 17 MRSA §314, first ¶, as amended by PL 1977, c. 696, §365, is further amended to read:

The Chief of the State Police may issue licenses to operate "Beano" or "Bingo" games on a monthly basis to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or ~~veterans'~~ veterans' organization ~~which that~~ which that was in existence at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of such organization by duly authorized members thereof. The Chief of the State Police may also issue a license to any auxiliary associated with an organization, department or association qualified for a license under this section if the auxiliary has been in existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of the auxiliary by duly authorized members of the auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization. Said The 2 years' limitation shall does not apply to any chartered posts of ~~veterans'~~ veterans' organizations, nationally established, or auxiliaries of those posts, even though ~~such~~ such the posts have not been in existence for 2 years prior to their application for a license nor ~~shall~~ does the 2 years' limitation apply to any volunteer fire department or rescue unit; ~~and provided that a or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.~~

Sec. 2. 17 MRSA §314, 2nd ¶, as amended by PL 1987, c. 197, §2, is further amended to read:

The fee for such a license to any nonprofit organization is \$5 for each calendar week, or portion thereof, that the amusement is to be operated, or the license may be issued for

a calendar month for a fee of \$15. All license fees ~~shall~~ must be paid to the Treasurer of State to be credited to the General Fund. ~~No licenses may be~~ A license is not assignable or transferable. Nothing contained in this section ~~is to~~ may be construed to prohibit any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or ~~veterans'~~ veterans' organization or auxiliary of any of them from obtaining licenses for a period not to exceed 6 months on one application. No more than one license may be issued to any organization for any one period. No more than one licensee may operate or conduct a game of "beano" or "bingo" on the same premises on the same date.

See title page for effective date.

CHAPTER 88

S.P. 146 - L.D. 358

An Act to Ensure Safe Removal of Underground Oil Storage Tanks

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

Sec. 1. 38 MRSA §566-A, sub-§3, as amended by PL 1989, c. 865, §12, is further amended to read:

3. Rulemaking. The board shall adopt rules allowing for the granting of a variance from the requirement of removal where abandonment by removal is not physically possible or practicable due to circumstances other than those listed in this subsection. The board shall adopt rules setting forth the proper procedures for abandonment of underground oil storage facilities and tanks, including requirements and procedures to conduct a site assessment for the presence of discharges of oil prior to completion of abandonment at facilities storing motor fuel or used in the marketing and distribution of oil ~~and~~ acceptable methods of disposing of the removed tanks, requirements for venting at least 12 feet above ground level flammable gases purged from tanks and from trucks removing oil from tanks and procedures for abandonment in place where removal of a tank or other component of a facility is determined not physically possible or practicable.

Sec. 2. 38 MRSA §566-A, sub-§5, as amended by PL 1989, c. 312, §19, is further amended to read:

5. Qualified personnel. All abandoned facilities and tanks used for the storage of Class 1 liquids that require removal ~~shall~~ must be removed under the ~~direction~~ direct, on-site supervision of an underground oil storage tank installer certified pursuant to Title 32, chapter 104-A, or of ~~professional fire-fighting certified fire-fighting~~ professional fire-fighting certified fire-fighting personnel, except for underground gasoline storage tanks removed pursuant to subsection 6. ~~The certified installer need not be present at the site at the time of the tank's or facility's~~

removal. The commissioner may certify fire-fighting personnel to supervise the removal of Class 1 underground oil storage facilities upon passage of the examination for an underground gasoline storage tank remover. Fire-fighting personnel may only supervise the removal of an underground facility or tank:

A. Within the municipality with which they are affiliated or within the jurisdiction that the municipality with which they are affiliated has a compact; and

B. If the fire-fighting personnel have written authorization from the municipality with which they are affiliated.

Sec. 3. 38 MRSA §566-A, sub-§6, as amended by PL 1989, c. 312, §20, is further amended to read:

6. Underground gasoline storage tanks. Underground gasoline storage tanks may be removed under the ~~direction~~ direct, on-site supervision of an underground gasoline storage tank remover certified pursuant to Title 32, chapter 104-A, if the following conditions are met:

A. All underground gasoline storage tanks at a site are removed at the same time; and

B. No underground gasoline storage tanks are installed at the site for at least 6 months following that removal.

See title page for effective date.

CHAPTER 89

H.P. 619 - L.D. 889

An Act to Amend the Rules Dealing with Laundering Services for Cloth Diapers Used by Day Care Centers

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

Sec. 1. 22 MRSA §8302, sub-§3, as enacted by PL 1989, c. 723, is repealed.

Sec. 2. 22 MRSA §8302, sub-§4 is enacted to read:

4. Rules regarding cloth diapers. The commissioner shall adopt rules regarding the use of cloth diapers in licensed day care facilities and registered home baby-sitting services.

See title page for effective date.

CHAPTER 90

H.P. 268 - L.D. 388

An Act to Provide Payment of Restitution to the Offices of the District Attorneys

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

17-A MRSA §1326, as enacted by PL 1977, c. 455, §3, is amended to read:

§1326. Time and method of restitution

When restitution is authorized, the time and method of payment or of the performance of the services ~~shall~~ must be specified. ~~Monetary~~ Except when the offender is placed on probation, monetary compensation which is not to be paid in installments or at a later specified time shall be paid to the clerk of the court having jurisdiction over the offender may be ordered paid to the office of the prosecuting attorney who is prosecuting the case or to the clerk of the court. If the offender is placed on probation, the compensation may be ordered paid to the Department of Corrections, Division of Probation and Parole. In these cases, the clerk The agency receiving the restitution shall make the disbursement to the victim or other authorized claimant. All other payments and disbursements shall be made by the appropriate governmental agency or institution having jurisdiction or custody of the offender.

See title page for effective date.

CHAPTER 91

H.P. 178 - L.D. 263

An Act Regarding Traffic Violations Bureaus

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

4 MRSA §164, sub-§12, as amended by PL 1989, c. 891, Pt. A, §7, is further amended by amending the 1st paragraph to read:

12. Traffic Violations Bureaus. ~~Establish in each division a one or more Traffic Violations Bureau Bureaus. The Chief Judge shall appoint the clerks of the District Court in each division as a violations clerk for the each Traffic Violations Bureau in their respective divisions established.~~

See title page for effective date.

CHAPTER 92

S.P. 168 - L.D. 380

An Act to Amend the Appointment Process for the Panel of Mediators

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