

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

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J.S. McCarthy Company
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PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

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1991

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Sec. 1. 22 MRSA §8302, sub-§3, as enacted by PL 1989, c. 723, is repealed.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

Sec. 1. 26 MRSA §892, as amended by PL 1983, c. 812, §160, is further amended to read:

panel ~~shall be~~ is the responsibility of the Executive Director of the Maine Labor Relations Board.

§892. Panel

See title page for effective date.

A panel of mediators, as established by Title 5, section ~~12002~~ 12004-B, subsection 3, to consist of not less than 5 nor more than 10 impartial members, ~~shall must~~ be appointed by the Governor, ~~with the advice and consent of the Council~~, from time to time upon the expiration of the terms of the several members, for terms of 3 years. ~~They shall be chosen by the Governor from a list, containing at least 5 times as many names as the number of persons to be chosen, supplied at least once a year by the~~ The Maine Labor Relations Board ~~shall supply to the Governor nominations for filling vacancies.~~ Vacancies occurring during a term ~~shall be~~ are filled for the unexpired term. Members of the panel ~~shall be compensated~~ are entitled to compensation according to the provisions of Title 5, chapter 379. The costs for services rendered and expenses incurred by the panel ~~shall be~~ are paid by the State from an appropriation for ~~said the panel which shall must~~ be included in the budget of the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the panel ~~shall be~~ is the responsibility of the Executive Director of the Maine Labor Relations Board.

Sec. 2. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1987, c. 468, §§2 and 4, is further amended to read:

C. A panel of mediators, to consist of not less than 5 nor more than 10 impartial members, ~~shall must~~ be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. ~~They shall be chosen by the Governor from a list, containing at least 5 times as many names as the number of persons to be chosen, supplied at least once a year by the~~ The Maine Labor Relations Board ~~shall supply to the Governor nominations for filling vacancies.~~ Vacancies occurring during a term ~~shall be~~ are filled for the unexpired term. Members of the panel ~~shall each receive~~ are entitled to \$100 a day beginning July 1, 1988, for ~~their~~ are services for the time actually employed in the discharge of their official duties and ~~shall also receive their~~ are entitled to traveling and all other necessary expenses. The costs for services rendered and expenses incurred by members of the panel of mediators ~~shall be~~ are paid by the State for those mediation cases not exceeding 3 days in length from an appropriation for the panel which ~~shall must~~ be included in the budget of the ~~Public Employees~~ Maine Labor Relations Board. Any costs for services rendered and expenses incurred by the panel of mediators beyond the 3rd mediation day per case ~~shall must~~ be shared equally by the parties to the proceedings, except that on a showing by either party that the payment would impose undue financial hardship, the executive director may waive all or part of the obligation. The amount waived ~~shall must~~ be paid from the ~~above-mentioned~~ appropriation. Authorization for services rendered and expenditures incurred by members of the

CHAPTER 93

H.P. 100 - L.D. 141

An Act to Change the Title of the Commission on Safety in the Maine Workplace

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

Sec. 1. 5 MRSA §12004-G, sub-§26, as enacted by PL 1987, c. 786, §5, is amended to read:

26. Labor Commission on Safety and Health in the Maine Workplace	Expenses Only	26 MRSA §51
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Sec. 2. 26 MRSA §51, as enacted by PL 1987, c. 559, Pt. B, §7, is amended to read:

§51. Commission on Safety and Health in the Maine Workplace

1. Purpose; members; compensation. The Commission on Safety ~~and Health~~ in the Maine Workplace, established by Title 5, chapter 379, ~~section 12004-G, subsection 26, shall consist~~ consists of knowledgeable citizens who shall examine safety attitudes, programs and procedures in ~~Maine's~~ the State's workplaces; identify initiatives to reduce the frequency, severity and cost of work-related accidents and illnesses; and promote and improve best-practice safety programs.

A. The Governor shall appoint the members of the commission, which ~~shall consist~~ consists of not more than 12 members, including:

- (1) Three members with expertise and professional qualifications in the field of occupational safety and health;
- (2) Two members representing workers and 2 members representing private employers, all of whom must be knowledgeable in the area of workplace safety; and
- (3) Other members the Governor considers necessary and appropriate to carry out the purposes of this section.

B. Initial appointments ~~shall be~~ are made for terms of one, 2, 3 and 4 years such that the terms of approximately 1/4 of the members expire in each year. All subsequent appointments ~~shall be~~ are for terms of 4