

# 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  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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## CHAPTER 243

S.P. 472 - L.D. 1264

## An Act Concerning Special Waste Landfills

**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 the site selection process will be completed prior to the expiration of the 90-day period; 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 §2154, sub-§1,** as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

**1. Initial site screening.** The Facility Siting Board shall complete a site screening and selection process on or before ~~July 1, 1994~~ March 1, 1992, to identify solid waste disposal capacity sufficient to meet the projected needs through the year 1995 identified in the analysis conducted under former section 1310-O and the needs that have been identified in the state planning process under subchapter II. The Facility Siting Board shall consider the need for geographic distribution of facilities to adequately serve all regions of the State. The Facility Siting Board also shall consider in its site selection process the need for landfill capacity to dispose of incinerator ash resulting from the combustion of domestic and commercial solid waste generated within its jurisdiction. Prior to recommending a site, the Facility Siting Board shall hold a public hearing in every municipality or plantation identified in the screening process as a potential site. For potential sites within an unincorporated township, the Facility Siting Board shall hold a public hearing within the vicinity of the proposed site.

**Sec. 2. 38 MRSA §2156, sub-§1,** as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

**1. Initial state facility required.** On or before ~~July 1, 1994~~ January 1, 1995, the office shall develop facilities sufficient to meet the projected needs identified in the analysis conducted under former section 1310-O and the state plan and to serve all geographic areas of the State.

**Sec. 3. Special waste disposal site selection process.** During the extension of the site screening and selection process contemplated under this Act, the Maine Waste Management Agency shall hold at least 2 addi-

tional public meetings in addition to any held prior to the effective date of this Act.

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

Effective May 31, 1991.

## CHAPTER 244

S.P. 197 - L.D. 506

An Act Amending the Primary Election Law  
Requiring a Minimum Number of Votes

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

**21-A MRSA §723, sub-§1,** as amended by PL 1987, c. 146, is further amended to read:

**1. Primary election.** In a primary election, the person who receives a plurality of the votes cast for nomination to any office is nominated for that office ~~if his vote total equals or exceeds the minimum number of signatures needed to place his name on the primary ballot by petition,~~ except for write-in candidates under paragraph A.

A. A person who has not qualified as a candidate for nomination by primary election by filing a petition and consent under sections 335 and 336, but who fulfills the other qualifications under section 334, may be nominated at the primary election if ~~he~~ that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5, on a primary petition for a candidate for that office.

(1) The Secretary of State shall send notice of nomination to a write-in candidate by certified mail, return receipt requested. For purposes of this paragraph, the notice ~~shall be~~ is deemed given on the date the write-in candidate signs the receipt, or if the notice is undeliverable, the date the post office last attempts to deliver it. If the candidate fails to file a written acceptance with the Secretary of State within 15 days after receiving the notice, ~~he~~ the candidate is disqualified and ~~his~~ the candidate's name ~~shall~~ may not be printed on the general election ballot.

B. The Secretary of State shall immediately certify by mail the nomination of each person nominated by the primary election.

See title page for effective date.