

# 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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34-A MRSA §3231, sub-§1, as amended by PL 1985, c. 785, Pt. B, §154, is repealed.

See title page for effective date.

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## CHAPTER 311

H.P. 1161 - L.D. 1702

### An Act to Clarify the Role of the Maine Youth Center

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

**Sec. 1. 34-A MRSA §3802, sub-§2**, as enacted by PL 1983, c. 459, §6, is amended to read:

**2. Accomplishment.** To accomplish the purposes set out in subsection 1, the disciplines of education, case-work, group work, psychology, psychiatry, medicine, nursing, vocational training and religion as they are related to human relations and personality development ~~shall~~ must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.

**Sec. 2. 34-A MRSA §3805**, as amended by PL 1983, c. 581, §§47 and 59, is further amended to read:

#### §3805. Commitment

**1. Eligibility.** Only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 11 years of age or older at the time of ~~the court's disposition of the case~~ commitment may be committed to the center pursuant to this subchapter and Title 15, Part 6.

**2. Limitations.** No person may be detained at or committed to the center who is blind or who is a proper subject for any state institution administered by residential services provided by or through the Department of Mental Health and Mental Retardation.

**3. Certification.** When a person is detained at or committed to the center, the court making the detention or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

See title page for effective date.

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## CHAPTER 312

H.P. 1027 - L.D. 1500

### An Act to Amend Certain Laws Governing Hazardous Waste, Septage and Solid Waste Management to Include a Land Acquisition and Eminent Domain Provision for the Remediation of Hazardous Substances and to Provide for the Reimbursement of Expenditures Made for the Acquisition of Property

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

**Sec. 1. 38 MRSA §1364, sub-§5**, as repealed and replaced by PL 1991, c. 66, Pt. A, §40, is amended to read:

**5. Mitigation.** The commissioner may take whatever action necessary to abate, clean up or mitigate the threats or hazards posed or potentially posed by an uncontrolled site or to protect the public health, safety or welfare or the environment, including administering or carrying out measures to abate, clean up or mitigate the threats or hazards, and implementing remedies to remove, store, treat, dispose of or otherwise handle hazardous substances located in, on or over an uncontrolled site, including soil and water contaminated by hazardous substances. When the necessary action includes the installation of a public water supply or the extension of mains of an existing water utility, the department's obligation is limited to construction of those works that are necessary to furnish the contaminated or potentially contaminated properties with a supply of water sufficient for existing uses. The department is not obligated to contribute to a water utility's system development charge, nor to provide works or water sources exceeding those required to abate the threats or hazards posed by the uncontrolled site. The department may pay the costs of operation, maintenance and depreciation of the works or water supply for a period not exceeding 20 years if funds are available from Other Special Revenue or proceeds from the sale of bonds.

**Sec. 2. 38 MRSA §1364, sub-§7** is enacted to read:

**7. Acquisition of property; authority.** The department may acquire, by purchase, lease, condemnation, donation or otherwise, any real property or any interest in real property that the board in its discretion determines, by 2/3 majority vote, is necessary to conduct remedial actions in response to threats or hazards posed or potentially posed by an uncontrolled site, including, but not limited to:

A. Actions to prevent further threats or hazards and to mitigate or terminate the threats or hazards;