

# 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 B, §154, is repealed.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;

B. Actions to clean up soils and ground water and remove hazardous substances from an uncontrolled site; and

C. Replacement of water supplies contaminated or threatened by hazardous substances.

The department may exercise the right of eminent domain in the manner described in Title 35-A, chapter 65, to take and hold real property for any of the purposes described in this subsection. The commissioner shall report on the circumstances of any taking by eminent domain to the joint standing committee of the Legislature having jurisdiction over natural resource matters during the next regular session following the acquisition of any property by eminent domain. The department may transfer or convey to any person real property or any interest in real property once acquired.

**Sec. 3. 38 MRSA §1367, first ¶**, as enacted by PL 1983, c. 569, §1, is amended to read:

Each responsible party is jointly and severally liable for all costs incurred by the State for the abatement, ~~clean-up~~ cleanup or mitigation of the threats or hazards posed or potentially posed by an uncontrolled site, including, without limitation, all costs of acquiring property, and for damages for injury to, destruction of or loss of natural resources of the State resulting from hazardous substances at the site or from the acts or omissions of a responsible party with respect to those hazardous substances. The commissioner shall demand reimbursement of costs and payment of damages to be recovered under this section and payment ~~shall~~ must be made promptly by the responsible party or parties upon whom the demand is made. ~~If payment is not received by the State within 30 days of the demand, the Requests for reimbursement to the Uncontrolled Sites Fund, if not paid within 30 days of demand, may be turned over to the Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General pursuant to Title 5, section 191. The Attorney General or an attorney retained by the department~~ may file suit in the Superior Court and, in addition to relief provided by other law, may seek punitive damages. Notwithstanding the time limits stated in this paragraph, neither a demand nor other recovery efforts against one responsible party may relieve any other responsible party of liability.

See title page for effective date.

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**CHAPTER 313**

**H.P. 1020 - L.D. 1493**

**An Act to Regulate Fines for Prohibited Acts Concerning the Use of Public Ways and Parking Areas Maintained by the State**

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

**34-B MRSA §1411, sub-§4**, as enacted by PL 1983, c. 459, §7, is repealed and the following enacted in its place:

**4. Prohibited acts; forfeitures.** A person who violates any rule adopted under this section commits a civil violation for which a forfeiture may be adjudged in an amount consistent with the amount charged for a similar violation by the municipality in which the institution is located, but not to exceed the maximum amount provided for a traffic infraction under Title 29, section 2303, subsection 1. Notwithstanding any other law, the fines and costs of court paid under this section inure to the municipality in which the proceedings take place.

See title page for effective date.

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**CHAPTER 314**

**S.P. 569 - L.D. 1489**

**An Act to Make Miscellaneous Changes to the Maine Revised Statutes, Title 34-A**

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

**Sec. 1. 34-A MRSA §1001, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended to read:

**1. Chief administrative officer.** “Chief administrative officer of a correctional facility” means the head of a correctional facility, including, but not limited to: or a detention facility.

- ~~A. The Warden of the Maine State Prison;~~
- ~~B. The Superintendent of the Maine Correctional Center;~~
- ~~C. The Director of the Charleston Correctional Facility; and~~
- ~~D. The Superintendent of the Maine Youth Center.~~

**Sec. 2. 34-A MRSA §1001, sub-§1-A** is enacted to read:

**1-A. Client.** “Client” means any person in the custody or under the supervision of the department, including, but not limited to, a prisoner, juvenile client, contract client, probationer, parolee, juvenile detainee and an informally adjusted juvenile.

**Sec. 3. 34-A MRSA §1001, sub-§3**, as enacted by PL 1983, c. 459, §6, is repealed.