

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
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1991

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.

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.

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.