

# 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**  
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**AS PASSED AT THE**  
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**1991**

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**2. Affordable housing covenant created before effective date.** This chapter applies to any affordable housing covenant created before the effective date of this chapter if the affordable housing covenant would have been enforceable had it been created after the effective date of this chapter, unless retroactive application contravenes the Constitution of Maine or the United States Constitution.

**3. Chapter does not invalidate interest.** This chapter does not invalidate any interest, whether designated as an affordable housing covenant or an equitable servitude, restriction, easement or other interest, that is enforceable under other laws of this State.

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

Effective June 18, 1991.

## CHAPTER 374

H.P. 967 - L.D. 1394

### An Act to Improve Markets for Recycled Materials

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

**Sec. 1. 5 MRSA §1812, first ¶,** as amended by PL 1989, c. 585, Pt. C, §1, is further amended to read:

The terms "services," "supplies," "materials" and "equipment" as used in this chapter mean any and all services, articles or things ~~which shall be~~ that are used by or furnished to the State or any department or agency thereof, and any and all printing, binding, publication of laws, journals and reports. Except as provided in chapters 141 to 155, any and all services, supplies, materials and equipment needed by one or more departments or agencies of the State Government ~~shall must~~ be directly purchased or contracted for by the State Purchasing Agent, as may be determined from time to time by rules adopted pursuant to chapters 141 to 155, which rules the Department of Administration is authorized and empowered to make. It is the intent and purpose of this chapter that the State Purchasing Agent shall purchase collectively all services, supplies, materials and equipment for the State or any department or agency thereof in a manner that will best secure the greatest possible economy consistent with the grade or quality of the services, supplies, materials and equipment best adapted for the purposes for which they are needed. Whenever supplies and materials are available for purchase which are composed in whole or in part of recycled materials and are shown by the seller, supplier or manufacturer to be equal in quality and are competitively priced, except for paper and paper products, the State Purchasing Agent shall purchase such recycled supplies and materials. The State Purchasing Agent shall also review procurement procedures and bid specifications for the purchase of products and materials to ensure, to the maximum extent

feasible, the purchase of products or materials that are made with recycled materials or may be recycled or reused once discarded. For the purposes of this section and section 1812-B, "recycled materials" means materials that are composed in whole or in part of elements that are reused or reclaimed.

**Sec. 2. 5 MRSA §1812-C,** as enacted by PL 1989, c. 585, Pt. C, §3, is repealed and the following enacted in its place:

#### **§1812-C. Use of composted and recycled organic materials and reclaimed soil and residuals**

**1. Activities.** All state agencies shall, to the maximum extent practical and consistent with sound environmental practices, use composted and recycled organic materials and reclaimed soil and residuals in the following activities:

A. All land maintenance activities that are paid for by public funds;

B. All construction activities that are paid for by public funds; and

C. All land maintenance and construction activities that are awarded through grant-in-aid-programs to municipalities.

**2. Standards.** The Department of Agriculture, Food and Rural Resources shall develop standards for fertilizers and soil conditioners made from different mixes of compostable wastes that could be used by state agencies involved in land preparation and improvement work. These standards must be adopted by rule by January 1, 1990.

**Sec. 3. 38 MRSA §1310-C, sub-§1,** as enacted by PL 1987, c. 517, §25, is amended to read:

**1. Objectives.** The program ~~shall have~~ has the following objectives:

A. To accomplish the prompt closure of solid waste landfills which, through inappropriate siting, inadequate design and construction or improper operation, pose an actual or potential hazard to the environment and public health; and

B. To accomplish remedial activities to eliminate the existing hazards posed by those landfills; and

C. To provide markets for compost and reclaimed materials.

**Sec. 4. 38 MRSA §1310-D, sub-§3, ¶A,** as enacted by PL 1987, c. 517, §25, is amended to read:

A. Within 90 days of the receipt of a landfill evaluation, together with the recommendations for closure and, if any, remediation actions, the commissioner shall issue a proposed plan for closure and

remediation. This plan must specify the use of compost or reclaimed soil materials for landfill cover to the maximum extent practical and consistent with sound environmental practices. Subject to the provisions of sections 1310-F and 1310-G, a timetable for implementation and all pertinent cost-sharing ~~shall~~ must be included as part of the proposed plan. The board shall subsequently adopt the plan subject to the provisions of Title 5, chapter 375, subchapter IV.

See title page for effective date.

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## CHAPTER 375

### H.P. 760 - L.D. 1094

#### An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of the Department of Defense and Veterans' Services will become due and payable on or immediately after July 1, 1991; 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. 37-B MRSA §955,** as enacted by PL 1983, c. 460, §3, is amended to read:

#### §955. Maine Nuclear Emergency Planning Fund

The Maine Nuclear Emergency Planning Fund is established to be used by the committee as a nonlapsing revolving fund for carrying out the purposes of this chapter. ~~The fund shall be limited to \$250,000.~~ All fees collected under this chapter ~~shall~~ must be credited to this fund. ~~Moneys~~ Money in the fund not needed to meet the current obligations of the committee in the exercise of its responsibilities under this chapter ~~shall~~ must be deposited with the Treasurer of State to the credit of the fund, and may be invested as provided for by statute. Interest received on the investment ~~shall~~ must be credited to the fund.

**Sec. 2. 37-B MRSA §956, sub-§1,** as amended by PL 1989, c. 364, §1, is further amended to read:

**1. Fee.** The license holder for any nuclear power reactor operating in this State ~~shall be~~ is assessed a fee of ~~\$200,000 \$167,000~~ for fiscal year ~~1988-89 1991-92;~~ ~~\$180,000 \$144,000~~ for fiscal year ~~1989-90 1992-93;~~ ~~\$130,000~~ for fiscal year ~~1990-91;~~ and \$140,000 for fiscal year ~~1991-92 1993-94~~ and annually thereafter. License fees ~~shall~~ must be paid to the committee and, upon receipt by it, credited to the fund. The committee may waive all or part of this fee if a reactor is shut down for extended periods of time.

**Sec. 3. 37-B MRSA §956, sub-§2,** as enacted by PL 1989, c. 460, §3, is repealed.

**Sec. 4. 37-B MRSA §957,** as amended by PL 1989, c. 364, §3, is further amended to read:

#### §957. Disbursements from fund

Money in the fund ~~shall~~ may be disbursed only for the preparation and implementation of emergency planning related to nuclear power plants and their fuel-cycle activities. Expenditures ~~shall~~ may be limited to support of state agency activities, grants to counties, municipalities, interjurisdictional or regional civil emergency preparedness agencies and contractual services necessary to carry out the purposes of this chapter. Except as provided in section 599, disbursements from the fund may not exceed ~~\$205,035~~ \$207,842 in fiscal year ~~1988-89 1991-92;~~ ~~\$222,000~~ \$187,574 in fiscal year ~~1989-90 1992-93;~~ ~~\$180,000~~ in fiscal year ~~1990-91;~~ and ~~\$140,000~~ \$190,000 in fiscal year ~~1991-92 1993-94~~ and annually thereafter.

**Sec. 5. 37-B MRSA §961, first ¶,** as reallocated by PL 1983, c. 816, Pt. B, §15, is amended to read:

The Radiological Emergency Preparedness Committee shall keep the Governor and the joint standing committee of the Legislature having jurisdiction over ~~public~~ utilities matters fully and currently informed on the date of preparation of the Emergency Radiological Response Plan, ~~and~~ the state of readiness under that plan and the balance in the Maine Nuclear Emergency Planning Fund. Specifically, the Radiological Emergency Preparedness Committee shall report in a summary fashion suitable for the general public on:

**Sec. 6. 37-B MRSA §961, sub-§4,** as reallocated by PL 1983, c. 816, Pt. B, §15, is amended to read:

**4. Sunset.** When the Legislature finds that final approval of the plan has been given by the appropriate federal agencies, including the Federal Emergency Management Agency and the United States Nuclear Regulatory Commission, the specific reports required by subsections ~~1, 2 and~~ to 3 ~~shall~~ must be replaced by an annual report to the Legislature, due by February 1st, on the state of readiness of the Emergency Radiological Response Plan and any recommendations relating to it, including a statement of the balance in the Maine Nuclear Emergency Planning Fund.