

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
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C. The agreement provides the public with the same opportunity to comment on the application as would be provided if the application were reviewed by the department;

D. The outside reviewer meets the minimum qualification standards established by the commissioner; and

E. The application can not be reviewed by existing departmental personnel in a reasonable period of time.

2. Qualifications. The commissioner shall establish qualification standards for outside reviewers and shall develop a list of qualified outside reviewers. Standards established by the commissioner must include initial qualification standards and standards ensuring that outside reviewers continue to maintain a high level of scientific and regulatory expertise in one or more relevant areas of knowledge.

3. Conflict of interest. An outside reviewer may not review any portion of an application submitted by an applicant who directly or indirectly employed the reviewer in any capacity at any time during the 12-month period immediately preceding the submission of the application. An outside reviewer must sign a written agreement with the commissioner not to be employed, directly or indirectly, by any applicant whose application was reviewed by that reviewer for at least 12 months from the date the review of the application is complete.

4. Penalty. Notwithstanding section 349, any person who knowingly violates subsection 3 is guilty of a Class D crime. Notwithstanding Title 17-A, sections 4-A and 1301, the fine for each violation may not be less than \$5,000 nor more than \$25,000.

5. Repeal. This section is repealed on July 1, 1993.

See title page for effective date.

CHAPTER 472

S.P. 366 - L.D. 968

An Act to Continue the Dislocated Worker Benefit Program

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

Sec. 1. 26 MRSA §1196, sub-§3, as amended by PL 1987, c. 570, §4, is further amended to read:

3. Repeal. This section; section 1043, subsection 5, paragraph B; and section 1191, subsection 4, paragraph A; are repealed: on February 1, 1994.

A. February 1, 1992; or

B. If the reserve multiple determined under section 1221, subsection 4, paragraph C, is .245 or below.

Any person who has qualified to receive benefits under section 1043, subsection 5, paragraph B; or section 1191, subsection 4, paragraph A; at the time of repeal under this subsection ~~shall continue~~ or when the sections were determined to be not in effect due to the reserve multiple under subsection 4 continues to be governed by the ~~repeated~~ repealed or not in effect.

Sec. 2. 26 MRSA §1196, sub-§4 is enacted to read:

4. Suspension of provisions due to the reserve multiple. This section; section 1043, subsection 5, paragraph B; and section 1191, subsection 4, paragraph A are not in effect if the reserve multiple determined under section 1221, subsection 4, paragraph C is .245 or below, and remain ineffective until the reserve multiple is determined to be above .245.

See title page for effective date.

CHAPTER 473

H.P. 937 - L.D. 1357

An Act to Amend the Laws Pertaining to Asbestos Removal

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

Sec. 1. 38 MRSA §1271, last ¶, as enacted by PL 1987, c. 448, §1-C, is amended to read:

The purpose of this chapter is to provide a flexible means by which the State, acting through the Department of Environmental Protection, may ensure that those engaged in the management and abatement of friable asbestos-containing materials are properly trained, supervised and directed to protect the public health.

Sec. 2. 38 MRSA §1272, sub-§2, as amended by PL 1989, c. 325, §1, is further amended to read:

2. Asbestos abatement activity. "Asbestos abatement activity" means activity involving the removal, ~~renewation~~ demolition, enclosure, repair, encapsulation, handling, transportation or disposal of friable asbestos-containing materials in an amount greater than 3 square feet or 3 linear feet. "Asbestos abatement activity" includes the design, monitoring and inspection of any asbestos-containing material in an amount greater than 3 square feet or 3 linear feet.

Sec. 3. 38 MRSA §1272, sub-§3, as enacted by PL 1987, c. 448, §1-C, is amended to read: