

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
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 489

H.P. 1247 - L.D. 1814

An Act to Amend the Provisions Regarding Post-judgment Interest

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

14 MRSA §1602-A, sub-§2, as amended by PL 1989, c. 502, Pt. B, §15, is further amended to read:

2. Other action. For other actions, equal to the coupon issue yield equivalent, as determined by the United States Secretary of the Treasury, of the average accepted auction price for the last auction of 52-week United States Treasury bills settled immediately prior to the date from which the interest is calculated, plus 3% 7%.

See title page for effective date.

CHAPTER 490

H.P. 1306 - L.D. 1888

An Act to Ensure Continuity in Liability for Ground Water Contamination

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

Whereas, Public Law 1991, chapter 9, which took effect March 14, 1991, extended the compliance deadlines for municipally owned salt piles and for underground oil tanks owned by municipalities and schools; and

Whereas, it is essential to clarify that the extension of deadlines is not intended to limit or affect any liability for underground contamination attributable to such salt piles or underground tanks; 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. PL 1991, c. 9, Pt. II, §8 is enacted to read:

Sec. II-8. Liability. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 38, section 451-A, subsection 1-A may not be construed to affect any liability that existed before the effective date of this Act on the part of an owner or operator of salt or sand-salt storage areas for ground water contamination attributable to that salt or sand-salt.

That section of this Part that repeals and replaces Title 38, section 563-A, subsection 1-A may not be construed to affect any liability that existed before the effective date of this Act on the part of a municipality or school administrative district that operates, maintains or stores oil in an underground storage facility or tank for ground water contamination attributable to that facility or tank.

Sec. 2. Retroactivity. This Act applies retroactively to March 14, 1991.

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

Effective June 21, 1991.

CHAPTER 491

S.P. 698 - L.D. 1863

An Act to Improve the Returnable Beverage Container Laws

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

Sec. 1. 32 MRSA §1865, sub-§1, as amended by PL 1989, c. 427, §1, is further amended to read:

1. Labels. Except as provided under ~~subsection sub-sections 1-A and 2~~, the refund value and the word "Maine" or the abbreviation "ME" ~~shall~~ must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by embossing, stamping, labeling or other method of secure attachment to the beverage container. The refund value ~~shall~~ may not be indicated on the bottom of the container. Metal beverage containers ~~shall~~ must be embossed or stamped on the top of the container.

Sec. 2. 32 MRSA §1865, sub-§ 1-A is enacted to read:

1-A. Labels; nonrefillable containers; nonexclusive distributorships. With respect to nonrefillable beverage containers the deposits for which are initiated pursuant to section 1863, subsection 2-B, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by permanently embossing or permanently stamping the beverage containers, except in instances when the initiator of the deposit has specific permission from the department to use stickers or similar devices. The refund value may not be indicated on the bottom of the container. Metal beverage containers must be permanently embossed or permanently stamped on the tops of the containers.

See title page for effective date.