

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

fiscal year 1991-92 Highway Fund obligation, must be ~~re-~~ paid returned to the Highway Fund ~~in the amount of \$5,000,000 on August 1, 1991 and in the amount of \$10,000,000 on July 1, 1992 through increased gas taxes in the amount of \$8,700,000 in fiscal year 1991-92 and \$6,300,000 in fiscal year 1992-93.~~

Sec. D-11. P&SL 1955, c. 186, §1, first sentence, as amended by P&SL 1983, c. 94, §1, is further amended to read:

The State Highway Commission Department of Transportation is hereby authorized and directed to expend on the unimproved portion of Baxter State Park road, so called, commencing at or near Millinocket Lake and extending to Sourdnahunk Field, and the unimproved portion of the road which leads from Baxter State Park road via Togue Ponds in Township 2, Range 9, to its terminus on land of the State at Roaring Brook in Township 3, Range 9, Piscataquis County, and the unimproved portion of the road which begins at Sourdnahunk Field, T. 4, R. 10, Piscataquis County; thence to Sourdnahunk Lake, T. 5, R. 10; thence to Dwelly Pond and McCarthy's which is located on the south branch of Trout Brook; thence to the end of the designated state aid road in T. 6, R. 8, Penobscot County, also the road from the last mentioned road to South Branch Lake in Township 5, Range 9, also the road from the west line of Township 5, Range 10, said west line being a portion of the west boundary of Baxter State Park, to the intersection of said road with the road from Dwelly Pond and McCarthy's to the end of the designated state aid road in T. 6, R. 8, Penobscot County, as much as ~~shall be deemed~~ necessary for their maintenance, including bridges and culverts, but not to exceed \$60,000 per year, some portions of the above described being private roads, open to the public.

Sec. D-12. P&SL 1955, c. 186, §1, as amended by P&SL 1983, c. 94, §1, is further amended by adding after the first sentence a new sentence to read:

Beginning in fiscal year 1991-92, for each gate that allows public ingress and egress to Baxter State Park, the department may expend \$20,000 for the purposes authorized by this Act, up to a total of \$60,000 per fiscal year.

Sec. D-13. Funding for Bureau of State Police. Notwithstanding Public Law 1987, chapter 793, Part B, section 4, for fiscal years 1991-92 and 1992-93 only, funding for the Department of Public Safety, Bureau of State Police must be approximately equal to the following:

	1991-92	1992-93
Highway Fund	64%	78%
General Fund	36%	22%

State Police funding will return to a 50% General Fund appropriation and a 50% Highway Fund allocation for fiscal year 1993-94 and thereafter.

Sec. D-14. Repeal. Section 2 of this Part is repealed July 1, 1993.

Sec. D-15. Effective date. Section 3 of this Part takes effect July 1, 1993.

PART E

Repeal. This Act is repealed on July 11, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1991.

Effective July 1, 1991, unless otherwise indicated.

CHAPTER 530

H.P. 161 - L.D. 246

An Act Assuring Clean Waters in Maine

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

Whereas, the Commission to Study Maine's Oil Spill Clean-up Preparedness has reviewed the State's ability to respond to marine oil spills and has found that the response capability does not exist for a catastrophic oil spill along the Maine coast; and

Whereas, the federal Oil Pollution Act of 1990, Public Law 101-380, 104 Stat. 484, went into effect on August 18, 1990; and

Whereas, there are major efforts under way to address marine oil spill prevention, planning and response by others, including the United States Coast Guard, the Canadian Coast Guard, the Portland oil terminal operators and the industry-sponsored Marine Spill Response Corporation; and

Whereas, there is a need for a continuing advisory body to monitor and evaluate these efforts, to study the effect of the federal law and to explore the relationship between the federal fund and the Maine Coastal and Inland Surface Oil Clean-up Fund; 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. Commission reestablished; membership; appointments. The Commission to Study Maine's Oil Spill Clean-up Preparedness is reestablished and is composed of the following 17 members:

1. One Senator appointed by the President of the Senate;
2. One member of the House of Representatives appointed by the Speaker of the House of Representatives;
3. Three members representing the marine fisheries interest, including the lobster industry, aquaculture industry and sardine industry, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;
4. Three members representing the general public appointed jointly by the President of the Senate and the Speaker of the House of Representatives;
5. The Commissioner of Environmental Protection or the commissioner's designee;
6. Two members representing the petroleum industry appointed by the Governor;
7. One member familiar with oil spill technology appointed by the Governor;
8. One naval architect appointed by the Governor;
9. One member with expertise in coastal geology appointed by the Governor;
10. One member with expertise in fisheries biology appointed by the Governor;
11. One member with expertise in coastal wildlife habitat appointed by the Governor; and
12. One member who is a licensed state pilot or a licensed merchant marine officer appointed by the Governor.

Any vacancies on the commission must be filled by the original appointing authority.

Sec. 2. Meetings. The first meeting of the commission must be held by June 30, 1991, called by the Chair of the Legislative Council or the chair's designee. The commission shall select a legislative member as chair.

Sec. 3. Duties. The commission shall meet and hold a public hearing as needed to review Maine's oil spill clean-up preparedness. Specifically, the commission shall:

1. Track implementation of the federal Oil Pollution Act of 1990 and regulations promulgated under it, and recommend to the Legislature and the Board of Environmen-

tal Protection any appropriate statutory or regulatory changes;

2. Review opportunities and constraints of the federal Oil Spill Liability Trust Fund and review and recommend changes to Maine law to incorporate the availability of response money and damage compensation from the federal fund;

3. Review expenditures and the priority for expenditures of the Maine Coastal and Inland Surface Oil Clean-up Fund and make recommendations to the Commissioner of Environmental Protection and the Legislature on how the fund should be spent. The commission shall also consider the establishment of a permanent advisory committee for this purpose. In making these recommendations, the commission shall consider the advisability of establishing separate coastal and inland surface funds;

4. Monitor the development by the Commissioner of Environmental Protection of any marine oil spill contingency plan;

5. Identify needed additional response vessels and equipment and monitor the progress of the Department of Environmental Protection in obtaining them;

6. Monitor any development of a sensitive area identification system by the State;

7. Recommend resource protection priorities or a mechanism to establish them;

8. Evaluate and consider the establishment of a computerized spill trajectory tracking and forecasting system;

9. Monitor development of any wildlife rehabilitation plan developed by the State;

10. Monitor the progress of the United States Coast Guard and the Department of Environmental Protection on navigational risk assessments and spill prevention measures, including the use of tugboats;

11. Encourage and monitor formation of response cooperatives by the oil terminal operators in each major port area;

12. Study the impact of the State's present unlimited liability standard on the potential for oil spills in Maine waters; and

13. Monitor the safety problems of public boating in the vicinity of oil vessels.

Sec. 4. Reports by Commissioner of Environmental Protection. The Commissioner of Environmental Protection shall report to the commission on the following activities.

1. The Commissioner of Environmental Protection shall report to the Commission to Study Maine's Oil Spill Clean-up Preparedness by June 30, 1991 and quarterly thereafter until June 30, 1992 on the progress of the department in:

- A. Revising its rules on marine oil spills;
- B. Developing a state marine oil spill contingency plan; and
- C. Developing a sensitive area identification and protection system.

2. The department, in consultation with the Gulf of Maine Council on the Marine Environment, shall pursue a response agreement or compact with the other states and provinces on the Gulf of Maine and report to the commission by June 30, 1991 on its progress.

3. The commissioner shall report to the commission by June 30, 1991 on the availability of facilities for disposal of oily debris from a major oil spill.

4. The commissioner shall study and report to the commission by September 1, 1991 on the possibility of additional state oil spill prevention actions, such as vessel movement restrictions, shipboard inspections and more stringent operating requirements for terminals. The commissioner shall retain an experienced consultant to advise the commissioner on navigational and terminal risk assessment to support this effort.

5. The commissioner shall, in connection with development of the state marine oil spill contingency plan, review and report to the commission by September 1, 1991 on its needs for specific response equipment, including booms, skimmers, sorbents, pumps, barges, dispersants and other spill control products, taking into account equipment that is or will be available from other sources. The report must also specify the steps the department has taken to provide the needed equipment.

Sec. 5. Reports by Department of Inland Fisheries and Wildlife. The Department of Inland Fisheries and Wildlife shall report to the Commission to Study Maine's Oil Spill Clean-up Preparedness by June 30, 1991 and quarterly thereafter until June 30, 1992 on the progress of the department in developing a wildlife rehabilitation plan.

Sec. 6. Report. The commission shall develop and submit a report and recommendations, together with any recommended legislation, to the Joint Standing Committee on Energy and Natural Resources and the Office of the Executive Director of the Legislative Council by November 1, 1991. The commission is dissolved on June 30, 1992.

Sec. 7. Staff assistance. The commission may request staff assistance between sessions of the Legislature from the Legislative Council. Any staff assistance required by the commission while the Legislature is in session must be provided by the Department of Environmental Protection.

Sec. 8. Reimbursement. The public members of the commission are entitled to legislative per diem and expenses for the days of attendance at commission meetings upon request from the Executive Director of the Legislative Council. The Executive Director of the Legislative Council shall administer the budget of the commission.

Sec. 9. PL 1989, c. 868, §18, under that part designated "LEGISLATURE" in that part relating to "Commission to Study Maine's Oil Spill Clean-up Preparedness" is amended by amending the 3rd to 12th lines to read:

Provides funds for the per diem, travel, consultants and related expenses of the Commission to Study Maine's Oil Spill Clean-up Preparedness. Unexpended funds allocated in fiscal year 1989-90 and fiscal year 1990-91 for the Commission to Study Maine's Oil Spill Clean-up Preparedness must be carried forward to fiscal year 1991-92. These funds allocated pursuant to Public Law 1989, chapter 868, section 18 must be used for the purpose of this new study and must be carried forward until the commission expires on June 30, 1992. Any unexpended funds lapse to the Maine Coastal and Inland Surface Oil Clean-up Fund upon completion of the study.

Sec. 10. Allocation. The following funds are allocated from the Maine Coastal and Inland Surface Oil Clean-up Fund to carry out the purposes of this Act.

1990-91

LEGISLATURE

Commission to Study Maine's Oil Spill Clean-up Preparedness

Personal Services	\$2,805
All Other	(2,805)

Provides for the transfer of funds from the "all other" line item to the "personal services" line item to allow for the payment of per diem authorized by this Act.

LEGISLATURE
TOTAL

\$-0-

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

Effective July 8, 1991.

CHAPTER 531

S.P. 503 - L.D. 1341

An Act to Amend Various Provisions of the
Electricians' Examining Board Laws

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

Sec. 1. 32 MRSA §1102, sub-§5, as repealed and replaced by PL 1987, c. 395, Pt. B, §5, is amended to read:

5. Oil burner technicians. Any person duly licensed under chapter 33 subject to the restrictions of the license as issued; or

Sec. 2. 32 MRSA §1102, sub-§6, as amended by PL 1987, c. 735, §47, is further amended to read:

6. Elevator mechanics. Any person licensed under Title 26, sections 484 to 487 subject to the restrictions of the license as issued; or

Sec. 3. 32 MRSA §1102, sub-§7, as enacted by PL 1987, c. 735, §48, is repealed.

Sec. 4. 32 MRSA §1102-A, first ¶, as amended by PL 1981, c. 501, §59, is further amended to read:

The licensing provisions of this chapter ~~shall~~ do not apply to regular employees of the following plants:

Sec. 5. 32 MRSA §1102-A, sub-§3, as enacted by PL 1973, c. 363, is amended to read:

3. Manufacturers' plants. Any electrical installations or equipment involved in the manufacture, ~~test~~ testing or repair of electrical equipment in the manufacturer's plant; or

Sec. 6. 32 MRSA §1102-A, sub-§4 is enacted to read:

4. Low-energy installers. Individuals or employees installing telephone, telegraph, cable and closed-circuit television, data communication and sound equipment.

Sec. 7. 32 MRSA §1102-B, sub-§3, as enacted by PL 1981, c. 432, §2, is amended to read:

3. Inspection required. When the installation or alteration is completed, the person making the installation or alteration shall notify the state electrical inspector assigned to the area. The inspector shall inspect the installation within a reasonable time so as not to cause undue delay in the progress of the construction contract or installation. ~~If he determines that~~ The inspector shall determine whether the installation complies with all applicable statutes, ordinances and rules, ~~he shall issue a certificate of approval.~~ If he the inspector determines that the installation does not so comply, the procedures set forth in section 1104 shall apply. Any utility corporation shall require proof of permit prior to connecting power to the installation.

Sec. 8. 32 MRSA §1104-A, as repealed and replaced by PL 1973, c. 363, is amended to read:

§1104-A. Failure to comply with order of inspector

If the owner or occupant of any building neglects or refuses without justification for more than 10 days to comply with any order of a state electrical inspector concerning electrical installations as provided in this chapter, ~~he shall be punished by a fine that person commits a civil violation for which a forfeiture of not less than \$5 \$100 for each day's neglect may be adjudged.~~

Sec. 9. 32 MRSA §1152, 2nd ¶, as repealed and replaced by PL 1973, c. 363, is amended to read:

Electrical inspectors appointed under this section ~~shall~~ have ~~the same~~ powers throughout the several counties of the State, as similar to those of sheriffs have in their respective counties, relating to enforcement of this chapter and rules and regulations promulgated thereunder. These powers are limited to the power to conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority.

Sec. 10. 32 MRSA §1153-B, sub-§4 is enacted to read:

4. Certificate as evidence. Notwithstanding any provision of law or rule or evidence, the certificate of the Commissioner of Professional and Financial Regulation or the Director of the Division of Licensing and Enforcement, under the seal of the State, must be received by any court in this State as prima facie evidence of the issuance, suspension or revocation of any license or permit issued by the department.

Sec. 11. 32 MRSA §1202, sub-§4 is enacted to read:

4. Inactive licenses. Any licensee, who does not desire to perform any of the electrical installations described in section 1101, and who wants to preserve the license while not engaged in any electrical installations, shall surrender the license to the board for placement on inactive status. The board shall place the license on inactive status upon