

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

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SECOND REGULAR SESSION
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PUBLISHED BY THE REVISOR OF STATUTES
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J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

1. Incineration facility. "Incineration facility" means a facility that accepts municipal solid waste for consideration and disposes of the waste through combustion, including combustion for the generation of heat, steam or electricity. A facility that incinerates municipal solid waste in amounts that constitute less than 2% by weight of its fuel is not an incineration facility.

2. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including, but not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse. "Solid waste" includes fuel, whether solid, liquid or gas, derived from materials such as those listed.

3. Tipping fee. "Tipping fee" means any fee, rate, toll or other charge that an incineration facility charges for disposal of solid waste from the facility's customers.

4. Waste source. "Waste source" means any entity that pays a tipping fee to an incineration facility.

§2232. Reporting

An incineration facility shall submit an annual report to the agency no later than 90 days after the end of the incineration facility's fiscal year. For reasonable cause shown and upon written application by an incineration facility, the agency may grant an extension of the 90-day period. The report must be certified by an appropriate executive officer of the incineration facility as being complete and accurate. The agency may prescribe the form of the annual report and the number of copies that must be submitted. The report must include the following information:

1. Waste. The total weight in tons of all solid waste received by the incineration facility in the last completed fiscal year and each month of that year and a breakdown of these totals according to the waste sources;

2. Tipping fee. A schedule of various tipping fees imposed by the incineration facility on the incineration facility's municipal and commercial customers over the last completed fiscal year including an identification of all changes in those fees and a similar schedule of fees to be imposed on municipal and commercial customers for the next fiscal year. The tipping fees for commercial customers must be set out separately by each rate charged to each category of commercial customer;

3. Revenue. The total revenue of the incineration facility from all sources for the last completed fiscal year and each month of that year. Revenue figures must identify revenues from each revenue source, including, but not limited to, tipping fees and any revenue from sales of electricity to electric utilities;

4. Expenditures. The total expenditures of the incineration facility during the last completed fiscal year including details of those expenditures as required by the agency; and

5. Other information. Any other information required by the agency.

§2233. Civil violation

A person that violates any requirement of section 2232 commits a civil violation for which a forfeiture not to exceed \$200 may be adjudged. Each day of a violation is considered a separate offense.

§2234. Civil penalty

A person that certifies a report under section 2232 as being complete and accurate and who knows that the report is either incomplete or inaccurate is subject to a civil penalty not to exceed \$500, payable to the State. This penalty is recoverable in a civil action.

§2235. Use of files

The agency shall keep on file for public inspection and use all reports submitted under this subchapter.

§2236. Limitation

Nothing in the subchapter may be construed to create or expand any agency authority over financial, organizational or rate regulation of incineration facilities.

See title page for effective date.

CHAPTER 677

H.P. 1475 - L.D. 2087

An Act to Allow the State Harness Racing Commission to Adopt a Controlled Medication Program

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

Whereas, the State Harness Racing Commission is not authorized to adopt a controlled medication program; and

Whereas, this authorization is needed before the spring racing season begins; 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. 8 MRSA §279-A, as amended by PL 1991, c. 579, §13, is further amended by adding after the 3rd paragraph a new paragraph to read:

Notwithstanding section 280, the commission may adopt a controlled medication program that permits controlled medication to be administered to racehorses.

Sec. 2. 8 MRSA §280, as amended by PL 1979, c. 731, §19, is further amended to read:

§280. Use of drugs or appliance; veterinarian

Any Except as provided in section 279-A, a person who attempts to or does interfere with, tamper, injure, destroy, stimulate or depress by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether such that horse be is the property of such that person or another, or who causes or instigates, counsels or in any way aids or abets such that interference, tampering, injury or destruction or any person who shall influence influences or have has any understanding, arrangement or connivance with any person associated with or interested in any stable, horse, track or race in which any horse participates to prearrange the results of any such a race shall must be punished by a fine of not more than \$5,000 or by imprisonment for not more than 3 years, or by both. The owner of any horse which that is found to have been stimulated or doped shall must be denied any part of the purse offered for such a race, and the purse shall must be distributed as in case of a disqualification and all horses of such that owner shall must be barred from racing in this State for the balance of the racing season.

The Commissioner of Agriculture, Food and Rural Resources is authorized to employ a State Veterinarian. The duties of the veterinarian shall include the medical and physical examination and testing of horses to assure ensure compliance with the statutes, and advising the commission of any violation thereof.

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

Effective March 20, 1992.

CHAPTER 678

H.P. 1452 - L.D. 2064

An Act to Provide an Exemption to the Sunday Fishing Ban When a Storm Advisory or Storm Warning Is in Effect

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

12 MRSA §6440, sub-§2, as enacted by PL 1977, c. 661, §5, is amended to read:

2. Weekends. During the period from 4 p.m., Eastern Daylight Savings Time, Saturday, to 1/2 hour before sunrise the following Monday morning from June 1st to August 31st, both days inclusive, except that it is lawful to raise, haul or transfer traps during this period if a hurricane warning issued by the National Weather Service is in effect for any coastal waters of the State.

See title page for effective date.

CHAPTER 679

H.P. 1471 - L.D. 2083

An Act Concerning the Stocking of Atlantic Salmon in Maine Rivers

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

Whereas, the stocking program authorized in this legislation requires rulemaking before the program may be implemented; and

Whereas, preparation for the next fishing season must begin well in advance of the 90-day period; 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:

12 MRSA §7675 is enacted to read:

§7675. Aquaculture stock

1. Acceptance of stock. The Atlantic Sea Run Salmon Commission may accept salmon stock that are offered at no charge from commercial aquaculture hatcheries for release into state rivers subject to rules developed by the Atlantic Sea Run Salmon Commission.

2. Rules. The Atlantic Sea Run Salmon Commission shall adopt rules to implement this section. They must, at a minimum: