

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

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

rary licenses issued under section 533 may be exempt from the photograph requirement. A license ~~which that~~ does not contain a photograph of the licensee may be issued as the Secretary of State ~~deems determines necessary, except that the holder of a commercial driver's license shall not be exempt from the color photograph requirement.~~

Sec. 11. 29 MRSA §547, sub-§3, as amended by PL 1989, c. 481, Pt. A, §21, is further amended to read:

3. Nonliability. Members of the board or other persons making examinations who report their opinions, recommendations and advice to the office of the Secretary of State in good faith ~~shall~~ have immunity for any damages claimed as a result of so doing. Any physician or other person who becomes aware of a physical, mental or emotional impairment ~~which that~~ appears to present an imminent threat to driving safety and reports this information to the office of the Secretary of State through its agents in good faith ~~shall have~~ has immunity for any damages claimed as a result of so doing. The immunity for damages applies only to the extent this immunity is not in conflict with federal law or regulation.

Sec. 12. 29 MRSA §2181, sub-§3 is enacted to read:

3. Aggravated misstatement of fact. A person commits aggravated misstatement of fact if that person:

A. Uses documents of another person without the other person's consent in committing a violation of subsection 1 or 2;

B. Obtains a document, decal or placard in a fictitious name;

C. Obtains a document, decal or placard in another person's name and, as a result of use of the material, the other person receives one or more summonses or is arrested, indicted or convicted of an offense not committed by the other person;

D. Obtains an operator's license through violation of subsection 1 or 2 when the person's operating privileges have been revoked pursuant to chapter 18-A or have been suspended pursuant to this Title or an order of a court; or

E. Uses material obtained through violation of subsection 1 or 2 in the commission of a crime or a civil violation.

Aggravated misstatement of fact is a Class D crime.

Sec. 13. 29 MRSA §2241-D, sub-§1, as repealed and replaced by PL 1985, c. 481, Pt. A, §52, is amended to read:

1. Fee. ~~Notwithstanding any other provisions of this Title, before a mandatory suspension, a mandatory or revocation or a suspension ordered by the Secretary of State or a court of a person's driving privilege may be is terminated or reinstated, there shall be paid to the Secretary of State a fee of \$25 which shall be in addition to the regular registration or license fee must be paid to the Secretary of State.~~

All reinstatement fees paid for court-ordered suspensions under sections 2301 and 2301-A ~~shall~~ must be deposited equally between the Highway Fund and the General Fund.

Sec. 14. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandated subject to that section and the State is not required to fund those costs.

Sec. 15. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1992-93

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Administration - Motor Vehicles

All Other	\$44,000
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Provides funds for retooling, data processing expenses and new materials to produce the 7-digit vanity plates.

**DEPARTMENT OF THE
SECRETARY OF STATE
TOTAL**

\$44,000

Sec. 16. Effective date. The section of this Act that amends the Maine Revised Statutes, Title 29, section 192, takes effect January 1, 1993.

See title page for effective date, unless otherwise indicated.

CHAPTER 759

H.P. 1622 - L.D. 2285

An Act Concerning Landfill Operation on Certain Islands and to Correct an Error in the Landfill Operation Laws

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

Sec. 1. 38 MRSA §1310-D, first ¶, as enacted by PL 1987, c. 517, §25, is repealed and the following enacted in its place:

The provisions of this article govern open-municipal solid waste landfills.

Sec. 2. 38 MRSA §1310-D, sub-§3, ¶A, as amended by PL 1991, c. 374, §4 and repealed and replaced by c. 519, §5, is repealed and the following enacted in its place:

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 an order for closure and, if appropriate, remediation. This order 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 sections 1310-F and 1310-G, a timetable for implementation and all pertinent cost-sharing must be included as part of the order.

Sec. 3. Islands; report by department. By January 1, 1993, the Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters and to the Office of the Executive Director of the Legislative Council on the status of municipal solid waste management and disposal systems on any island that is seeking to continue operating its municipal solid waste landfill after December 31, 1992. The report must summarize the information submitted to the department by the islands seeking to operate landfills beyond that closure deadline and may include recommendations to the committee to extend the closure deadline for specific island landfills. The department may recommend extending an island landfill closure deadline beyond December 31, 1992 if:

1. Continued operation of the landfill does not pose an immediate hazard to the public health or the environment, including, but not limited to, a threat to a public or private water supply; and
2. The island has demonstrated progress in identifying and implementing solid waste management options, including source reduction, reuse of waste, recycling of waste, composting, volume reduction and disposal.

For the purposes of this section, the term "island" means an island with year-round residents that is not connected to the mainland by a bridge, causeway or other structure providing passage to the island and that is not part of a mainland municipality.

See title page for effective date.

CHAPTER 760

H.P. 1574 - L.D. 2221

An Act Pertaining to the Issuance of Orders in Domestic Abuse and Harassment Cases

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

Sec. 1. 5 MRSA §4651, sub-§1, as enacted by PL 1987, c. 515, §1, is amended to read:

1. Court. "Court" means any District Court or Superior Court.

Sec. 2. 5 MRSA §4652, as amended by PL 1987, c. 708, §2, is further amended to read:

§4652. Filing of petition; jurisdiction

Proceedings under this chapter ~~shall~~ must be filed, heard and determined in the District Court ~~or Superior Court~~ of the division ~~or county~~ in which either the plaintiff or the defendant resides. If the plaintiff has left the plaintiff's residence to avoid harassment, the plaintiff may bring an action in the division ~~or county~~ of the plaintiff's previous residence or new residence.

The District Court has jurisdiction over protection from harassment petitions. If a District Court judge is not available in the division in which a complaint requesting a temporary order is to be filed, the complaint may be presented to any other District Court judge or to any Superior Court justice who has the same authority as a District Court judge to grant or deny the temporary order.

Sec. 3. 5 MRSA §4654, sub-§3, ¶¶A and B, as enacted by PL 1987, c. 515, §1, are amended to read:

A. When there is no judge available in the District Court having venue or the District Court courthouse is closed and no other provision can be made for protection of a victim of harassment, a petition may be ~~filed before~~ presented to any Judge judge of the District Court or Justice of the Superior Court. Upon a meeting of the requirements of subsection 2, the court may enter any temporary orders, authorized under subsection 4, as ~~it deems~~ the court considers necessary to protect the plaintiff from harassment.

B. If a petition is filed presented under this subsection, the petition and any order issued pursuant to it ~~shall the petition must~~ be immediately certified to the clerk of the District Court ~~or Superior Court~~ having venue for filing. This certification to the court ~~shall have~~ has the effect of commencing proceedings and invoking the other provisions of this chapter.