

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

D. For school buses as defined in section 2011 there is a combined single limit of:

(1) Five hundred thousand dollars for school buses with up to 30 passengers; and

(2) One million dollars for school buses with 31 or more passengers.

3. Maintenance of insurance. The owner or owners of any vehicle subject to this section shall maintain at all times the required amount of insurance or bond during the term of the vehicle's registration. For vehicles registered in this State, the Secretary of State shall immediately suspend or revoke, pursuant to chapter 17, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate, registration plates and operating authority permit have been suspended or revoked pursuant to this section shall immediately return the registration certificate, registration plates and the operating authority permit to the Secretary of State. For vehicles not required to be registered in this State, the Secretary of State shall suspend the person's operating authority permit or right to operate in this State.

4. Additional requirements. In addition to this section, those for-hire carriers not exempted under section 2709 must comply as required pursuant to sections 2703 and 2704.

5. Coverage of insurance or bond. The required insurance policy or bond must adequately provide liability insurance for the collection of damages for which the holder of a permit or the owner of a motor vehicle or vehicles may be liable by reason of the operation of a motor vehicle or vehicles subject to this chapter.

6. Exemption. All vehicles owned by a municipality or school district are exempt from the insurance requirements established in this section.

Sec. 12. 29 MRSA §2709, sub-§1-A, ¶Q, as amended by PL 1989, c. 866, Pt. B, §25 and affected by §26, is further amended by repealing and replacing subparagraph (1) to read:

(1) The operation of a motor vehicle under contract with the State, a municipality or a school district used in transporting students;

Sec. 13. Effective date. Sections 1 and 2, 4 to 10 and 12 take effect on January 1, 1993. The provisions of section 11 that enact the Maine Revised Statutes, Title 29, section 2708-A, subsection 1, subsection 2, paragraphs A, C and D and section 2708-A, subsections 3 to 6 take effect January 1, 1993. The provisions of section 11 that enact Title 29, section 2708-A, subsection 2, paragraph B take effect on the effective date of this Act.

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

Effective April 3, 1992, unless otherwise indicated.

CHAPTER 794

S.P. 897 - L.D. 2311

An Act to Amend Various Provisions of the Laws Governing Solid Waste Disposal Facilities

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

Whereas, municipalities need a greater voice in the site selection process for solid waste disposal facilities; and

Whereas, the siting criteria used by the Facility Siting Board needs to be amended before these important siting decisions are made; 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. 38 MRSA §1310-S, sub-§4, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §249, is further amended to read:

4. Financial assistance. The commissioner shall reimburse or make assistance grants for the direct expenses of intervention of any party granted intervenor status under subsection 3, not to exceed \$50,000. The board shall adopt rules governing the award and management of intervenor assistance grants and reimbursement of expenses to ensure that the funds are used in support of direct, substantive participation in the proceedings before the department. Allowable expenses include, without limitation, hydrogeological studies, waste generation and recycling studies, traffic analyses, the retention of expert witnesses and attorneys and other related items. Expenses not used in support of direct, substantive participation in the proceedings before the department, including attorney's fees related to court appeals, are not eligible for reimbursement under this subsection. Expenses otherwise eligible under this section that are incurred by the municipality after notification pursuant to subsection 1, are eligible for reimbursement under this subsection only if a completed application is accepted by the department. The board shall also establish rules governing:

A. The process by which an intervenor under subsection 3 may gain entry to the proposed facility site for purposes of reasonable inspection and site investigations under the auspices of the department; and

B. The reduction in the maximum level of reimbursable costs to the extent the municipality establishes by local ordinance any substantially similar financial requirements of the applicant.

Sec. 2. 38 MRSA §2153, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

§2153. Siting criteria

1. Siting criteria. ~~By May 1, 1990~~ September 1, 1992, the Facility Siting Board shall ~~adopt by rule~~ amend its rules for siting criteria for solid waste disposal facilities based on the following factors.

A. ~~To the extent possible, a~~ A site shall ~~may~~ be located anywhere within the State and need not be in proximity to the entities that generate the wastes placed at the site of waste generation.

A-1. Agency-owned sites for the disposal of special waste may not be located within a 5-mile radius of an existing commercial special waste landfill or a commercial incineration facility.

B. To the extent possible, a site shall ~~must~~ be located in proximity to the transportation systems, including existing or potential railroad systems, that are used to convey waste to the site or to convey residuals and materials to be recycled from the site.

C. The capacity or size of a site must be consistent with the projected demand as determined in the state plan.

D. A site and its considered use must be consistent with, and actively support, other waste management objectives, including waste reduction and recycling.

E. The projected price for site development, construction and operation must be fair and reasonable.

F. A site must meet preliminary environmental standards developed jointly by the department and the Maine Land Use Regulation Commission, including ground water and standards, geological standards and standards to protect public drinking water supplies.

G. Existing uses on adjacent properties ~~shall, including public or private schools, may not be in~~

significant conflict with or significantly jeopardized by the use of a site.

Sec. 3. 38 MRSA §2154, sub-§1, as amended by PL 1991, c. 243, §1, is further amended to read:

1. Initial site screening. The Facility Siting Board shall ~~complete~~ conduct a site screening and selection process ~~on or before March 1, 1992~~, to identify solid waste disposal capacity sufficient to meet the projected needs ~~through the year 1995 identified in the analysis conducted under former section 1310-O and the needs that have been identified in the state planning process under subchapter H section 2123, subsection 6.~~ The Facility Siting Board shall consider the need for geographic distribution of facilities to adequately serve all regions of the State. The Facility Siting Board also shall consider in its site selection process the need for landfill capacity to dispose of incinerator ash resulting from the combustion of domestic and commercial solid waste generated within its jurisdiction. Prior to recommending a site, the Facility Siting Board shall hold a public hearing in every municipality or plantation identified in the screening process as a potential site. For potential sites within an unincorporated township, the Facility Siting Board shall hold a public hearing within the vicinity of the proposed site. Prior to submitting a recommended site to the department for review, the Facility Siting Board shall find that the recommended site meets the standards adopted under section 2153.

Sec. 4. 38 MRSA §2154, sub-§3 is enacted to read:

3. Municipal reimbursement. At the conclusion of proceedings before the Facility Siting Board conducted pursuant to subsection 1, the agency shall reimburse a municipality for eligible expenses incurred as a result of that municipality's direct, substantive participation in proceedings before the Facility Siting Board. The amount reimbursed under this subsection may not exceed \$50,000 for any municipality. For the purposes of this subsection, "eligible expenses" has the same meaning as "expenses eligible for reimbursement" under section 1310-S, subsection 4, and any rules adopted by the Board of Environmental Protection pursuant to that section.

Sec. 5. 38 MRSA §2156, sub-§1, as amended by PL 1991, c. 517, Pt. C, §2, is further amended to read:

1. State facility required. ~~On or before January 1, 1995, the~~ The office shall develop facilities sufficient to meet the projected needs for municipal solid waste identified in the analysis conducted under ~~former section 1310-O and the state plan~~ section 2123, subsection 6 and to serve all geographic areas of the State. ~~On or before January 1, 1995, the~~ The office may develop facilities sufficient to meet the projected needs for special waste identified in the analysis conducted under ~~former section 1310-O and the state plan~~ section 2123, subsection 6 and to serve all geographic areas of the State.

Sec. 6. 38 MRSA §2175, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. 7. 38 MRSA §2175-A is enacted to read:

§2175-A. Property value offset

Owners of property whose value has been affected by an agency-operated or agency-approved facility licensed under chapter 13 are eligible for reimbursement for loss in property value directly attributable to the construction and operation of the facility. The agency shall adopt rules to establish the formula and procedure for reimbursement, including, without limitation, definition of the impact area, a process for establishing baseline real estate values, a time frame within which the property value offset program will be in effect and an accounting of real estate trends in the area.

Sec. 8. Regulatory agenda. Notwithstanding the Maine Revised Statutes, Title 5, section 8064, the Maine Waste Management Agency may adopt rules necessary to implement this Act prior to the submission of the agency's next regulatory agenda.

Sec. 9. Retroactivity. The Maine Waste Management Agency shall reimburse the towns of Alton, Arundel, Biddeford, Benton, Buxton, Hampden and Hermon for eligible expenses under the Maine Revised Statutes, Title 38, section 2154, subsection 3 incurred by those towns prior to the effective date of this Act. Notwithstanding the Maine Revised Statutes, Title 38, section 2154, subsection 3, the \$50,000 expense reimbursement limit does not apply to expenses reimbursed under this section.

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

Effective April 3, 1992.

CHAPTER 795

S.P. 915 - L.D. 2352

An Act to Grant Immunity for Directors of Rural Electrification Cooperatives

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

Sec. 1. 14 MRSA §158-A, sub-§1, ¶A, as amended by PL 1989, c. 389, is further amended to read:

A. "Charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State:

(1) That is exempt from federal income taxation under the United States Internal Revenue Code, Section 501(a), because it is described in Section 501(c)(3), (4), (6) as it pertains to chambers of commerce only, (10), (13) or (14)(A), including all subsequent amendments to those paragraphs. An organization is included in this subparagraph if it would be exempt from taxation under Section 501(c)(3) but for its engaging in attempting to influence legislation to the extent that it is disqualified from tax exemption under Section 501(c)(3); or

(2) That is:

(a) Organized under the Maine Nonprofit Corporation Act for any of the purposes listed in Title 13-B, section 201, subsection 1, paragraph A;

(b) Organized under the provisions set forth in Title 13-B, section 201, subsection 2, paragraph A;

(c) Organized under the provisions of Title 13-B, section 201, subsection 3, paragraph D or E; or

(d) Organized in Maine as a nonprofit corporation before January 1, 1978, for any of the purposes listed in Title 13-B, section 201, subsection 1, paragraph A, and to which the Maine Nonprofit Corporation Act applies; or

(e) Organized as a rural electrification cooperative under the provisions of Title 35-A, chapter 37.

This subparagraph applies to all subsequent amendments to the statutes covered by divisions (a), (b), (c) ~~and~~, (d) and (e).

See title page for effective date.

CHAPTER 796

H.P. 1685 - L.D. 2365

An Act Relating to Gambling

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

Whereas, the laws affecting gambling activities within the State need to be amended immediately to allow once-a-year raffles with prizes worth between \$10,000 and \$75,000; and