

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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cial interest in entering into primary health care practice in the State.

**Sec. 12. Funds transferred.** On January 1, 1993, any funds remaining in the revolving fund established under the Maine Revised Statutes, Title 20-A, section 11808 and in the State Osteopathic Loan Fund established under Title 20-A, section 12002-A are transferred to and repayments required to be made to either one of those funds on or after January 1, 1993, must be paid to the fund established under Title 20-A, section 12105.

**Sec. 13. Effect of repeal.** The repeal of the Maine Revised Statutes, Title 20-A, section 11805 accomplished in this Act is not intended to affect contracts existing on or before December 31, 1992 that were entered into pursuant to Title 20-A, chapter 421.

**Sec. 14. Effective date.** The following sections of this Act take effect January 1, 1993: the section that repeals the Maine Revised Statutes, Title 20-A, section 11805; the sections that repeal Title 20-A, section 11806, subsections 2 and 3; and the section that repeals Title 20-A, section 11807.

See title page for effective date,  
unless otherwise indicated.

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## CHAPTER 833

S.P. 967 - L.D. 2446

### An Act Regarding Plastic Rings and Other Plastic Holding Devices

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

**Sec. 1. 7 MRSA §18, sub-§2,** as enacted by PL 1991, c. 415, §1, is repealed.

**Sec. 2. 7 MRSA §18, sub-§2-A** is enacted to read:

**2-A. Exceptions.** Notwithstanding subsection 1, a person may sell or offer to sell products in containers connected to each other with a plastic holding device that decomposes by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements and that:

A. Is designed or manufactured to be broken when a container is removed;

B. Breaks simultaneously with the removal of the container; or

C. Is approved for sale by the commissioner as an experimental device. The commissioner may ap-

prove a device as experimental under this paragraph only if the commissioner determines that the device conforms with the intent of this subsection. The commissioner shall notify in writing each member of the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters immediately upon receiving a request for approval of an experimental device. Such notification must include the date the request was received, the name of the person or business requesting approval and a brief description of the device.

This subsection is repealed on October 1, 1993.

**Sec. 2. Legislative intent.** The purpose of this Act is to allow manufacturers of plastic holding devices sufficient time to develop a plastic holding device that breaks simultaneously with the removal of the container. It is the intent of the Legislature that, after October 1, 1993, the sale of products in containers connected by plastic rings or other plastic holding devices be prohibited or, if the Legislature determines under the provisions of this Act that an acceptable product will be commercially available by that date, that the sale of plastic holding devices be limited to plastic holding devices that break simultaneously with the removal of each container.

**Sec. 3. Report; manufacturers and distributors.** Those persons who are manufacturers or distributors of products sold in the State in containers connected by plastic holding devices shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters by May 1, 1993. That report must include a demonstration of a plastic holding device that breaks simultaneously with the removal of each container. If the device demonstrated to the committee is a prototype device that is not in commercial distribution, the report must indicate when the device could be commercially distributed in the State.

**Sec. 4. Report; Maine Waste Management Agency.** The Maine Waste Management Agency shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters by May 1, 1993 on the types of devices used to connect products sold in containers. The report must list and describe connecting devices made of plastic, paper or other materials that are produced by manufacturers based in the United States and are distributed in the United States or elsewhere. To the extent possible, the report must describe connecting devices under development but not yet in commercial distribution. In presenting its report, the agency shall clearly highlight any commercially distributed or prototype plastic holding devices identified by the agency that break simultaneously upon the removal of a container. In preparing the report, the agency may seek assistance from the University of Maine System.

**Sec. 5. Committee legislation authorized.** After May 1, 1993, the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters may report out legislation to the First Regular Session of the 116th Legislature on the subject of plastic holding devices if the committee determines that a plastic holding device that breaks simultaneously upon the removal of each container can be commercially distributed in the State by October 1, 1993.

See title page for effective date.

## CHAPTER 834

### H.P. 1726 - L.D. 2417

#### An Act to Amend the Laws Governing Construction of Utility Lines

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

**Whereas,** the law currently requires people other than electric utilities to post a bond before constructing or maintaining electric lines; and

**Whereas,** bonding coverage is not available to many small businesses; and

**Whereas,** this restriction excludes many small businesses from lawfully performing this type of work; 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. 35-A MRSA §2305, sub-§2,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**2. Posting surety bonds.** The applicant has posted with the licensing authority a surety bond in accordance with terms and conditions established by the licensing authority in an amount sufficient to:

A. Protect the public from claims, demands and actions arising out of improper construction or maintenance of the line and unsafe conditions on the line; and

B. ~~Ensure that the owner of the line, and his successors and assigns, will continue to properly maintain and repair the line and protect the public from harm; and~~

**Sec. 2. 35-A MRSA §2305,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended by adding before the last paragraph 2 new paragraphs to read:

A utility that enters into any written agreement with the owner of a line with regard to that line shall record that agreement in the registry of deeds in the county in which the line is placed.

The owner of a line is responsible for properly maintaining the line. If the owner of a line fails to maintain a line properly and a municipality incurs any expense in maintaining the line or pays any damages as a result of the owner's failure to maintain the line properly, the municipality may assess the owner of the line the amount of those actual costs. The assessment must be in writing and must specify the amount of the assessment, the basis for the assessment and that a lien will be created on the real estate of the owner of the line if the assessment is not paid within 90 days. If the owner of the line does not pay the assessment within 90 days, a lien is created on the real estate of the owner of the line situated in the municipality to secure the payment of actual costs incurred by the municipality. This lien may be treated and enforced in the same manner as a tax lien under Title 36, chapter 105, subchapter IX, article 2. In addition to any other available remedies, a person aggrieved by a lien imposed or enforced by a municipality under this section may bring an action in Superior Court for a determination of the validity of the lien.

**Sec. 3. Local impact.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, additional costs, if any, imposed on any municipality by the provisions of this Act are not funded by the State.

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

Effective April 6, 1992.

## CHAPTER 835

### H.P. 1721 - L.D. 2407

#### An Act to Amend the Date for Compliance with the State's River Color Standards

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

**Sec. 1. 38 MRSA §414-C, sub-§§4-A and 4-B** are enacted to read:

**4-A. Compliance deadlines.** Notwithstanding subsection 4, the schedule for compliance with this section is governed by this subsection. On or before July 1, 1994, the commissioner shall determine whether or not any