

# 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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**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

proposed revisions published in the Federal Register and currently under consideration by the federal Environmental Protection Agency to existing effluent limitation guidelines for the pulp and paper industry under the federal Clean Water Act, 33 United States Code, Sections 1311(b) and 1314(b) are equal to or more stringent in their cumulative effect than the requirements of this section.

A. If the commissioner makes this determination in the affirmative, kraft pulp mills licensed and in existence prior to July 1, 1989 must be in compliance with subsection 2, paragraph A or subsection 3 on or before July 1, 1998 unless the revisions adopted by the federal Environmental Protection Agency require earlier compliance.

B. If the commissioner makes no determination or the federal Environmental Protection Agency has not published any proposed effluent limitation guideline revisions for the pulp and paper industry by July 1, 1994 or the commissioner makes the determination in the negative, kraft pulp mills licensed and in existence prior to July 1, 1989 must be in compliance with subsection 2, paragraph A or subsection 3 on or before December 1, 1996.

Upon making the determination, the commissioner shall submit a written report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes a written justification of the reasons for the determination.

4-B. Progress report. On or before March 31, 1993, the commissioner shall report in writing to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the actual level of performance of each kraft pulp mill in comparison with the standards under subsection 2, paragraph A or subsection 3. The commissioner may require a person holding a waste discharge license for a kraft pulp mill under section 413 to submit information as necessary to make the evaluation required under this subsection.

See title page for effective date.

**CHAPTER 836**

**S.P. 844 - L.D. 2148**

**An Act to Establish the Petroleum Market Share Act**

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

**Sec. 1. 3 MRSA §927, sub-§2, ¶B,** as amended by PL 1991, c. 376, §5, is further amended to read:

B. Independent agencies:

- (1) Maine Blueberry Commission;
- (2) Blueberry Advisory Committee;
- (3) Seed Potato Board;
- (4) Maine Milk Commission;
- (5) State Harness Racing Commission;
- (6) Maine Agricultural Bargaining Board;
- (7) State Board of Veterinary Medicine;
- (8) Maine Dairy and Nutrition Council;
- (9) Board of Pesticides Control;
- (10) Maine Dairy Promotions Board;
- (11) State Board of Property Tax Review;
- (12) Maine Technical College System;
- ~~(13) Maine Commission for Women;~~
- ~~(14) (13) Maine Human Rights Commission; and~~
- ~~(15) (14) Educational Leave Advisory Board; and~~
- (15) Petroleum Advisory Committee.

**Sec. 2. 5 MRSA §12004-I, sub-§2-B** is enacted to read:

<b>2-B.</b>	<u>Petroleum</u>	<u>For</u>	<u>10 MRSA</u>
<u>Business</u>	<u>Advisory</u>	<u>Legislative</u>	<u>§1678</u>
	<u>Committee</u>	<u>Members</u>	
		<u>\$25/Day and</u>	
		<u>Expenses</u>	

**Sec. 3. 10 MRSA c. 308** is enacted to read:

**CHAPTER 308**

**PETROLEUM MARKET SHARE ACT**

**§1671. Short title**

This chapter may be known and cited as the "Petroleum Market Share Act."

**§1672. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.