

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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

Whereas, the Petroleum Market Share Act needs to be amended to clarify the scope of data to be provided to the Department of the Attorney General; and

Whereas, the modified reports need to be made immediately in order for the Attorney General to fulfill reporting obligations within the time frame contemplated by the Legislature; 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Sec. 1. 10 MRSA §1673, sub-§1, as enacted by PL 1991, c. 836, §3, is repealed and the following enacted in its place:

1. Reporting by wholesaler. A wholesaler shall provide reports to the Department of the Attorney General in a manner, frequency, time and form specified by rule by the Attorney General, but at no greater frequency than 4 times per year, setting forth:

A. The total gallons of home heating oil and motor fuel oil sold by the wholesaler to each retail outlet or retailer;

B. The total gallons of home heating oil and motor fuel oil supplied by the wholesaler to each retail outlet controlled by the wholesaler during any portion of the reporting period; and

C. The total gallons of home heating oil and motor fuel oil sold by the wholesaler from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 2. 10 MRSA §1673, sub-§2, ¶C is enacted to read:

C. A refiner shall provide reports to the Department of the Attorney General in a manner, frequency, time and form specified by rule by the Attorney General, but at no greater frequency than 4 times per year, setting forth the total gallons of home heating oil and motor fuel oil supplied by the refiner to each retail outlet controlled by the refiner during any portion of the reporting period and the total gallons of home heating oil and motor fuel oil sold by the refiner from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 3. 10 MRSA §1681, as enacted by PL 1991, c. 836, §3, is amended to read:

§1681. Fees

Annually by September 1st, ~~a wholesaler every person who operates or causes to be operated an oil terminal facility within the State, as defined in Title 38, section 542, subsection 7, and every person who is required to register with the Commissioner of Environmental Protection pursuant to Title 38, section 545-B,~~ shall pay to the Attorney General a fee for each 10,000 gallons of home heating oil and motor fuel oil ~~sold to retail outlets or retailers transported into the State during the previous 12-month period ending June 1st.~~ Home heating oil or motor fuel oil that is subsequently exported from the State is excluded from computation, except that home heating oil sold to a retailer or retail outlet located outside the State that sells home heating oil at retail within the State is not excluded. The fee that must be paid by September 1, 1992 is 45¢ for each 10,000 gallons or portion thereof. The fee for each subsequent year is 40¢ for each 10,000 gallons or portion thereof. The fees must be deposited in a dedicated, nonlapsing account, known as the Petroleum Marketing Fund. The Attorney General shall administer the fund. This section is repealed October 1, 1994.

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

Effective April 8, 1993.

CHAPTER 47

H.P. 294 - L.D. 382

An Act to Make the Minimum Age for a Muzzle-loading License the Same as the Minimum Age for a Hunting License

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

Sec. 1. 12 MRSA §7107-A, sub-§1, as amended by PL 1991, c. 443, §13, is repealed and the following enacted in its place:

1. Eligibility. The following provisions govern eligibility for hunting with a muzzle-loader.

A. Any person 16 years of age or older at the beginning of the special season established under subsection 4 may obtain a muzzle-loading license from the commissioner or the commissioner's authorized agent, provided that the person possesses a valid license to hunt big game.

B. Any person 10 years of age or older and under 16 years of age may obtain a muzzle-loading license from the commissioner or the commissioner's authorized agent, provided that the person possesses a valid junior hunting license.

C. No person 10 years of age or younger may hunt with a muzzle-loader.

Sec. 2. 12 MRSA §7107-A, sub-§1-A is enacted to read:

1-A. Form of license. The muzzle-loading hunting license must be in the form of a stamp that must be affixed to the person's big game hunting license or junior hunting license. The stamp must bear the words "RIGHT TO BEAR ARMS."

See title page for effective date.

CHAPTER 48

S.P. 144 - L.D. 435

An Act to Repeal the Release Review Advisory Committee

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

Sec. 1. 5 MRSA §12004-I, sub-§64, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 34-B MRSA §1213, as enacted by PL 1985, c. 796, §7, is repealed.

See title page for effective date.

CHAPTER 49

H.P. 361 - L.D. 464

An Act to Amend the Procedure for Settling Disputes on Construction Contract Claims

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

Sec. 1. 5 MRSA §1749, 2nd ¶, as enacted by PL 1967, c. 203, is amended to read:

If, in the construction of any public work, including buildings, highways, bridges, dams and drainage structures, ~~which that~~ the State of Maine does by contract, there arises a dispute between the State of Maine and the contractor ~~which cannot that can not~~ be settled, then

this dispute ~~shall must~~ be submitted to, at the discretion of the Director of the Bureau of General Services, to alternative dispute resolution or to binding arbitration ~~and both the State of Maine and the contractor shall be bound by the decision of the arbitrator.~~ Either the State or the contractor may, if unsatisfied by the alternative dispute resolution process, submit the dispute to binding arbitration.

Sec. 2. 5 MRSA §1749, 3rd ¶, as enacted by PL 1967, c. 203, is repealed.

See title page for effective date.

CHAPTER 50

H.P. 362 - L.D. 465

An Act to Coordinate Public Sector Occupational Health and Safety Regulations

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

Sec. 1. 26 MRSA §2107, as repealed and replaced by PL 1987, c. 552, §6, is amended to read:

§2107. Rules

The ~~Bureau of Labor Standards~~ Board of Occupational Safety and Health shall adopt rules to carry out and enforce this chapter.

See title page for effective date.

CHAPTER 51

H.P. 363 - L.D. 466

An Act Allowing the Bureau of Labor Standards to Enter into Reciprocal Agreements in the Area of Employment Standards with Other States

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

Sec. 1. 26 MRSA §42, as repealed and replaced by PL 1989, c. 502, Pt. B, §24, is amended by adding at the end a new paragraph to read:

The director may enter into reciprocal agreements with other states that maximize compliance with employment standards enforced by the director.

See title page for effective date.