

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

C. Where a right-of-way passes through an area of high-value property and the right-of-way contains sufficient flammable material so that a fire starting on the right-of-way could travel to and threaten the high-value property, the minimum 7-foot standard is extended to 25 feet.

3. Communications. The bureau shall inform annually a railroad company operating within the State of the 5-year fire-start areas and the areas that are high-value property along its right-of-way. In addition, the bureau shall notify a railroad company of new forest fire occurrence and changes in high-value property as they are observed.

A railroad company shall notify the bureau of the name and mailing address of its authorized railroad representative on the effective date of this section and thereafter whenever the name or mailing address changes.

4. Failure to maintain. Failure to maintain a railroad right-of-way as provided in this section constitutes a violation. For the purposes of this section, every day from January 1st of the calendar year in which the violation occurred and continuing until full compliance is achieved is a separate offense.

5. Legal service. Legal service of a summons under this section occurs when a legal summons is delivered in person or by certified mail, return receipt requested, to the railroad company's authorized representative.

Sec. 3. 12 MRSA §9703, as amended by PL 1991, c. 591, Pt. E, §12, is further amended to read:

§9703. Partial payment of costs of suppressing forest fires

Any person who intentionally or negligently causes a fire that burns forest, brush, grass or other lands or intentionally fails to take reasonable action to control a fire on that person's own land is liable civilly for restitution of costs incurred by state or municipal government entities in the suppression of that fire, up to the maximum amount of restitution permitted under section 9321. Compliance with ~~an approved plan pursuant to section 9405~~ 9405-A does not relieve a railroad company of liability under this section.

Sec. 4. Effective date. This Act takes effect January 1, 1994.

Effective January 1, 1994.

CHAPTER 272

H.P. 396 - L.D. 509

An Act to Clarify the Management of Real Estate Leases

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

Sec. 1. 5 MRSA §1742-D, sub-§9 is enacted to read:

9. Exception. The land leases of the various departments and agencies of State Government are exempted from the provisions of this section.

See title page for effective date.

CHAPTER 273

H.P. 798 - L.D. 1084

An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters

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

Sec. 1. 5 MRSA §12004-J, sub-§8, as enacted by PL 1989, c. 547, §1 and affected by §5, is repealed.

Sec. 2. 37-B MRSA §505, sub-§4, as amended by PL 1991, c. 626, §18, is further amended to read:

4. Vietnam and atomic veterans. In addition to subsections 1 to 3, the following applies to Vietnam and atomic veterans.

A. Unless the context indicates otherwise, the following definitions in section 522 apply to this subsection.

(1) "Atomic veteran" means a person who:

(a) Participated in the occupation of Japan between August 1, 1945 and August 1, 1946;

(b) Was an American prisoner of war used by the Japanese to clean up Hiroshima or Nagasaki before the surrender of the Japanese empire or a prisoner of war who transited through either Hiroshima or Nagasaki following repatriation;

(c) Is a veteran of the Armed Forces of the United States who participated in the atmospheric testing of nuclear weapons; or

(d) Is a veteran in the Armed Forces of the United States who was exposed to radiation as a result of that person's

military occupational specialty code or a nuclear accident.

(2) “Radiation” means a fissionable material used in the composition of a nuclear weapon and a fissionable material created as a result of either a nuclear detonation or other military use of radioactive materials or nuclear accident.

(3) “Toxic chemicals” means those insecticides and herbicides used in Southeast Asia during the Vietnam War, including, but not limited to:

(a) Agent Orange, containing trichlorophenoxyacetic acid and dichlorophenoxyacetic acid;

(b) Agent White, containing picloram;

(c) Agent Blue, containing cacodylic acid, including arsenic;

(d) Lindane, mirex, dichlorodiphenyltrichloroethane, chlordane, dieldrin, dapsone, malathion, hexachlorobenzene, dinoxol, trinoxol, diquat, bromouracil, monuron, tandex and dalapon; and

(e) Any form of dioxin or tetrachlorodibenzo-p-dioxin.

(4) “Vietnam veteran” means a person who served on active duty in the Armed Forces of the United States during the Vietnam War, August 5, 1964 to May 7, 1975.

B. The division:

(1) Must have a specific expertise on radiation and toxic chemicals, particularly dioxin;

(2) Must be knowledgeable of the specific reasons for the Federal Government’s policy regarding assistance to veterans relative to their exposure to radiation and toxic chemicals;

(3) Shall develop and present a response to federal agencies concerning veterans and their exposure to radiation and toxic chemicals and, in this regard, must be knowledgeable of any actions being taken by other states, coordinate this State’s response with any multi-state effort and, if there appears to be a lack of leadership, take a leadership role in such an effort;

(4) Shall actively seek out veterans who may have been exposed to radiation and toxic chemicals and attempt to involve them in available programs and act as an ombudsman for them;

(5) May develop and disseminate written materials on atomic radiation and ~~agent orange~~ Agent Orange. A booklet must include information on the following: the effect of exposure on veterans and their children; services available from the Veterans’ Administration; how to file claims and class action suits; and the names and addresses of state, local and private agencies to which veterans may go for assistance. In developing the booklet, the division shall follow the recommendations of any commission or committee that has studied ~~agent orange~~ Agent Orange and atomic radiation problems;

(6) May attend conferences that are necessary to carry out the responsibilities in this paragraph; and

(7) ~~Shall, in consultation with the Commission on Vietnam and Atomic Veterans, develop~~ maintain the 2 registries of veterans residing in the State, one for Vietnam veterans who report they were exposed to toxic chemicals while serving in the armed services and one for atomic veterans who report they were exposed to radiation while serving in the armed services, that were initially developed in consultation with the former Commission on Vietnam and Atomic Veterans. To ~~develop~~ maintain the registries, the division ~~and the commission~~ shall collect the names from existing registries and may contact other organizations, hold public hearings or use other methods to collect the names of veterans.

(8) Shall assign at least one employee to work on a full-time basis to carry out the special veterans services required by this subsection.

Sec. 3. 37-B MRSA c. 8, as amended, is repealed.

Sec. 4. Program name change. In order to carry out the purposes of this Act, the program name, Commission on Vietnam and Atomic Veterans within the Department of Defense and Veterans’ Services, is changed to Special Veterans Services.

See title page for effective date.