

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

estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules.

1. Acceptable forms of financial assurance. Acceptable forms of financial assurance are:

A. A letter of credit;

B. A surety bond;

C. An escrow account;

D. A reserve account calculated in a manner consistent with the United States Internal Revenue Code;

E. An irrevocable trust account; or

F. In the case of a municipal solid waste disposal facility, any of the allowable financial assurance mechanisms set forth in applicable federal rules.

2. Report. An owner or operator of a solid waste disposal facility shall annually prepare a report containing a sworn statement providing the year-end balance of any escrow, trust or reserve account established under this section. That report must be submitted to the commissioner by March 31st of each year or such other date as the commissioner may designate.

§1310-Z. Laboratory analyses

Laboratory analyses required in support of the licensing, operation, closure or postclosure care of a solid waste facility must be performed by a qualified laboratory. Six months after the adoption of laboratory certification rules required by Title 22, section 567, all laboratories must be certified or exempted from certification pursuant to those rules.

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

Effective June 16, 1993.

CHAPTER 379

S.P. 425 - L.D. 1334

An Act to Amend the Maine Civil Rights Act Regarding Violations of Constitutional Rights

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

Sec. 1. 5 MRSA §4684-A is enacted to read:

§4684-A. Civil rights

For purposes of this chapter and Title 17, section 2931, a person has the right to engage in lawful activities without being subject to physical force or violence, damage or destruction of property, trespass on property or the threat of physical force or violence, damage or destruction of property or trespass on property motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation.

See title page for effective date.

CHAPTER 380

S.P. 157 - L.D. 488

An Act Concerning the Operation of Agency Liquor Stores

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

Whereas, the 115th Legislature adopted legislation to provide for the closure of state liquor stores; and

Whereas, the closure of some stores has been stalled pending clarification of the 10-mile rule; and

Whereas, the closure of these additional stores will result in immediate savings to the General Fund; and

Whereas, the legislative intent is to afford a smooth transition for existing agency liquor store licensees and to provide for a reasonable application procedure for future license applicants; 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. 28-A MRSA §453, sub-§1, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 2. 28-A MRSA §453, sub-§1, ¶C, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

C. The proposed agency liquor store is not within ~~40~~ 3.5 miles of an existing state liquor store or an

existing agency liquor store that was licensed before May 1, 1993.

Sec. 3. 28-A MRSA §453, sub-§1, ¶D, as enacted by PL 1991, c. 591, Pt. E, §34, is amended to read:

D. If a state liquor store closes, the commission may grant more than one agency store license in a municipality when the commission considers it appropriate. Agency liquor stores licensed before May 1, 1993 that replace closed state liquor stores are exempt from the distance requirement in paragraph C.

Sec. 4. 28-A MRSA §453, sub-§2, as amended by PL 1987, c. 342, §22, is further amended to read:

2. Replacement of state or agency liquor stores. Except as provided in paragraph A, the The commission may not replace a state or existing agency liquor store which that closes with an agency liquor store if there is another state or existing agency liquor store within ~~40~~ 3.5 miles. This subsection does not prevent the commission from locating a replacement agency liquor store within 3.5 miles of another replacement agency liquor store for the same town.

A. The commission may replace an agency liquor store if that agency liquor store:

~~(1) Was licensed before December 1, 1979; and~~

~~(2) Is within 10 miles of a state or agency liquor store.~~

Sec. 5. 28-A MRSA §453, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 6. 28-A MRSA §453-A, sub-§§5-A and 8 are enacted to read:

5-A. Hearings on applications. The commission, in accordance with the provisions of the Maine Administrative Procedure Act, shall conduct a hearing to take testimony, consider comment and deliberate on applications. In addition to giving any notice required by the Maine Administrative Procedure Act, the commission shall give notice of public hearing in writing to any existing agency liquor stores located within 5 miles of the applicant's proposed store location by regular mail at least 15 days prior to the hearing.

8. Measurement of distance. All distances described in this section must be determined by the most reasonable direct route of travel.

Sec. 7. Retroactivity. Sections 1 to 5 of this Act apply retroactively to July 1, 1990.

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

Effective June 16, 1993.

CHAPTER 381

H.P. 1089 - L.D. 1468

An Act to Place Appropriate Citations to Various Boards and Commissions within the Maine Revised Statutes, Title 5, Sections 12004-A to 12004-L

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

Sec. 1. 5 MRSA §12004-A, sub-§5-A is enacted to read:

<u>5-A. Board of Bar Examiners</u>	<u>Set by Supreme Judicial Court</u>	<u>4 MRSA §801</u>
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Sec. 2. 5 MRSA §12004-B, sub-§8 is enacted to read:

<u>8. Committee on Judicial Responsibility and Disability</u>	<u>Set by Supreme Judicial Court</u>	<u>4 MRSA §9-B</u>
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Sec. 3. 5 MRSA §12004-G, sub-§6-A is enacted to read:

<u>6-A. Jail Corrections</u>	<u>Jail Industry Authority, Board of Directors</u>	<u>Not Authorized</u>	<u>34-A MRSA §1211</u>
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Sec. 4. 5 MRSA §12004-G, sub-§19, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 5. 5 MRSA §12004-G, sub-§§21-A and 26-A are enacted to read:

<u>21-A. Insurance</u>	<u>Maine Self-Insurance Guarantee Association Board of Directors</u>	<u>Not Authorized</u>	<u>39-A MRSA §404</u>
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<u>26-A. Marine Resources</u>	<u>Atlantic Sea Run Salmon Commission</u>	<u>\$25/Day Plus Expenses</u>	<u>12 MRSA §6251-A</u>
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Sec. 6. 5 MRSA §12004-G, sub-§29-A, as enacted by PL 1989, c. 571, Pt. B, §3, is repealed.