

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

of the proper expenditure of state funds. A copy of this audit must be provided in a timely manner to the solid waste closure and remediation program of the Department of Environmental Protection.

Sec. C-18. 38 MRSA §1310-G, as amended by PL 1993, c. 355, §50, is further amended to read:

§1310-G. Time schedules for closure of existing facilities

The ~~board~~ department shall establish, as part of the ~~proposed~~ a municipal landfill closure and remediation plan, reasonable time schedules for the implementation of the plan.

1. Criteria. In establishing the time schedule, the ~~board~~ department shall consider the following criteria:

- A. The level of environmental and public health hazard posed by the landfill in its current state;
- B. The availability of reasonable, alternative disposal options available to the municipality following closure of the existing landfill; ~~and~~
- C. The period reasonably needed by the municipality to raise its share of plan costs; and
- D. The availability of state cost-share funds for the project.

Sec. C-19. 38 MRSA §1310-N, sub-§6-E is enacted to read:

6-E. Unlicensed wood-waste, construction and demolition debris landfills. An unlicensed municipal solid waste landfill accepting waste consisting exclusively of wood, landscape refuse or construction and demolition debris and operating as of the effective date of this subsection, may:

- A. Continue to operate until April 9, 1994; and
- B. Continue to operate until December 31, 1995 if:
 - (1) The landfill was operating as of December 31, 1993; and
 - (2) The landfill is a separate and discrete disposal unit that does not overlie or overlap a municipal solid waste landfill that accepts or has accepted "household waste" as defined in 40 Code of Federal Regulations, Part 288, Section 258.2.

Municipalities continuing to operate unlicensed wood-waste, construction and demolition debris landfills under paragraph B shall submit a progress report to the department on or before January 31,

1995. The report must include a description of the alternative handling and disposal method that the town plans to implement prior to December 31, 1995 and an implementation schedule.

Notwithstanding this subsection, the commissioner shall order an unlicensed landfill to cease operating if the commissioner finds that continued operation of the landfill poses an immediate hazard to the public health or the environment, including without limitation a threat to a public or private water supply.

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

Effective April 20, 1994.

CHAPTER 733

H.P. 1254 - L.D. 1681

An Act to Encourage the Establishment or Expansion of Certain Residency Programs Relating to Emergency Medicine Physicians

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

Sec. 1. 22 MRSA §396-F, sub-§3, ¶A, as repealed and replaced by PL 1993, c. 458, §2, is amended to read:

A. Any amounts that the commission finds have been paid by the Medicare program for the following activities, to the extent that the activities have been approved under section 396-R or 396-S, unless any costs of the activities have been added to a hospital's financial requirements:

- (1) The expansion of a family practice residency program after June 30, 1992; ~~and~~
- (2) The provision of spaces in a residency program in internal medicine, pediatrics or obstetrics and gynecology, in any given year, for the number of first-year residents that is greater than the number of first-year residents in that program at the same hospital prior to June 30, 1992; and
- (3) The establishment or expansion of an emergency physician residency program after June 30, 1993; and

Sec. 2. 22 MRSA §396-S is enacted to read:

§396-S. Approval of emergency medicine resident spaces

The commission, after seeking advice from the Advisory Committee on Medical Education described in Title 20-A, section 12106, shall approve the establishment or addition of emergency medicine resident spaces by a hospital if the commission finds that the additional spaces are consistent with the comprehensive programs developed by the Finance Authority of Maine under Title 20-A, chapter 424 or, in the absence of any such comprehensive programs, with the orderly development of emergency physician training and recruitment programs in the State.

See title page for effective date.

CHAPTER 734

S.P. 669 - L.D. 1837

**An Act to Subject Motorists with
Prior Out-of-state Operating-under-
the-influence Convictions to the
Sentencing Provisions of the State's
Operating-under-the-influence Laws**

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

Sec. 1. 29 MRSA §1312-B, sub-§2, ¶A, as amended by PL 1989, c. 784, §5, is further amended to read:

A. Except as provided in paragraph B, in the case of a person having no previous convictions of ~~a violation of former section 1312, subsection 10, former section 1312-B or this section~~ operating under the influence of intoxicating liquor or drugs, or a combination of liquor or drugs, or with an excessive blood-alcohol level and having no previous suspension of license or privilege to operate for failure to comply with the duty to submit to and complete chemical testing under section 1312 within a 6-year period, the fine may not be less than \$300 and the court shall suspend the defendant's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license for a period of 90 days, which penalties may not be suspended.

Sec. 2. 29 MRSA §1312-B, sub-§2, ¶B, as repealed and replaced by PL 1991, c. 377, §18, is amended to read:

B. In the case of a person having no previous convictions of ~~a violation of former section 1312, subsection 10, former section 1312-B or this section~~ operating under the influence of in-

toxicating liquor or drugs, or a combination of liquor or drugs, or with an excessive blood-alcohol level and having no previous suspension of license or privilege to operate for failure to comply with the duty to submit to and complete chemical testing under section 1312 within a 6-year period, the fine may not be less than \$300, the sentence must include a period of incarceration of not less than 48 hours and the court shall suspend the defendant's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license for a period of 90 days. These penalties may not be suspended when the person:

(1) Was tested as having a blood-alcohol level of 0.15% or more;

(2) Was driving in excess of the speed limit by 30 miles an hour or more during the operation that resulted in the prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;

(3) Eluded or attempted to elude an officer, as defined in section 2501-A, subsection 3, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;

(4) Failed to submit to a chemical test for the determination of that person's blood-alcohol level or drug concentration at the request of a law enforcement officer on the occasion that resulted in the conviction; or

(5) Was, on the occasion that resulted in the conviction, operating or attempting to operate a motor vehicle with a passenger under 16 years of age.

Sec. 3. 29 MRSA §1312-B, sub-§2, ¶C, as amended by PL 1989, c. 784, §7, is further amended to read:

C. In the case of a person having one previous conviction of ~~a violation of former section 1312, subsection 10, former section 1312-B or this section~~ operating under the influence of intoxicating liquor or drugs, or a combination of liquor or drugs, or with an excessive blood-alcohol level or having at least one previous suspension for failure to comply with the duty to submit to and complete chemical testing to determine the level of blood-alcohol or drug concentration under section 1312 within a 6-year period, the fine may not be less than \$500, the sentence ~~shall~~ must include a period of incarceration of not less