

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

B. The candidate applies to the Secretary of State for a criminal background investigation to confirm that the candidate has no felony convictions; and

C. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate has acquired the minimum college credits in required courses, training hours and years of experience, or combination thereof, to qualify for an executive certificate under academy standards.

3. Exception. Any person who is serving in the office of sheriff on the effective date of this section is deemed to meet the minimum qualifications of subsection 2.

See title page for effective date.

CHAPTER 157

S.P. 363 - L.D. 989

An Act to Further Restrict the Illegal Harvest of Cultivated Oysters

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

Whereas, previous acts of the Legislature sought to prevent the poaching of aquaculture products; and

Whereas, these acts have imposed too high a standard for conviction; and

Whereas, this standard has worked to prevent the successful prosecution of poachers of aquaculture products and has resulted in the loss of property and income; and

Whereas, this loss is an ongoing problem that requires immediate action; 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. 12 MRSA §6073, sub-§3, as enacted by PL 1991, c. 284, is amended to read:

3. Penalty. Any person who violates subsection 2-A or who knowingly and willfully violates ~~this~~

~~section~~ subsection 2 is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A and 1301, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court.

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

Effective May 30, 1995.

CHAPTER 158

H.P. 530 - L.D. 726

An Act to Allow Certain Employees of the Maine State Liquor and Lottery Commission and Their Families to Purchase Lottery Tickets

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

Sec. 1. 8 MRSA §381, as enacted by PL 1987, c. 505, §2, is repealed and the following enacted in its place:

§381. Persons prohibited from purchasing tickets or shares

A ticket or share may not be purchased by and a prize may not be paid to any of the following persons:

1. Commission officers. An officer of the commission;

2. Senior supervisory personnel. Senior supervisory employees of the commission, as determined by the commission officers; and

3. Household member. Any spouse, child, brother, sister, parent or person residing as a member of the same household in the principal place of abode of any of the persons identified in subsections 1 and 2.

See title page for effective date.

CHAPTER 159

S.P. 94 - L.D. 234

An Act to Clarify the Liquor Licensing Laws for Certain Establishments

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

Sec. 1. 28-A MRSA §4, sub-§1, ¶A, as amended by PL 1995, c. 46, §1, is further amended to read:

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and ~~12 noon~~. ~~A Class A restaurant or a Class A restaurant/lounge may commence selling liquor on Sunday at 9 a.m.~~

See title page for effective date.

CHAPTER 160

H.P. 614 - L.D. 824

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control

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

Whereas, this Act amends the laws governing the closure of municipal solid waste landfills; and

Whereas, the changes made by this Act would benefit the people of the State if effective immediately; 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. 38 MRSA §1310-N, sub-§6-F is enacted to read:

6-F. Agreements regarding unlicensed wood-waste, construction and demolition debris landfills operating after December 31, 1995. The commissioner may enter into an agreement with a municipality operating an unlicensed wood-waste, construction and demolition debris landfill as authorized under subsection 6-E, paragraph B, allowing that municipality to continue operating after December 31, 1995, if:

A. The municipality agrees to comply with the applicable operating requirements of rules adopted by the board pertaining to site access, litter control, erosion prevention, side slopes, compaction, cover, open burning and fire protection;

B. The municipality is conducting a groundwater quality monitoring program at the landfill as of the effective date of this subsection and agrees to continue the program for the life of the facility, or the municipality implements, as a term of the agreement, a groundwater monitoring program approved by the department; and

C. The municipality submits a facility site plan and narrative that indicate current and proposed final landfill grades and describe the general operating plan and proposed landfilling sequence at the site.

Agreements entered into pursuant to the provisions of this subsection must be for terms of sufficient duration to allow for the planned use of remaining site capacity and the proper closure of these landfills. The department shall consider the terms of these agreements on a case-specific basis, based upon the information submitted in conformance with paragraph C.

Unlicensed wood-waste, construction and demolition debris landfills may not, under the terms of agreements entered into pursuant to this subsection, expand horizontally onto areas where waste has not previously been disposed of, unless the area is licensed under the applicable provisions of this chapter. 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, but not limited to, 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 May 30, 1995.

CHAPTER 161

S.P. 421 - L.D. 1144

An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982

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

Sec. 1. 14 MRSA §8102, sub-§1-A, as enacted by PL 1987, c. 386, §2, is amended to read:

1-A. Emergency medical service. "Emergency medical service" means a nonprofit, incorporated ambulance service or ~~first responder~~ nontransporting emergency medical service licensed under Title 32,