

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

Sec. 10. 35-A MRSA §3134-A, as enacted by PL 1987, c. 490, Pt. B, §5, is repealed.

See title page for effective date.

CHAPTER 358

H.P. 852 - L.D. 1183

An Act to Authorize the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund

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

Sec. 1. 5 MRSA §6211 is enacted to read:

§6211. Land for Maine's Future Board-sponsored credit card

1. Land for Maine's Future Board-sponsored credit card. The Land for Maine's Future Board may enter into an agreement with a financial institution, as defined in Title 9-B, section 131, subsection 17, or a credit union, as defined in Title 9-B, section 131, subsection 12, to issue a credit card for the benefit of the Land for Maine's Future Board.

2. Agreement. If the Land for Maine's Future Board enters into an agreement with a financial institution or credit union in accordance with subsection 1, the Land for Maine's Future Board shall negotiate the most favorable agreement for the Land for Maine's Future Board, considering such factors as:

A. The rate for the Land for Maine's Future Board's fee by a credit card issuer;

B. The ability of the financial institution to market the card successfully; and

C. Customer service offered by the financial institution.

3. Distribution of proceeds. Funds received by the Land for Maine's Future Board under the agreement with the financial institution or credit union must be deposited in the Land for Maine's Future Fund.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97
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EXECUTIVE DEPARTMENT

Land for Maine's Future Fund

Capital Expenditures	\$50,000	\$75,000
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Provides funds for land acquisitions and capital improvements as defined by the laws governing the Land for Maine's Future Fund.

See title page for effective date.

CHAPTER 359

H.P. 822 - L.D. 1153

An Act to Revise the Somerset County Budget Committee

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

Sec. 1. 30-A MRSA §896, sub-§2, as enacted by PL 1993, c. 582, §1, is amended to read:

2. Legislative member. By September 15th each year, except beginning in 1996, by December 1st every other year, the Somerset County legislative delegation shall select 3 of the delegation's members to serve as nonvoting members on the budget committee.

See title page for effective date.

CHAPTER 360

H.P. 646 - L.D. 869

An Act to Revise Reapportionment Guidelines

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

Sec. 1. 21-A MRSA §1206, first ¶, as enacted by PL 1993, c. 628, §2, is amended to read:

~~The state legislative districts established in this chapter must be reapportioned pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A, and congressional Congressional districts must be reapportioned as follows.~~

Sec. 2. 21-A MRSA §1206-A is enacted to read:

§1206-A. Reapportionment of state legislative districts

The state legislative districts established in this chapter must be reapportioned pursuant to the

Constitution of Maine, Article IV, Part First, Section 2; Article IV, Part Second, Section 2; Article IV, Part Third, Section 1-A; and this section. When reapportioning districts, where possible, the Legislative Apportionment Commission shall attempt to form functionally contiguous and compact territories. For purposes of this section, a "functionally contiguous and compact territory" is one that facilitates representation by minimizing impediments to travel within the district. Impediments to travel include, but are not limited to, physical features such as mountains, rivers, oceans and discontinued roads or lack of roads. The commission shall recognize that all political subdivision boundaries are not of equal importance and give weight to the interests of local communities when making district boundary decisions.

When the Supreme Judicial Court is required to make the apportionment, it is bound by this section.

See title page for effective date.

CHAPTER 361

H.P. 978 - L.D. 1387

An Act to Amend the Underground Oil Storage Facilities and Groundwater Protection Laws

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

Sec. 1. 38 MRSA §562-A, sub-§2, as amended by PL 1993, c. 363, §3 and affected by §21, is further amended to read:

2. Applicant. "Applicant" means the owner or operator of an underground oil storage facility or an aboveground oil storage facility that ~~may have~~ has suffered a discharge of oil and who is seeking coverage of eligible clean-up costs and 3rd-party damage claims from the fund.

Sec. 2. 38 MRSA §562-A, sub-§7-A is enacted to read:

7-A. Eligible clean-up costs. "Eligible clean-up costs" means those direct expenses including expenses for site investigation that:

A. Are necessary to clean up discharges of oil to the satisfaction of the commissioner;

B. Are cost-effective and technologically feasible and reliable;

C. Effectively mitigate or minimize damages; and

D. Provide adequate protection of the public health and welfare and the environment.

"Eligible clean-up costs" does not include expenses for legal advice or services.

Sec. 3. 38 MRSA §562-A, sub-§15, as enacted by PL 1989, c. 865, §2, is amended to read:

15. Oil. "Oil" means oil, oil additives, petroleum products and their by-products of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other nonhazardous waste, crude oils and all other liquid hydrocarbons regardless of specific gravity.

Sec. 4. 38 MRSA §568-A, sub-§1, as amended by PL 1993, c. 363, §§8 and 9 and affected by §21, is further amended to read:

1. Eligibility for fund coverage. Eligibility for coverage by the fund of clean-up costs and eligible 3rd-party damage costs is governed by the following provisions.

A. The applicant must submit within 180 days of reporting the discharge a written request to the commissioner to be covered by the fund. The request must include:

(1) A description of the discharge and the locations threatened or affected by the discharge, to the extent known;

(2) An agreement that the applicant shall pay the deductible amount specified in subsection 2; ~~and~~

(3) ~~Documentation that the applicant is in substantial~~ For underground storage facilities, documentation regarding the applicant's compliance with the requirements of subsection 2, paragraph B-; and

(4) For aboveground facilities, documentation required by the Fund Insurance Review Board.

The commissioner with respect to a claim involving an underground oil storage facility, or the State Fire Marshal with respect to a claim involving an aboveground oil storage facility, may waive the 180-day filing requirement for applicants for coverage of clean-up costs for discharges discovered after April 1, 1990 when the applicant has cooperated in a timely manner with the department in cleaning up the discharge.

~~Within 15 working days of receipt of a request, the commissioner must determine whether the request is complete. If the commissioner determines that the request is incomplete, the com-~~