

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

1318-C, subsection 1, a discharge containing a hazardous matter that is covered by the plan must be reported only if the discharge equals or exceeds the applicable reportable quantity for that particular hazardous matter as specified in Code of Federal Regulations, Title 40, Parts 302.4, 302.5 and 302.6 (b)(1)), revised as of July 1, 1994 1996, or when the discharge extends or spreads beyond the area on the site covered by the spill prevention control and clean-up plan.

**Sec. 40. 38 MRSA §1319, sub-§1, ¶A**, as enacted by PL 1979, c. 730, §2, is amended to read:

A. Any substance ~~which has been~~ designated as hazardous by the United States Environmental Protection Agency in proposed or final regulations under the ~~United States Clean Water Act, Section 311, Public Law 92-500 federal Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code, Section 9602, and any substance identified as hazardous waste under section 1319-O~~ may be identified by rule as hazardous matter by the board.

**Sec. 41. 38 MRSA §1319-U, sub-§4**, as reallocated by PL 1987, c. 517, §20, is amended to read:

**4. Procedure.** The Attorney General may seek forfeiture of a conveyance according to the procedure set forth in Title ~~22 15~~, section ~~2387 5822~~, ~~subsections 4, 5 and 6~~ with the following exceptions.

A. A final order issued by the court under that procedure ~~shall~~ must provide for disposition of the conveyance by the Department of ~~Administration~~ Administrative and Financial Services, including official use by a public agency or sale at public auction or by competitive bidding.

B. The proceeds of a sale ~~shall~~ must be used to pay the costs of cleanup, abatement or mitigation of any threats or hazards to public health or safety or to the environment, the costs of any removal, storage, treatment, disposal or other handling of hazardous waste or hazardous substances, as defined in section 1362, reasonable expenses for the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, and to pay any bona fide mortgage thereon, and the balance, if any, shall be deposited in the General Fund.

C. Records, required by Title ~~22 15~~, section ~~2387 5825~~, ~~subsection 5~~, shall must be open to inspection by all federal and state officers

charged with enforcement of federal and state laws relating to the handling of hazardous waste.

See title page for effective date.

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## CHAPTER 365

### H.P. 963 - L.D. 1326

#### An Act to Clarify the Responsibilities of the Institute Councils of the Augusta Mental Health Institute and the Bangor Mental Health Institute

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

**Sec. 1. 34-B MRSA §3607, first ¶**, as enacted by PL 1995, c. 691, §7, is amended to read:

The department shall establish ~~9 7~~ quality improvement councils, called area councils, to ~~oversee~~ evaluate the delivery of mental health services to children and adults under the authority of the department and to advise the department regarding quality assurance, systems development and the delivery of mental health services to children and adults under the authority of the department. The department shall also establish 2 institute councils to evaluate the delivery of mental health services at the 2 state mental health institutes and advise the department regarding quality assurance, operations and functions of the mental health institutes.

**Sec. 2. 34-B MRSA §3607, sub-§10** is enacted to read:

**10. Institute councils.** Within the limitations of state and federal law, adequate information must be provided by the mental health institutes and the department to the institute councils to perform their duties, including but not limited to:

A. Input into the annual budgets of the mental health institutes;

B. Achievement of the goals and objectives of the department as they pertain to the mental health institutes;

C. Compliance with all professional accreditation standards applicable to the mental health institutes;

D. Review, oversight and assessment of services and programs provided to residents of the mental health institutes and their families;

E. Review of personnel policies and employment patterns, including staffing requirements

and patterns, the use of overtime assignments and training and job development;

F. Input into public relations efforts of the department and the mental health institutes and community education initiatives; and

G. Monitoring building and grounds maintenance and safety and risk management on the campuses of the mental health institutes.

See title page for effective date.

## CHAPTER 366

H.P. 971 - L.D. 1351

### **An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers**

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

**Sec. 1.** 39-A MRSA §401, sub-§6 is enacted to read:

**6. Nonresident employers.** A nonresident employer whose employees work in the State shall obtain coverage under this Act from an insurer or self-insurer authorized in the State unless exempt under section 113 or unless the employer would be exempt if located in the State.

See title page for effective date.

## CHAPTER 367

S.P. 433 - L.D. 1379

### **An Act to Expand Options for Investment of Certain Municipal Trust Funds**

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

**Sec. 1.** 30-A MRSA §5706, sub-§3, as amended by PL 1995, c. 206, §1, is further amended to read:

**3. Mutual funds.** In the shares of an investment company registered under the United States Investment Company Act of 1940, Public Law 76-768, whose shares are registered under the United States Securities Act of 1933, Public Law 73-22, provided that the investments of the fund are limited to bonds and other direct obligations of the United States Government, as defined in section 5712, subsection 1

or repurchase agreements secured by bonds and other direct obligations of the United States Government, as defined in section 5712, subsection 1; or

**Sec. 2.** 30-A MRSA §5706, sub-§3-A is enacted to read:

**3-A. Mutual funds for trusts governed by the United States Internal Revenue Code, Section 501(c)(3).** In the case of a trust fund that is governed by the United States Internal Revenue Code, Section 501 (c) (3) (1997), in the shares of any investment company registered under the United States Investment Company Act of 1940, Public Law 76-768, whose shares are registered under the United States Securities Act of 1933, Public Law 73-22, as long as:

A. The investment is approved by the municipal officers at a public meeting;

B. No more than 50% of the assets of the trust are invested in mutual funds under this subsection; and

C. No more than 5% of the assets of the trust are invested in a single mutual fund under this subsection; or

See title page for effective date.

## CHAPTER 368

H.P. 1017 - L.D. 1409

### **An Act to Require Mandatory Testing for Blood-borne Pathogens of Persons Who Are the Source of a Bona Fide Occupational Exposure**

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

**Sec. 1.** 22 MRSA c. 250, sub-c. IV is enacted to read:

#### **SUBCHAPTER IV**

#### **MANDATORY BLOOD-BORNE PATHOGEN TEST**

#### **§831. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Bona fide occupational exposure.** "Bona fide occupational exposure" means skin, eye, mucous membrane or parenteral contact of a person with the potentially infectious blood or other body fluids of