

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

may have access to this information to control an outbreak of a disease preventable by immunization. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

The department may establish an immunization system. The department must pursue federal funding to support the cost of the information system. Any state match required to secure federal funding must be made available from existing budget resources.

See title page for effective date.

CHAPTER 671

S.P. 796 - L.D. 2154

An Act to Improve State House Utilization

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

Sec. 1. 3 MRSA §162, sub-§12, as amended by PL 1989, c. 410, §1, is further amended to read:

12. Physical facilities for Legislature. To ~~insure~~ ensure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the State House and, notwithstanding Title 5, section 1742, subsection 18, to control and assign the use of all rooms in the State House, except the immediate offices occupied by the Governor and the Governor's staff ~~on January 1, 1982 in the west wing of the State House. This space shall be assigned for use by the Legislature as offices for chairs of joint standing committees and legislative staff and for public hearing rooms~~ The Legislative Council shall ensure that the Governor and the Governor's staff occupy sufficient and appropriate office space within the State House.

The Legislative Council ~~shall have~~ has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the physical facilities assigned to the Legislature, ~~provided that as long as~~ the work to be performed is consistent with the official plan for the preservation and development of the aesthetic and historical integrity of the State House as described in section 902, subsection 1;

See title page for effective date.

CHAPTER 672

H.P. 1408 - L.D. 1972

An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning

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

Sec. 1. 12 MRSA §9321, sub-§1, ¶H, as amended by PL 1997, c. 512, §1, is further amended to read:

H. Experience and capability of the permittee in the safe use and control of the proposed burning; ~~and~~

Sec. 2. 12 MRSA §9321, sub-§1, ¶I, as enacted by PL 1997, c. 512, §2, is amended to read:

I. In issuing a permit under section 9325, subsection 1, paragraph E, any prior convictions for violating that paragraph or section 9324, subsection 7-; ~~and~~

Sec. 3. 12 MRSA §9321, sub-§1, ¶J is enacted to read:

J. In issuing a permit under section 9325, subsection 1, paragraph E, the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling. These setback criteria may not be used to deny a permit.

Sec. 4. 38 MRSA §2133, sub-§2-A, as amended by PL 1995, c. 656, Pt. A, §36, is further amended to read:

2-A. Technical and financial assistance program. A program of technical and financial assistance for waste reduction and recycling is established in the office to assist municipalities with managing solid waste. The director shall administer the program in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies of scale. Preference may also be given to municipalities that provide a municipal trash collection service as defined in Title 12, section 9324.

subsection 7 or that prohibit residential out-of-door burning of highly combustible trash.

See title page for effective date.

CHAPTER 673

S.P. 813 - L.D. 2195

An Act Concerning Enforcement of Parking Spaces for Persons with Physical Disabilities

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

Sec. 1. 29-A MRSA §521, sub-§8, as repealed and replaced by PL 1995, c. 482, Pt. A, §4, is repealed.

Sec. 2. 29-A MRSA §521, sub-§9-A is enacted to read:

9-A. Enforcement of handicapped parking restrictions. Local or county law enforcement agencies may enforce handicapped parking restrictions on private off-street parking areas. The State Police shall enforce handicapped parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State.

Sec. 3. 30-A MRSA §3009, sub-§1, ¶D, as amended by PL 1997, c. 60, §1, is further amended to read:

D. The following provisions apply to the establishment and policing of parking spaces for handicapped persons.

(1) Municipal public parking areas are subject to any applicable requirements of the Maine Human Rights Act, Title 5, chapter 337, subchapter V. The municipality shall post a sign adjacent to and visible from each handicapped parking space established by the municipality. The sign must display the international symbol for accessibility.

~~(2) Owners of private off street parking shall arrange for private enforcement or shall enter into agreements with local or county law enforcement agencies to enforce handicapped parking restrictions. Under these agreements, unauthorized vehicles will be ticketed. An owner of private off street parking who fails to arrange for private enforcement or to enter into an agreement with a law enforcement agency commits a civil violation for which a forfeiture of not less than \$50 may be adjudged.~~

~~Under these agreements, public law enforcement officials may ensure that parking spaces designated for the handicapped are used appropriately by handicapped persons, whether the designated handicapped parking spaces are located on public lots or on private lots open to the public. Handicapped parking restrictions in private lots may also be enforced by county or municipal volunteer parking enforcement specialists as provided in sections 471 and 472.~~

~~Where service facilities are established on the Maine Turnpike and on the interstate highway system in the State, the State Police shall enforce any handicapped parking restrictions at those facilities.~~

(2-A) Enforcement of handicapped parking restrictions must be in accordance with Title 29-A, section 521, subsection 11.

(3) Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by another state, must be cited for a forfeiture of not less than \$100. "Clearly marked" includes painted signs on pavement and vertical standing signs that are visible in existing weather conditions.

See title page for effective date.

CHAPTER 674

H.P. 1566 - L.D. 2199

An Act to Make Supplemental Allocations from the Highway Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1998; and