

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

the road commissioner, the commissioner of public works or such officer as the city government municipal officers may appoint in the absence of a commissioner, be required to be taken up and relaid by reason of such failure to properly protect the same.

Sec. 7. 23 MRSA §3356 is amended to read:

§3356. Skill required

If the work or any part thereof of the work mentioned in sections 3351 to 3355 of repairing or filling the trenches or excavations ~~shall be~~ is unskillfully or improperly done, the road commissioner, the commissioner of public works or such officer as the city government municipal officers may appoint in the absence of a commissioner may ~~forthwith~~ immediately cause the ~~same work or any part of the work~~ to be skillfully and properly done and shall keep an account of the expense thereof. In such case, such person or persons, firm, corporation or bridge or water district in default shall forfeit and pay a penalty equal to the whole of ~~said~~ the expense incurred by ~~said commissioner of public works or such officer as the city government may appoint municipality, with an addition of 50%. Thereafter, upon the completion of the work and the determination of the costs thereof, the said commissioner of public works or such officer as the city government may appoint shall or appointee may not issue~~ no a further or new permit to any person or persons, firm, corporation or bridge or water district ~~so~~ in default until ~~he shall receive the municipality receives~~, in addition to the fees provided, the amount of the penalty as by this section provided and determined.

Sec. 8. 23 MRSA §3357 is amended to read:

§3357. Relaying of pavement

When any excavation ~~shall be~~ is made in any paved public highway and the trench ~~shall have~~ has been filled as required by sections 3355 and 3356, ~~the commissioner of public works or such officer as the city government may appoint municipality~~ shall relay the pavement or enter into an agreement for relaying of the pavement by the permittee. The ~~If the municipality relays the pavement, the cost thereof of relaying the pavement,~~ including materials, labor and inspection, ~~shall~~ must be paid out of any ~~moneys~~ money in the ~~city municipal~~ treasury standing to the credit of the regular fund for this purpose.

Sec. 9. 23 MRSA §3358 is amended to read:

§3358. Filing map of location

The party applying for a permit for ~~said~~ an excavation under sections 3351 to 3358 must file a map or sketch with the road commissioner, the commissioner of public works or such officer as the city government

municipal officers may appoint in the absence of a commissioner, showing the location and size of cuts to be made.

Sec. 10. 23 MRSA §3359 is amended to read:

§3359. Minimum excavation for pavement on a concrete base

~~When~~ Unless otherwise required in a municipal ordinance or regulation, when any excavation shall be ~~is~~ made in any paved public highway and ~~said pavement is repaired by a contractor or the commissioner of public works or such officer as the city government may appoint, the commissioner of public works or such officer as the city government may appoint, where said pavements are~~ the pavement is laid on a concrete base, ~~shall~~ the excavation must have the pavement and concrete cut back on each side of the excavation ditch a distance of 8 inches, and in issuing the permits for cutting the ~~pavements~~ pavement this extra width ~~shall~~ must be charged to the person applying for the ~~same~~ permits.

Sec. 11. 23 MRSA c. 307, sub-c. II, Art. 2 is repealed.

Sec. 12. 35-A MRSA §2513, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§2513. Relaying of pavement

When an excavation is made in a paved street, road or highway and the opening is filled as required by sections 2511 and 2512, the municipality or village corporation in which the opening was located shall relay the pavement unless the municipality or village corporation has entered into an agreement pursuant to Title 23, section 3357 requiring the permittee to relay the pavement. The ~~If the municipality or village corporation relays the pavement, the cost of relaying the pavement, including materials, labor and inspection shall, must~~ be paid out of any funds in the special fund for this purpose.

See title page for effective date.

CHAPTER 338

H.P. 139 - L.D. 201

**An Act to Amend the Maine
Criminal Justice Academy
Requirements for Candidates for
Sheriff**

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

Sec. 1. 30-A MRSA §371-B, sub-§3, ¶D, as repealed and replaced by PL 1997, c. 562, Pt. D, §6 and affected by §11, is amended to read:

D. 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;~~

(1) Met the basic law enforcement training standards under Title 25, section 2804-C; or

(2) Met the basic corrections training standards under Title 25, section 2804-D and has 5 years of supervisory employment experience.

See title page for effective date.

CHAPTER 339

H.P. 1389 - L.D. 1994

An Act to Amend the Laws Regarding Unlawful Cutting of Trees

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

Sec. 1. 14 MRSA §7552, sub-§3, ¶B, as amended by PL 1997, c. 214, §1, is further amended to read:

B. For lost trees, the owner may claim in lieu of market value the forfeiture amounts determined in Title 17, section 2510, subsections 2 and 3. In addition, the owner's damages may include the costs for regeneration of the stand in accordance with Title 12, section 8869. The court may reduce the damages awarded for good cause shown when the cutting of trees was done negligently or without fault.

See title page for effective date.

CHAPTER 340

H.P. 1073 - L.D. 1520

An Act Requiring Maine to Adopt the Federal Rules Regarding Universal Waste

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

Whereas, waste from batteries, thermostats, fluorescent light bulbs, cathode ray tubes and PCB ballasts continue to threaten natural resources and the public health in this State; and

Whereas, it is imperative that the Board of Environmental Protection adopt universal waste rules regarding the management of waste batteries and other universal waste as soon as practicable; 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 §1319-O, sub-§1, ¶F is enacted to read:

F. By January 1, 2000, the board shall adopt, at a minimum, the universal waste rules, excluding pesticides, promulgated by the United States Environmental Protection Agency as defined in 40 Code of Federal Regulations, Parts 9, 260, 261, 262, 264, 265, 266, 268, 270 and 273.

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

Effective May 26, 1999.

CHAPTER 341

S.P. 389 - L.D. 1168

An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage

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

Sec. 1. 24 MRSA §2332-J is enacted to read:

§2332-J. Coverage for contraceptives

1. Coverage requirements. All individual and group nonprofit hospital and medical services plan policies and contracts and all nonprofit health care plan policies and contracts that provide coverage for prescription drugs or outpatient medical services must provide coverage for all prescription contraceptives approved by the federal Food and Drug Administration or for outpatient contraceptive services, respectively, to the same extent that coverage is provided for other prescription drugs or outpatient medical