

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

C. With respect to any claim regarding future crop deficiency, provides notice to the entity against whom the claim is made at least 30 days prior to the crop harvest in order to allow the entity to assess crop deficiency;

D. Has submitted a claim in writing to the entity responsible for the property damage and afforded that entity at least 10 business days to respond but failed to reach a satisfactory agreement of settlement with that entity within that time period; and

E. Submits to the Superior Court clerk all necessary fees at the time of application.

4. Submission of application for mediation. A landowner may apply for mediation under this subchapter by filing an application for mediation with the Superior Court clerk in the county in which the land that is the subject of the conflict is located. The Superior Court clerk shall forward the application to the Court Alternative Dispute Resolution Service.

5. Stay of filing period. Notwithstanding any other provision of law, the period of time allowed by law or by rules of the court for any person to file for judicial review in any state court of any claim related to a dispute for which mediation is requested under this subchapter is stayed for 40 days beyond the date the mediator files the report required under subsection 12 with the Superior Court clerk, but in no case longer than 130 days from the date the landowner files the application for mediation with the Superior Court clerk.

6. Purpose; conduct of mediation. The purpose of a mediation under this subchapter is to facilitate a mutually acceptable solution to a dispute in accordance with applicable principles of property law and the terms of any easement.

The mediator, whenever possible and appropriate, shall conduct the mediation in the county in which the land that is the subject of the conflict is located.

7. Schedule; notice; participants. The mediator is responsible for scheduling all mediation sessions. The mediator shall provide the names and addresses of the landowner and the entity with whom the landowner has a dispute and a copy of the notice of the mediation schedule to the Superior Court clerk, who shall mail the notices.

8. Parties to mediation. A mediator shall include in the mediation process any person the mediator determines is necessary for effective mediation. A mediator may exclude or limit a person's participation in mediation when the mediator determines that exclusion or limitation necessary for effective mediation. Participation in the mediation

process is voluntary for all parties and may not be compelled by the mediator or any other person.

9. Sharing of costs. Participants in the mediation may share the costs of mediation after the initial 4 hours of mediation services have been provided.

10. Admissibility. The admissibility in court of conduct or statements made during mediation, including offers of settlement, is governed by the Maine Rules of Evidence, Rule 408(a) for matters subsequently heard in a state court and Federal Rules of Evidence, Rule 408 for matters subsequently heard in a federal court.

11. Agreements. A mediated agreement must be in writing. The landowner and the entity with whom the landowner is in dispute must sign the agreement as participants and the mediator must sign as the mediator.

12. Mediator's report. Within 90 days after the landowner files an application for mediation, the mediator shall file a report with the Superior Court clerk. The mediator shall file the report as soon as possible if the mediator determines that a mediated agreement is not possible. The report must contain:

A. The names of the mediation participants;

B. The nature of any agreements reached during the course of mediation and what further action is required of any person;

C. The nature of any issues remaining unresolved and the mediation participants involved in those unresolved issues; and

D. A copy of any written agreement under subsection 11.

The terms of any mediated agreement are enforceable in the Superior Court. If the parties fail to reach a mediated settlement, any party may file an appropriate civil action for remedies in accordance with applicable law.

See title page for effective date.

CHAPTER 347

H.P. 1458 - L.D. 2090

An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones or Alarms

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

Sec. 1. 17 MRSA §3321, sub-§§2 and 3, as enacted by PL 1991, c. 123, are amended to read:

2. Conspicuous sign. A conspicuous sign in the store entrance that states that between the hours of 9 p.m. and 5 a.m. the cash register contains \$50 or less, that there is a safe in the store and that the safe is not accessible to the employees; ~~and~~

3. Limited cash. During the hours of 9 p.m. to 5 a.m., no more than \$50 cash available and readily accessible to employees; and

Sec. 2. 17 MRSA §3321, sub-§4 is enacted to read:

4. Accessible telephone or alarm. An alarm or telephone within the store that is accessible to the employees. The alarm must be connected to a public or private safety agency.

See title page for effective date.

CHAPTER 348

S.P. 820 - L.D. 2223

An Act to Encourage Continuous Improvement in Pollution Prevention in Maine

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

Sec. 1. 38 MRSA §2302, first ¶, as amended by PL 1991, c. 520, §10, is further amended to read:

It is the policy of the State to reduce the amount of the toxic substances used in the State, to reduce worker and environmental exposure to the release of toxic substances, to reduce the hazardous waste generated within the State and to minimize the transfer of toxic pollutants from one environmental medium to another. The State encourages an integrated approach to toxics use reduction, toxics release reduction and hazardous waste reduction based on the hierarchies of pollution prevention management strategies included in this section. It is further the policy of the State that the process of reducing the use and release of toxic substances and reducing the generation of hazardous waste through planning and analysis of manufacturing and commercial processes is ongoing and that the principles of continuous improvement in pollution prevention and open, public accountability must be applied to environmental quality management efforts in both public and private facilities.

Sec. 2. 38 MRSA §2302, sub-§2, as amended by PL 1991, c. 520, §10, is further amended to read:

2. Toxics release reduction. The State ~~requires~~ encourages reducing the release of toxics during manufacturing and other processes through, in addition to encouraging the toxics use reduction techniques specified in subsection 1, in-plant changes in production or other processes or operations that reduce or avoid exposure of workers and the environment to toxics.

Sec. 3. 38 MRSA §2302, sub-§3, as amended by PL 1993, c. 732, Pt. A, §12, is further amended to read:

3. Hazardous waste reduction. The State ~~requires~~ encourages reducing the generation of hazardous waste through, in addition to any toxics use and release reduction techniques employed by the facility, the application of the following techniques:

- A. Recovery of toxics from production and other processes for reuse;
- B. On-site recycling of hazardous waste;
- C. Off-site recycling of hazardous waste; and
- D. Treatment, other than incineration, of hazardous waste to reduce volume or toxicity or both.

Sec. 4. 38 MRSA §2302, sub-§4 is enacted to read:

4. State facilities. The Commissioner of Administrative and Financial Services, in consultation with the commissioner, shall lead the development of a pollution prevention system for state facilities by January 1, 2005 focusing on compliance with all relevant environmental regulatory and statutory requirements, improved environmental performance, reduction of toxics use and pollution prevention opportunities.

Sec. 5. 38 MRSA §2303, as amended by PL 1991, c. 520, §§11 and 12, is further amended to read:

§2303. Toxics use, toxics release and hazardous waste reduction goals

The State's goals for reduction of the volume of toxics used and released and hazardous waste that is generated within the State are as follows.

1. Toxics use reduction goals. Using the amount of toxics used statewide in 1990 as a baseline figure, the statewide goals for toxics use reduction are a ~~10%~~ 40% reduction in the amount of toxic substances used in the State by January 1, ~~1994~~ 2002, a ~~20%~~ 50% reduction by January 1, ~~1996~~ 2004 and a ~~30%~~ 60% reduction by January 1, ~~1998~~ 2006.