

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

Hazardous Waste Fund to cover expenses incurred by the department in the administration of this chapter.

1. Toxics users. Toxics users shall submit \$100 for each extremely hazardous substance reported by the facility under this chapter to the department annually by April 15th.

2. Toxics releasers. Toxics releasers shall submit \$100 for each toxic substance reported by the facility under this chapter to the department annually by July 1st.

3. Hazardous waste generators. Generators that ship 300 kilograms, or 661 pounds, or more of hazardous waste in a calendar year shall pay the following fees to the department annually by April 15th: for generators that ship 2,268.0 kilograms, or 5,000 pounds, or more of hazardous waste in a calendar year, the fee is \$1,000; for generators that ship between 1,197.5 kilograms and 2,267.5 kilograms, or 2,640 pounds and 4,999 pounds, per calendar year, the fee is \$500; and for generators that ship between 300 kilograms and 1,197.0 kilograms, or 661 pounds and 2,639 pounds, per calendar year, the fee is \$100. Generators that ship less than 300 kilograms, or 661 pounds, of hazardous waste in a calendar year are not required to pay fees under this section.

4. Fee limitation. A facility subject to fees under this section may not be assessed more than \$1,000 per year.

Sec. 17. 38 MRSA §2312, as amended by PL 1991, c. 520, §§24 and 25, is repealed.

Sec. 18. 38 MRSA §2313 is enacted to read:

§2313. Penalties

1. General. The owner or operator of a facility subject to the requirements of this chapter that fails to meet any requirement of this chapter is subject to penalties under section 349 and, as applicable, fees assessed under section 1319-I, subsection 2-A.

2. Trade secrets; unlawful disclosure. It is unlawful to disclose any information designated as confidential or a trade secret under this chapter to an unauthorized person. A person who violates this subsection is subject to the penalties specified in section 1310-B, subsection 6.

Sec. 19. Interim report; statewide goals. The Commissioner of Environmental Protection shall submit an interim report to the Joint Standing Committee on Natural Resources by February 15, 2000 with the commissioner's recommendations regarding the statewide reduction goals established in the Maine Revised Statutes, Title 38, section 2303 and

whether those goals should be revised. In developing the recommendations, the commissioner shall consult with regulated facilities regarding their facility goals.

Sec. 20. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Remediation and Waste Management		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$37,969	\$52,044
All Other	7,500	10,000
Capital Expenditures	3,000	
Allocates funds for one additional Environmental Specialist III position and operating costs necessary for implementing additional review responsibilities, adopting certain rules and submitting certain reports to the Legislature.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	\$48,469	\$62,044

See title page for effective date.

CHAPTER 349

H.P. 71 - L.D. 84

An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit a Prohibited Act

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

Sec. 1. 15 MRSA §5821, sub-§7, as amended by PL 1989, c. 302, §2, is further amended to read:

7. Real property. Except as provided in paragraph A, all real property, including any right, title or interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended for use, in any manner or part, to commit or to facilitate the commission of a violation of Title 17-A, section 1103 or 1105, which is a Class A, Class

B or Class C crime, with the exception of offenses involving marijuana.

A. ~~No property~~ Property may not be forfeited under this subsection, to the extent of an interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner. When an owner of property ~~which~~ that is that person's primary residence proves by a preponderance of the evidence that ~~he~~ the owner is the spouse or minor child of the coowner of the primary residence who has used or intended to use the residence, in any manner or part, to commit or facilitate the commission of a violation of Title 17-A, section 1103 or 1105, the State shall bear the burden of proving knowledge or consent of the spouse or minor child by a preponderance of the evidence; ~~and~~

Sec. 2. 15 MRSA §5821, sub-§7-A is enacted to read:

7-A. Computers. Except as provided in paragraph A, all computers, as defined in Title 17-A, section 431, subsection 2, and computer equipment, including, but not limited to, printers and scanners, that are used or are attempted to be used in violation of Title 17-A, section 259.

A. Property may not be forfeited under this subsection, to the extent of the interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner; and

Sec. 3. 17-A MRSA §259 is enacted to read:

§259. Solicitation of child by computer to commit a prohibited act

1. A person is guilty of soliciting a child by a computer to commit a prohibited act if the person:

A. Uses a computer knowingly to solicit, entice, persuade or compel another person to meet with that person;

B. Is 16 years of age or older; and

C. Knows or believes the other person is less than 14 years of age;

D. Is at least 3 years older than the expressed age of the other person; and

E. Has the intent to engage in the following prohibited act with the other person:

(1) A sexual act as defined in section 251, subsection 1, paragraph C;

(2) Sexual contact as defined in section 251, subsection 1, paragraph D; or

(3) Sexual exploitation of a minor as pursuant to Title 17, section 2922.

2. As used in this section, the term "computer" has the same meaning as in section 431, subsection 2.

3. Solicitation of a child by a computer to commit a prohibited act is a Class D crime.

See title page for effective date.

CHAPTER 350

H.P. 433 - L.D. 575

An Act to Provide for Increased Penalties and Enforcement Regarding Dangerous Dogs

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

Sec. 1. 7 MRSA §3907, sub-§12-D is enacted to read:

12-D. Dangerous dog. "Dangerous dog" means a dog that bites an individual who is not trespassing on the dog owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily harm by attacking or threatening to attack that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement use.

For the purposes of this definition, "dog owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.

Sec. 2. 7 MRSA §3952, as amended by PL 1997, c. 690, §§35 and 36, is further amended to read:

§3952. Keeping a dangerous dog

A person who owns or keeps a dangerous dog commits a civil violation for which a forfeiture of not more than \$1,000, plus costs, may be adjudged.

1. Procedure. Any person who is assaulted by a dog ~~without provocation~~ or any person witnessing an ~~unprovoked~~ assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within ~~40~~ 30 days of the assault, may make written complaint to the sheriff, local law