

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

- (8) Maine Dairy Promotions Board in 2001;
- (9) Maine Milk Commission in 2001;
- (10) State Harness Racing Commission in 2001;
- (11) Maine Agricultural Bargaining Board in 2003;
- (12) Department of Agriculture, Food and Rural Resources in 2003; ~~and~~
- (13) State Soil and Water Conservation Commission in 2003; and
- (14) Land for Maine's Future Board in 2001.

**Sec. 2. 3 MRSA §959, sub-§1, ¶M,** as amended by PL 1999, c. 415, §1, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 1997;
- (2) State Civil Service Appeals Board in 1999;
- (3) State Claims Commission in 1999;
- (4) Maine Municipal Bond Bank in 2001;
- (5) Office of Treasurer of State in 2001;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services in 2003;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and
- (9) State Planning Office, except for the Land for Maine's Future Board, in 2001.

**Sec. 3. 5 MRSA §6204, sub-§2,** as amended by PL 1993, c. 728, §6, is further amended to read:

**2. Appointments.** The 6 private citizens are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~natural resources~~ matters pertaining to state parks and public lands and to confirmation by the Legislature.

**Sec. 4. 5 MRSA §6206, sub-§1, ¶E,** as amended by PL 1993, c. 728, §8, is further amended to read:

E. On January 1, 1995 and on January 1st every 2 years thereafter, report to the joint standing committee of the Legislature having jurisdiction over ~~natural resources~~ matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines.

See title page for effective date.

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## CHAPTER 604

H.P. 1898 - L.D. 2639

### An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site

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

**Whereas,** the deadline for distributions from the Wells Waste Oil Clean-up Fund is April 1, 2000 and if this date is not immediately extended, the fund will be used up and it will not be possible to allow more persons to benefit from the fund; 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. 10 MRSA §1023-L, sub-§3, ¶D,** as enacted by PL 1999, c. 505, Pt. A, §7, is amended to read:

D. An agreement has been reached with an entity that has assumed liability for total response costs at the Wells waste oil disposal site and the applicant is a participant in that agreement.

**Sec. 2. 10 MRSA §1023-L, sub-§7,** as amended by PL 1999, c. 531, Pt. H, §1 and affected by §2, is further amended to read:

**7. Direct payment program.** The direct payment program is managed as follows.

A. The authority shall pay to each person, eligible under this subsection, \$2,000 upon presentation by the person to the authority of a canceled

check or other evidence determined sufficient by the authority to demonstrate payment of the person's share of total response costs at the waste oil disposal site, unless the authority determines that the payment made by the person at that site was in an amount less than \$2,000, in which case the authority shall pay to that person an amount equal to the amount that person paid in relation to the site. All payments made under this subsection must be from funds transferred from the Maine Rainy Day Fund.

B. Any person eligible under this subsection who presents an invoice for that person's share of total response costs at the site, but who has not yet paid the invoice, receives a negotiable instrument from the authority made payable jointly to that person and any entity identified by the Department of Environmental Protection as assuming liability for total response costs at the site. The negotiable instrument must be in the amount of \$2,000, unless the authority determines that the payment to be made by the person at the site will be in an amount less than \$2,000, in which case the authority shall pay to the person an amount equal to the amount the person is to pay in relation to the site. All payments made under this subsection must be from funds transferred from the Maine Rainy Day Fund.

C. After the payments authorized in paragraphs A and B have been made, additional payments must be made from the available balance from funds transferred from the Maine Rainy Day Fund to all persons who received funds under paragraphs A and B who have paid their settlement share of total response costs, and whose total liability at the site exceeds the amount the persons received under paragraph A or B. Distributions under this paragraph are proportionate to the amount each person paid as the person's share of total response costs at the site. Payments made pursuant to this subsection may not exceed the person's settlement share of total response costs attributable to eligible persons as defined in this subsection multiplied by the total orphan share percentage at the waste oil disposal site. The authority may not issue deferred loans for eligible persons who have received payments pursuant to this subsection. This distribution must occur on ~~April 1~~ June 30, 2000. Any remaining funds in the fund must be transferred to the Groundwater Oil Clean-up Fund.

For purposes of this subsection, "person" means any natural person domiciled in this State; a corporation or partnership in the State; the State; any agency, authority, department, commission, municipality, quasi-municipal corporation, special-purpose district or other instrumentality of the State; a political

subdivision of the State, including but not limited to those defined in Title 14, chapter 741 and Title 30-A, chapter 225; any other entity identified as a responsible party at the waste oil disposal site whose waste oil is identified as delivered to the waste oil disposal site and picked up from an address or location within the State in the records compiled by the Department of Environmental Protection or the United States Environmental Protection Agency or their agents, provided that neither the Federal Government nor any of its agencies, authorities, departments, boards, commissions or instrumentalities are eligible to have any share of their obligation for response costs paid by the fund. A person is not eligible for assistance under this subsection unless the person is a participant in a settlement agreement under which an entity has assumed liability for total response costs at the Wells waste oil disposal site.

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

Effective March 31, 2000.

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## CHAPTER 605

### S.P. 879 - L.D. 2294

#### An Act to Promote Competition in the Natural Gas Industry

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

**Sec. 1. 35-A MRSA §§4504 and 4505**, as enacted by PL 1987, c. 141, Pt. A, §6, are repealed.

**Sec. 2. 35-A MRSA §4710** is enacted to read:

**§4710. Eminent domain**

Subject to the provisions of this section, a natural gas utility may take and hold by right of eminent domain lands or rights in lands necessary to the safe, economical and efficient operation of a pipeline and to the provision of adequate service to the public. For purposes of this section, the term "natural gas utility" means an intrastate natural gas pipeline utility or a gas utility other than a gas utility over which the commission's jurisdiction is limited pursuant to section 4702.

**1. Conditions and standards.** A natural gas utility may take and hold by right of eminent domain lands or rights in lands necessary to the safe, economical and efficient operation of the pipeline and to the provision of adequate service to the public if:

A. The natural gas utility has obtained from the commission: