

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.

J.S. McCarthy Company
Augusta, Maine
2000

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

Effective April 13, 2000.

CHAPTER 691

H.P. 852 - L.D. 1209

An Act Regarding Water Quality Testing for Property Abutting a Special Waste Landfill

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

Sec. 1. 38 MRSA §1310-N, sub-§10 is enacted to read:

10. Water supply testing. Upon written request to the department from the owner of property abutting a commercial solid waste disposal facility that accepts special waste for landfilling, the department shall require the facility licensee to have conducted biannual sampling and analysis of a private water supply well used by the requestor for drinking water. This subsection applies only if the requestor owned and resided and the private water supply well existed on that property prior to the time the property became an abutting property. For purposes of this subsection, "abutting" means both contiguous to the property on which the facility is located, including directly across a public or private right-of-way, and within one mile of the location of the facility.

A. Sampling and analysis must be conducted by a certified laboratory selected by the property owner in a manner specified by, and that meets criteria developed by, the department. The criteria must allow for split samples to be taken by the laboratory selected by the property owner and by a laboratory selected by the licensee.

B. The water supply must be analyzed for all parameters or chemical constituents determined by the department to be appropriate and consistent with department rules regarding solid waste management. The laboratory performing the sampling and analysis shall provide written copies of sample results to the licensee, the landowner and the commissioner.

C. If the analysis indicates possible contamination from the facility, the commissioner shall require the licensee to conduct additional sampling and analysis in conformance with department rules regarding solid waste management to determine more precisely the nature, extent and source of contamination. The commissioner

shall, if necessary, require this sampling beyond the boundaries of the property abutting the facility.

D. If a facility adversely affects a public or private water supply by contamination, pollution, degradation, diminution or other means that result in a violation of the state drinking water standards as determined by the commissioner, the licensee shall restore the affected supply at no cost to the consumer or replace the affected supply with an alternative source of water that is of like quantity and quality to the original supply at no cost to the consumer.

E. The licensee shall provide owners of property abutting the facility with written notice of their rights under this subsection on a form prepared by the commissioner as follows:

(1) On or before December 1, 2000, for a commercial solid waste disposal facility that accepts special waste for landfilling licensed under this chapter prior to October 1, 2000; and

(2) At or before the time of license issuance for a commercial solid waste disposal facility that accepts special waste for landfilling licensed under this chapter on or after October 1, 2000.

This subsection applies to a new, expanded or existing commercial solid waste disposal facility that accepts special waste for landfilling. When licensing any such facility, the department shall incorporate the provisions of this subsection into the license. The provisions of this subsection apply only to a commercial solid waste disposal facility that accepts special waste for landfilling.

See title page for effective date.

CHAPTER 692

H.P. 1873 - L.D. 2610

An Act to Require Warranty Certification for Snowmobiles and All-terrain Vehicles

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

Sec. 1. 12 MRSA §7824, sub-§10, ¶D is enacted to read:

D. Prior to issuing a registration certificate for a new snowmobile, a snowmobile registration agent shall require that the registrant produce

evidence that the registrant's name has been submitted to the manufacturer of the snowmobile for warranty coverage and to receive any product recalls and safety updates. For the purpose of this paragraph, the warranty registration form provided to the registrant by the selling dealer at the time of sale is sufficient evidence.

Sec. 2. 12 MRSA §7854, sub-§10, ¶C is enacted to read:

C. Prior to issuing a registration certificate for a new ATV, an ATV registration agent shall require that the registrant produce evidence that the registrant's name has been submitted to the manufacturer of the ATV for warranty coverage and to receive any product recalls and safety updates. For the purpose of this paragraph, the warranty registration form provided to the registrant by the selling dealer at the time of sale is sufficient evidence.

See title page for effective date.

CHAPTER 693

H.P. 1846 - L.D. 2583

An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones

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

Whereas, 4 lobster management zones have begun the process of closing the zones to new zone entrants; and

Whereas, many lobster and crab fishing license holders wish to get on the waiting lists for the closed zones; and

Whereas, lobster management policy councils may wish to authorize apprentices who have finished the apprentice program to fish in a closed zone; and

Whereas, it is important to clarify the waiting list process for limited-entry zones as soon as possible; 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. 12 MRSA §6448, sub-§2, ¶¶A and C, as enacted by PL 1999, c. 508, §3, are amended to read:

A. After conducting a written survey in the zone, a lobster management policy council may propose to the commissioner an exit ratio to limit new zone entrants to the zone. The lobster management policy council may also propose to the commissioner a provision to exempt from the requirements of this section an individual who became eligible for but had not been issued a Class I, Class II or Class III license pursuant to section 6421, subsection 5, paragraph C or H prior to January 1, 2000 and to allow that individual to declare the zone as that individual's declared lobster zone. The lobster management policy council is not required to submit the proposal to referendum and the proposed exit ratio does not need to receive approval through the survey in order to be forwarded to the commissioner.

C. Rules adopted under this subsection must establish an exit ratio between the number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of new zone entrants authorized under subsection 7. An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council. Rules adopted under this subsection may exempt from the requirements of this section an individual who became eligible for but who had not been issued a Class I, Class II or Class III license pursuant to section 6421, subsection 5, paragraph C or H prior to January 1, 2000 and allow such an individual to declare the zone as that individual's declared lobster zone.

Sec. 2. 12 MRSA §6448, sub-§§5 to 7, as enacted by PL 1999, c. 508, §3, are amended to read:

5. Application for limited-entry zone. A person who wishes to ~~declare a limited-entry zone as that person's declared lobster zone~~ be a new zone entrant shall indicate ~~on that person's application for a Class I, Class II or Class III lobster and crab fishing license between October 15th and December 15th of the previous licensing year~~ to the commissioner in writing a request to declare ~~that a limited-entry zone~~ as the person's declared lobster zone, in accordance with this subsection. A person may indicate up to 2 limited-entry zones that the person requests to declare as the