

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Improvement program upon recommendation of the State Budget Officer and approval of the Governor for use during fiscal year 2000-01.

Within 30 days of acceptance of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge Improvement program and the status of the Highway Fund Surplus account.

PART E

Sec. E-1. PL 1997, c. 674, Pt. C, §§2 and 3 are amended to read:

Sec. C-2. Amended lease-purchase authorized for engineering vehicles or equipment. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Highway Fund, is authorized to establish lease-purchase contracts for the procurement of engineering vehicles or equipment. The term of the contracts may not be more than 7 years. The cumulative total principal value of the lease-purchase contracts may not exceed \$10,000,000. The interest rate may not exceed ~~6%~~ 8% and the total interest may not exceed \$2,400,000.

Sec. C-3. Amended lease-purchase authorized for vehicles or equipment. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Motor Transport Service, is authorized to establish lease-purchase contracts for the procurement of vehicles or equipment. The term of the contracts may not be more than 7 years. The cumulative total principal value of the lease-purchase contracts may not exceed \$12,000,000. The interest rate may not exceed ~~6%~~ 8% and total interest costs may not exceed \$2,880,000.

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

Effective April 25, 2000.

CHAPTER 738

S.P. 1088 - L.D. 2691

An Act to Clarify the Law Enforcement Authority of Game Wardens

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

Whereas, it is necessary to resolve the issue of enforcement of fish and wildlife conservation laws in order to clarify the rights and responsibilities of the public and game wardens; 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 §7053, sub-§2, ¶D-1, as amended by PL 1999, c. 317, §1, is repealed.

Sec. 2. 12 MRSA §7053, sub-§2, ¶D-2, as enacted by PL 1999, c. 317, §2, is repealed.

Sec. 3. 12 MRSA §7053, sub-§2, ¶¶D-3 and D-4 are enacted to read:

D-3. If the warden is in uniform and has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop a motor vehicle or watercraft for the purpose of:

- (1) Arresting the operator for a criminal violation;
- (2) Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or
- (3) Questioning the operator or occupants;

D-4. In order to protect fish and wildlife:

(1) If the warden is in uniform, stop a person for the purpose of determining compliance with license, permit, equipment or other requirements or restrictions if the person, at the time of the stop, is:

- (a) Engaged in hunting, fishing or trapping; and
- (b) Not in or on a motor vehicle; and

(2) Pursuant to policy established by the commissioner, establish checkpoints to stop any type of vehicle and conduct checks to gather statistics concerning hunting, fishing and trapping and to determine compliance with fish and wildlife laws;

Sec. 4. 12 MRSA §7053, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. Same duties and powers as sheriffs. In addition to their specified duties and powers, wardens have the same duties and powers throughout the several counties of the State as sheriffs have in their respective counties, except that a warden's primary responsibility is enforcement of laws protecting fish and wildlife.

A. Wardens have the same rights as sheriffs to require aid in executing the duties of their offices.

B. Wardens are entitled to the same fees as sheriffs and their deputies for like services, except before the District Court. All the fees ~~shall~~ must be paid to the commissioner.

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

Effective April 25, 2000.

CHAPTER 739

S.P. 955 - L.D. 2496

An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities

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

Whereas, it is crucial that the Legislature clarify the necessary authority of state environmental and health agencies to identify and properly oversee the cleanup of radioactive and toxic contamination at the Maine Yankee nuclear power plant site during decommissioning; and

Whereas, without this necessary authority neither the public nor businesses interested in potential reuse of the Maine Yankee site can be assured that the site meets the environmental and health standards established by the State; and

Whereas, the decommissioning of the Maine Yankee nuclear power plant is currently underway on a "fast track" and within the next year the existing structure will be demolished or shipped off site; and

Whereas, due to the fast-track nature of the decommissioning, if the necessary authority of state agencies is not clarified as soon as possible by the Legislature, the decommissioning process will proceed

beyond the point at which state environmental and health agencies can adequately determine that state standards have been met and public health and the environment have been protected; 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. 22 MRSA §664, sub-§2, as amended by PL 1997, c. 686, §5, is further amended to read:

2. Monitoring. Each facility licensee shall permit monitoring, for the purposes of this chapter, of the premises, equipment and materials, including source, special nuclear and by-product materials, in its possession or use, or subject to its control and any vehicle or means of transportation used to remove materials or equipment from the site, including, but not limited to, by rail, water, roadway or air. ~~For the purposes of this subsection, "monitoring" means observing the conduct of operations, including maintenance, quality assurance activities, the preparation, transportation and handling of radioactive waste, emissions monitoring, radiation protection and the observation of emergency preparedness tests and drills. Nothing in this chapter prohibits a State Nuclear Safety Inspector from participating in licensee training activities that are scheduled for licensee personnel. Monitoring of vehicles or other means of transportation used to remove materials or equipment from the site must be undertaken in a manner that is safe, that employs properly calibrated instruments and that does not result in unreasonable delays in the removal of materials or equipment from the site.~~

For the purposes of this subsection, "monitoring" means any one or combination of the following:

A. Observing the conduct of operations, including maintenance, quality assurance activities, the preparation, transportation and handling of radioactive waste, emissions monitoring, radiation protection and the observation of emergency preparedness tests and drills;

B. Taking analytical radiological measurements using properly calibrated instruments to confirm:

(1) The results of quality assurance activities undertaken by or on behalf of the facility licensee;