

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 TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

order to remediate or abate environmental hazards or damage.

A. The commission shall investigate substantiated allegations by an owner, lessee, manager, easement holder or occupant that the violation was caused by another person.

B. If an owner, lessee, manager, easement holder or occupant is subjected to criminal sanctions or civil penalties or forfeitures, or if such a person is required to remediate or abate environmental hazards or damage as a result of violations by another person, the owner, lessee, manager, easement holder or occupant has a cause of action against the actual violator to recover all damages and costs, including attorney's fees, incurred in connection with the environmental damage, and all costs, including attorney's fees, incurred in bringing the action to recover.

Sec. 2. 38 MRSA §347-A, sub-§7 is enacted to read:

7. Landowner liability for actions of others.

An owner, lessee, manager, easement holder or occupant of premises is not subject to criminal sanctions or civil penalties or forfeitures for a violation of laws or rules enforced by the department or the board if that person provides substantial credible evidence that the violation was committed by another person other than a contractor, employee or agent of the owner, lessee, manager, easement holder or occupant. This subsection does not prevent the department, the board or a court from requiring an owner, lessee, manager, easement holder or occupant of premises to remediate or abate environmental hazards or damage or to reimburse the department for the cost of such remediation or abatement. An owner, lessee, manager, easement holder or occupant of premises is subject to criminal sanctions or civil penalties or forfeitures for failure to comply with a lawful administrative order or court order to remediate or abate environmental hazards or damage.

A. The department shall investigate substantiated allegations by an owner, lessee, manager, easement holder or occupant that the violation was caused by another person.

B. If an owner, lessee, manager, easement holder or occupant is subjected to criminal sanctions or civil penalties or forfeitures, or if such a person is required to remediate or abate environmental hazards or damage as a result of violations by another person, the owner, lessee, manager, easement holder or occupant has a cause of action against the actual violator to recover all damages and costs, including attorney's

fees, incurred in connection with the environmental damage, and all costs, including attorney's fees, incurred in bringing the action to recover.

C. This subsection does not apply to persons who are defined as "responsible parties" under chapter 3, subchapters II-A and II-B; chapter 13, subchapter II-A; or chapter 13-B.

See title page for effective date.

CHAPTER 366

H.P. 1042 - L.D. 1399

An Act to Require Reporting of Activities under the Workforce Investment Act of 1998

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

Sec. 1. 26 MRSA c. 35 is enacted to read:

CHAPTER 35

FEDERAL WORKFORCE INVESTMENT ACT OF 1998

§3101. Report required

The Department of Labor shall annually, by September 1st, report the following information regarding the federal Workforce Investment Act of 1998, referred to in this section as the "Act," to the joint standing committee of the Legislature having jurisdiction over labor matters:

1. Funds received. The total amount of funds received by the State for adults and dislocated workers under the Act for the previous federal program year and the distribution of those funds, by service provider;

2. General program, direct training and support services; expenditures and number of participants. For each of the following categories, the amount of funds received under the Act and spent for those categories and the number of persons receiving services in each category, by service provider:

A. General program costs, including staff salaries and benefits, rent and utilities and equipment;

B. Direct training, including tuition, training accounts, on-the-job training and customized training. The report must include the number of

persons receiving services in each of the following categories:

(1) Training provided at an educational or training institution, by type of training or educational institution;

(2) On-the-job training; and

(3) Customized training; and

C. Support services, including transportation, child care, medical and clothing;

3. Institutions providing education; performance information. A list of all institutions and programs eligible to provide education or training for adults and dislocated workers with individual training programs and a copy of performance information made available to prospective trainees for each provider;

4. Number of persons exiting program. The number of adults and dislocated workers who have exited core and intensive services and education and training services, by service provider;

5. Wage rates and benefits. The range of wage rates and benefits provided, including health insurance separately reported, and the full-time or part-time work status for individuals who received core and intensive services and training and education services under an individual training account, at the time of placement following the completion of training and 3 months and 9 months after the first day of employment, by service provider; and

6. Number of persons who receive degrees. The number of adults and dislocated workers who became licensed or certified to perform a particular job or received an academic degree or equivalent as a result of participation under the Act, by service provider.

Sec. 2. Interim report. The Department of Labor shall submit an interim report to the Joint Standing Committee on Labor by January 15, 2002, including the format to be used for future reports and as much of the information required pursuant to the Maine Revised Statutes, Title 26, section 3101 as is available at that time. The Joint Standing Committee on Labor is authorized to report out legislation to the Second Regular Session of the 120th Legislature in response to that report.

See title page for effective date.

CHAPTER 367

S.P. 629 - L.D. 1813

An Act to Amend the Clean Car Incentives Pilot Program

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

Sec. 1. 10 MRSA §393, sub-§1-A is enacted to read:

1-A. Automobile scrapper. "Automobile scrapper" means a person engaged in the business of scrapping automobiles as defined in rules adopted by the Board of Environmental Protection within the Department of Environmental Protection. An automobile scrapper may include, but is not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in Title 30-A, section 3752.

Sec. 2. 10 MRSA §394, sub-§4-A is enacted to read:

4-A. Payments to automobile scrappers. To the extent funds are available in the fund, the department shall pay an automobile scrapper up to \$350 for each high-pollution vehicle scrapped under the program. Payments must be made directly to the automobile scrapper upon receipt of an invoice and a certificate of verification that the high-pollution vehicle was scrapped.

Sec. 3. 10 MRSA §1023-K, sub-§4, as amended by PL 1999, c. 684, §4, is further amended to read:

4. Accounts within fund. The authority may divide the fund into separate accounts as it determines necessary or convenient for carrying out this section, including, but not limited to, accounts reserved for direct loan funds and accounts reserved for funds for the redemption of vouchers and payments to automobile scrappers in accordance with section 394, ~~subsection~~ subsections 4 and 4-A.

Sec. 4. Emergency rulemaking. The Board of Environmental Protection within the Department of Environmental Protection shall adopt emergency rules no later than 15 days after the effective date of this Act to amend Chapter 147 of its rules to establish the standards and process for making payments to automobile scrappers under the Maine Revised Statutes, Title 10, section 394, subsection 4-A. The board also shall provide a definition of "automobile