

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

B. "Terminally ill patient" means a patient who has been diagnosed as having an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a short time.

Sec. 27. 22 MRSA §2842, sub-§3, as amended by PL 1987, c. 329, §1, is further amended to read:

3. Medical certificate by medical examiner.

When a death occurs under circumstances ~~which that~~ make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner shall complete ~~and sign in typewritten or handwritten block style~~ the medical certification of the cause of death and ~~sign the death certificate~~. A certification need not be completed before the remains are ready for release.

The medical examiner ~~shall be~~ is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by ~~his the Attorney General's~~ office, entries ~~shall must~~ be left "withheld" until such time as the Attorney General, in ~~his the Attorney General's~~ sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of Chief Medical Examiner.

Sec. 28. 22 MRSA §2843, 3rd ¶, as enacted by PL 1985, c. 231, §2, is amended to read:

A municipal clerk may issue a ~~burial-transit dis-~~ position of human remains permit to a funeral director who presents a report of death and states that ~~he the~~ funeral director has been unable to obtain a medical certification of the cause of death. The funeral director shall name the attending physician or medical examiner who will certify to the cause of death and present assurances that he or she has agreed to do so. The funeral director shall exercise due diligence to secure the medical certification and file the death certificate as soon as possible.

Sec. 29. 22 MRSA §2844, as amended by PL 1989, c. 54, is further amended to read:

§2844. Subregistrars

The town or city clerk may appoint one or more suitable and proper persons in the municipality as

subregistrars, who ~~shall be~~ are authorized to issue permits for transportation and final disposition of dead human bodies in the same manner as is required of the town or city clerk. Permits may be issued by a subregistrar only when the town or city clerk or deputy clerk is not available. The completed death certificate or report of death, upon which the permit is issued, together with a copy of the ~~burial-transit disposition of~~ human remains permit ~~shall must~~ be forwarded to the town clerk at the earliest opening of the municipal office after the date of issue, and all permits by whomsoever issued ~~shall must~~ be returned to the town clerk as required by section 2843. The appointment of subregistrars ~~shall must~~ be made with reference to locality, so as to best suit the convenience of the inhabitants of the town, and such appointment ~~shall must~~ be in writing and recorded in the office of the town or city clerk. The subregistrars in any town ~~shall~~ hold office at the pleasure of the town clerk.

Sec. 30. 22 MRSA §2845, as enacted by PL 1973, c. 252, is amended to read:

§2845. Certificate of death typewritten

Any death certificate required to be filed by this chapter ~~shall must~~ be typewritten or ~~printed~~ handwritten in block type prior to such filing.

Sec. 31. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 22, section 253 applies retroactively to January 1, 2001.

See title page for effective date.

CHAPTER 575

S.P. 695 - L.D. 1897

**An Act to Facilitate the Closure of
Privately Owned Solid Waste
Landfills**

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

Whereas, this legislation allows the owner or operator of a privately owned solid waste disposal facility to use the financial assurance mechanisms allowed under federal law for closure and post-closure care of the facility; and

Whereas, the enactment of this legislation will facilitate the closure of privately owned solid waste landfills; 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. 38 MRSA §1310-Y, as amended by PL 2001, c. 315, §4, is further amended to read:

§1310-Y. Financial assurance

An owner or operator of a solid waste disposal facility licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. The department may consider the use of more than one acceptable form of financial assurance per facility to satisfy the financial assurance requirement of this section. This section applies to all privately owned solid waste disposal facilities licensed by the department, including facilities licensed by the department before June 16, 1993. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste or to a municipally owned or operated solid waste disposal facility licensed before June 16, 1993.

1. Acceptable forms of financial assurance.

Acceptable forms of financial assurance are:

- A. A letter of credit;
- B. A surety bond;
- C. An escrow account;
- D. A reserve account calculated in a manner consistent with the United States Internal Revenue Code;
- E. An irrevocable trust account; or
- F. In the case of a municipal solid waste disposal facility, any of the allowable financial assurance mechanisms set forth in applicable federal rules.

1-A. Substitute requirements. The department may substitute part of the acceptable forms of financial assurance under subsection 1 with one or more of the following requirements:

A. A current rating for its senior unsubordinated debt of AAA, AA, A or BBB as issued by Standard and Poor's Corporation or Aaa, Aa, A or Baa as issued by Moody's Investors Services, Inc.;

B. A ratio of less than 1.5 comparing total liabilities to net worth; or

C. A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10,000,000, to total liabilities.

2. Report. An owner or operator of a solid waste disposal facility shall annually prepare a report containing a sworn statement providing the year-end balance of any escrow, trust or reserve account established under this section. That report must be submitted to the commissioner by March 31st of each year or such other date as the commissioner may designate.

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

Effective March 28, 2002.

CHAPTER 576

H.P. 1439 - L.D. 1936

An Act to Regulate Lead Smart Renovators and Lead Sampling Technicians

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

Sec. 1. 38 MRSA §1296, first ¶, as enacted by PL 1997, c. 375, §14, is amended to read:

A person engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint not subject to the licensing and certification requirements of this chapter shall take reasonable precautions to prevent the release of lead to the environment, including the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project. Activities that may result in the release of lead to the environment include, but are not limited to, removal of lead paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit. If the commissioner finds, after