

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

PART B**Sec. B-1. Lease-purchase authorization.**

Resolved: That notwithstanding the Maine Revised Statutes, Title 5, section 1587, the Commissioner of Administrative and Financial Services on behalf of the Department of Education may enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for the acquisition of school buses to replace 43 Carpenter buses that must be removed from service for safety reasons. The financing agreements may not exceed 7 years in duration and \$2,500,000 in principal costs. The interest rate may not exceed 6% and the total interest costs may not exceed \$595,000. The annual principal and interest costs must be paid from the appropriate line-category allocations in the Department of Education.

See title page for effective date.

CHAPTER 93
H.P. 1205 - L.D. 1626

**Resolve, To Authorize the State To
Purchase a Landfill in the City of Old
Town**

Sec. 1. Acquisition of landfill authorized.

Resolved: That, notwithstanding anything in the Maine Revised Statutes, Title 5, section 1825-B, subsection 1, Title 38, section 1310-X and Title 38, chapter 24 to the contrary, the following provisions apply.

1. The Executive Department, State Planning Office, referred to in this section as "the office," may acquire, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility in the City of Old Town known as the West Old Town Landfill, referred to in this resolve as "the disposal facility," under such terms and conditions as are revenue-neutral to the State and as the office determines are advisable and in the public interest. The acquisition may be subject to a possibility of revert to the seller.

2. The office may establish the terms and conditions of, and execute and deliver, in the name of and on behalf of the State, all contracts the office determines are necessary or appropriate to effect the acquisition and operation of the disposal facility and to undertake all actions the office determines necessary or appropriate to fully perform all obligations established under the contracts. The acquisition agreement must provide that the current owner of the disposal facility is responsible for environmental

liability associated with the operation of the disposal facility prior to acquisition by the office and that a baseline must be established by agreement of the current owner of the disposal facility and the office for determining the existing ground and surface water conditions surrounding the disposal facility as of the date of acquisition.

3. Any agreement for the operation of the disposal facility must be established by the office through a competitive bidding process and must require the operator to indemnify the office for liabilities and costs associated with the acquisition, development and operation of the disposal facility. All persons submitting proposals in response to the request for proposals to operate the disposal facility are required to include with their bids up to a \$20,000 nonrefundable deposit, as determined by the office, to offset the office's costs associated with the transactions authorized under this resolve and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee authorized under this resolve.

4. Nothing in this resolve permits the abrogation of, abrogates or intends to abrogate the sovereign immunity of the State with respect to the acquisition agreement authorized under this resolve.

5. Notwithstanding the Maine Revised Statutes, Title 38, section 1310-U, the municipality in which the disposal facility is located may not regulate the operation or any other aspect of the disposal facility as provided in Title 38, section 2173 or by means of any municipal ordinances, regulations, licenses or permits, except that the municipality may enact ordinances with respect to the operation of any expansion of the disposal facility, including any expansion of the type of waste the facility is licensed to accept, that contain standards the municipality finds reasonable, including, without limitation, standards concerning conformance with federal and state solid waste rules; fire safety; traffic safety; levels of noise heard outside the facility; the distance from existing residential, commercial or institutional uses; groundwater protection; surface water protection; erosion and sedimentation control; and compatibility of the disposal facility with local zoning and land use controls, as long as the standards are not more strict than those contained in Title 38, chapter 3, subchapter 1, articles 5-A and 6 and Title 38, chapter 13 and the rules adopted under those chapters. The municipality is prohibited from enacting stricter standards than those contained in Title 38, chapter 13 governing the hydrogeological criteria for siting or designing the expansion of or the governing of the engineering criteria related to waste handling and disposal areas of the expanded disposal facility. Such municipal ordinances must use definitions consistent with those adopted by the Department of Environmental Protection, Board of

Environmental Protection. The municipal officers of the City of Old Town and the Town of Alton shall establish a joint citizen advisory committee consisting of 7 members, of which 5 must be from the City of Old Town and 2 from the Town of Alton. In appointing members to the committee, the municipal officers shall use Title 38, section 2171, subsection 1 as guidance. The committee shall meet as soon as practical following appointment of its members and shall select a chair from among its members. The committee shall establish procedures for the conduct of meetings. The committee may:

- A. Review proposed contracts, site analyses, applications and other documents relating to the construction, permitting and operation of the disposal facility;
- B. Hold periodic public meetings to solicit the opinions of residents concerning the disposal facility and any permit applications, contracts or other provisions relating to the disposal facility;
- C. Provide the disposal facility operator and office with any alternative contract provisions, permit conditions, plans or procedures the committee considers appropriate; and
- D. Serve as a liaison between the communities and the disposal facility operator or the office to facilitate communications during the development and operation of the disposal facility and provide residents with updated information about the project, including providing explanations of any technical terms; and be it further

Sec. 2. Report. Resolved: That, by February 15, 2004, the Executive Department, State Planning Office shall submit a report to the Joint Standing Committee on Natural Resources on the acquisition of the disposal facility authorized under section 1 and a review of the operations related to that disposal facility.

See title page for effective date.

CHAPTER 94

S.P. 588 - L.D. 1632

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

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

Whereas, the boards of selectmen in the 2 towns connected by the bridge named in this resolve agreed in May 2003 to the name authorized by this resolve; 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

Sec. 1. Bolsters Mills Road bridge name change. Resolved: That the bridge crossing the Crooked River on Bolsters Mills Road that is on the town lines of Harrison and Otisfield be named the Kerry Grover Memorial Bridge, in honor of a local man who was an integral part of both communities; and be it further

Sec. 2. Towns authorized to erect signs if desired. Resolved: That the towns of Harrison and Otisfield, whose municipal officials unanimously endorsed the name change set out in section 1, are authorized to erect signs naming the bridge the Kerry Grover Memorial Bridge at the towns' own expense if the towns desire to have signs. The towns shall work with the Department of Transportation to ensure that the signs are of the proper size and placed properly.

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

Effective June 23, 2003.

CHAPTER 95

H.P. 363 - L.D. 471

Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health

Sec. 1. Commission established. Resolved: That the Commission to Study Public Health, referred to in this resolve as "the commission," is established to study the causes of obesity and methods to decrease the cost of health care and increase the public health; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 31 members appointed as follows:

1. Fourteen members appointed by the President of the Senate as follows: