

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

which a ~~forfeiture~~ fine not to exceed \$500 may be adjudged.

See title page for effective date.

CHAPTER 252

S.P. 510 - L.D. 1391

An Act To Amend the Laws Governing Emergency Management

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

Sec. 1. 37-B MRSA §741, sub-§3, ¶G, as repealed and replaced by PL 2003, c. 510, Pt. A, §34, is amended to read:

G. On behalf of the State, enter into mutual aid arrangements with other states and foreign countries, and their political subdivisions, and coordinate mutual aid plans between political subdivisions of the State. If an arrangement is entered into with a jurisdiction that has enacted ~~the Interstate Civil Defense and Disaster Compact, chapter 45,~~ the Emergency Management Assistance Compact, chapter 16, or the International Emergency Management Assistance Compact, chapter 16-A, any resulting agreement or agreements may be considered supplemental agreements pursuant to those compacts. If the other jurisdiction or jurisdictions with which the Governor proposes to cooperate have not enacted one of those compacts, the Governor may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for its making does not otherwise exist, becomes effective only after approval by the Legislature; and

Sec. 2. 37-B MRSA §745, sub-§2, as amended by PL 2005, c. 634, §13, is further amended to read:

2. Sources of fund. The following must be paid into the fund:

- A. All money appropriated for inclusion in the fund;
- B. All interest from investment of the fund; ~~and~~
- C. Any other money deposited in the fund from the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account; ~~and~~
- D. Reimbursement received from the Federal Government or other legal entity for disaster relief expenditures made from the fund.

Sec. 3. 37-B MRSA §745, sub-§3, as amended by PL 2005, c. 634, §13, is further amended to read:

3. Use of fund. The fund must be the first resource used when section 742 or 744 is invoked. ~~The fund may also be used for the purpose of matching federal funds in the event of a federally declared disaster. The fund may be used for any of the following at the discretion of the Governor or Governor's designee:~~

- A. To provide disaster relief to individuals and families when a federal disaster declaration is not received;
- B. To provide disaster relief to local governmental units of the State for infrastructure repair and response when a federal disaster declaration is not received;
- C. Emergency response costs for state agencies;
- D. To provide low-interest loans to businesses for disaster relief when a federal disaster declaration is not received;
- E. Disaster-related unmet needs of individuals and families following a federally declared disaster;
- F. Matching funds for assistance to individuals in a federally declared disaster; and
- G. Matching funds for assistance to state and local governmental units in a federally declared disaster.

Sec. 4. 37-B MRSA §745, sub-§4, as enacted by PL 2005, c. 634, §13, is amended to read:

4. Fund balance. The fund's balance may not exceed \$3,000,000, ~~except by order of the Governor. Any~~ In the absence of such an order, any amount, including interest, that accrues in excess of \$3,000,000 must be transferred by the State Controller to the Maine Budget Stabilization Fund, established in Title 5, section 1532. Beginning July 1, 2010, the fund's maximum allowable balance must be adjusted annually on July 1st by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 2%.

Sec. 5. 37-B MRSA §797, as amended by PL 2001, c. 533, §1, is further amended to read:

§797. Maine chemical inventory report

A person required to submit a facility emergency response plan, material safety data sheet or list of hazardous chemicals and extremely hazardous substances must submit a Maine chemical inventory ~~reporting form report~~ to the commission, the local emergency planning committee and the local fire department with jurisdiction over the facility. The inventory ~~reporting form report~~ and fee must be submitted by March 1st

annually for the previous calendar year, except that the inventory ~~reporting form report~~ and fee may be submitted with the registration fee in the year of reporting if the reporting facility can project its inventory levels for the current year. Information on the inventory of extremely hazardous substances and hazardous chemicals for the previous calendar year is required ~~on~~ in the ~~form report~~. ~~These forms~~ This report must state, at a minimum:

1. Chemical name. The chemical name of each substance listed;

2. Maximum weight. The maximum number of pounds of each substance present at any time during the preceding year;

3. Average amount. The average daily amount of each substance present during the preceding year;

4. Chemical storage. A brief description of the manner of the chemical's storage;

5. Chemical location. The chemical's location at the facility;

6. Information withholding. An indication if the person is electing to withhold information from disclosure under section 800;

7. Transportation. A description of the manner in which the substance is shipped to the facility, including standard and alternate transportation routes taken through the State from point of origin or entry to the facility. Records held by the commission regarding standard and alternate transportation routes are confidential records for the purposes of Title 1, chapter 13, subchapter ~~4~~ 1. The commission may provide those records to state, county or local emergency management agencies or public officials, as the commission determines necessary, but shall require those agencies or officials to hold those records as confidential; and

8. Progress toward toxics use reduction goals. For those persons required to submit a ~~form report~~ under this section for extremely hazardous substances, a report on the progress made by the facility toward meeting the toxics use reduction goals established in Title 38, section 2303.

Sec. 6. 37-B MRSA §799, as amended by PL 1993, c. 355, §2, is further amended to read:

§799. Toxic chemical release reports

Under this section, the owner or operator of every facility with 10 or more employees and within Standard Industrial Classification Codes 20-39 must file toxic chemical release ~~forms reports~~ for routine releases with the United States Environmental Protection Agency, the Department of Environmental Protection, the commission and the local emergency planning committee by October 1, 1989 and annually thereafter consistent with the Superfund Amendments and Reau-

thorization Act of 1986, Public Law 99-499, Title III, Section 313, and 40 Code of Federal Regulations, Part 372. Those ~~forms reports~~ must be made available to the public by the commission and the local emergency planning committee. The owner or operator of every facility required to report under this section must also submit a report on the progress made by the facility toward meeting the toxics release reduction goals established in Title 38, section 2303.

Sec. 7. 37-B MRSA §805, as enacted by PL 1989, c. 464, §3, is amended to read:

§805. Community right to know

1. Availability to public. Each emergency response plan, material safety data sheet, list described in section 796, subsection 2, Maine chemical inventory ~~reporting form report~~, toxic chemical release ~~form report~~ and follow-up emergency notice ~~shall~~ must be made available to the general public, consistent with section 800, during normal working hours at the location or locations designated by the Administrator of the United States Environmental Protection Agency, the Governor, the commission or the local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 797, the commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 797 to be contained in a Maine chemical inventory ~~reporting form report~~.

2. Notice of public availability. Each committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets and Maine chemical inventory ~~reporting forms reports~~ have been submitted under this section. The notice ~~shall~~ must state that follow-up emergency notices may subsequently be issued and announce that members of the public who wish to review any such plan, sheet, ~~form report~~ or follow-up notice may do so at the location designated under subsection 1.

Sec. 8. 37-B MRSA §806, sub-§4, ¶A, as enacted by PL 1989, c. 464, §3, is amended to read:

A. Any person may commence a civil action on that person's own behalf against the owner or operator of a facility for failure to do any of the following:

- (1) Submit a follow-up emergency notice under section 798, subsection 3;
- (2) Submit a material safety data sheet or a list under section 796;
- (3) Complete and submit a Maine chemical inventory ~~reporting form report~~ under section 797; or

(4) Complete and submit a toxic chemical release ~~form~~ report under section 799.

Sec. 9. 37-B MRSA c. 15, as amended, is repealed.

See title page for effective date.

CHAPTER 253

H.P. 808 - L.D. 1169

An Act To Amend the Election Laws

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

Sec. 1. 21-A MRSA §1, sub-§11-A is enacted to read:

11-A. Declared write-in candidate. "Declared write-in candidate" means a write-in candidate who has filed a declaration to be a write-in candidate pursuant to section 722-A.

Sec. 2. 21-A MRSA §1, sub-§20, as amended by PL 2007, c. 122, §2, is further amended to read:

20. Immediate family. "Immediate family" means a person's spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian or domestic partner, the half-brother or half-sister of a person's spouse, or the spouse of a person's half-brother or half-sister.

Sec. 3. 21-A MRSA §1, sub-§33, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 4. 21-A MRSA §1, sub-§33-A is enacted to read:

33-A. Public counter. "Public counter" means a separate counter built into a voting device that records the total number of ballots cast or tabulated on the voting device for an election.

Sec. 5. 21-A MRSA §1, sub-§45-A is enacted to read:

45-A. Undeclared write-in candidate. "Undeclared write-in candidate" means a write-in candidate who has not filed a declaration pursuant to section 722-A.

Sec. 6. 21-A MRSA §1, sub-§51, as amended by PL 1999, c. 426, §1, is further amended to read:

51. Write-in candidate. "Write-in candidate" means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect the candidate ~~and who has filed a~~

~~declaration to be a write-in candidate pursuant to section 722-A.~~

Sec. 7. 21-A MRSA §23, sub-§3-A is enacted to read:

3-A. Direct initiative of legislation and people's veto petitions. The Secretary of State shall keep direct initiative of legislation and people's veto petitions in the Office of the Secretary of State for 6 months after any appeal period has passed.

Sec. 8. 21-A MRSA §101, sub-§1, as amended by PL 2007, c. 455, §2, is further amended to read:

1. Qualifications. The registrar must be a citizen of the United States, a resident of the State and at least 18 years of age. The registrar may not hold, or be a candidate or treasurer for a candidate for, any state, local or county office, or be a municipal officer as defined by Title 30-A, section 2001 in the electoral division in which the registrar is appointed or be an officer of a municipal, county or state party committee. The registrar may not be an employee of a party or candidate.

Sec. 9. 21-A MRSA §103, sub-§6, as amended by PL 2007, c. 455, §4, is further amended to read:

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

Sec. 10. 21-A MRSA §112, sub-§1, ¶A, as amended by PL 1997, c. 436, §20, is further amended to read:

A. The following factors may be offered by an applicant and considered by a registrar in determining a person's residence under this section. The registrar need not find all of these factors to be present in order to conclude that an applicant qualifies to register to vote in the municipality:

- (1) A direct statement of intention by the person pursuant to section 121, subsection 1;
- (2) The location of any dwelling currently occupied by the person;