

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

5. Beneficial use with risk assessment	1,400	500
H. Permit by rule for ongoing activities	100	100

Sec. 2. 38 MRSA §353, sub-§3-B is enacted to read:

3-B. Certification fee for asbestos professionals. A person applying for certification as an asbestos professional under more than one category under section 352, subsection 5-A shall pay the highest fee among the categories for which certification is sought and \$50 for each additional category.

Sec. 3. 38 MRSA §1272, sub-§2, as amended by PL 1993, c. 355, §26, is further amended to read:

2. Asbestos abatement activity. "Asbestos abatement activity" means activity involving the removal, demolition, enclosure, repair, encapsulation, handling, transportation or disposal of friable asbestos-containing materials in an amount greater than 3 square feet or 3 linear feet. "Asbestos abatement activity" includes associated activities such as design, monitoring, analysis and inspection of any friable asbestos-containing material in an amount greater than 3 square feet or 3 linear feet, and conducting training for persons seeking a state certificate or license.

Sec. 4. 38 MRSA §1273, sub-§2, as amended by PL 2001, c. 626, §17, is further amended to read:

2. Notification required. A person, owner or operator may not engage in any asbestos abatement activity over 3 linear feet or 3 square feet of friable asbestos-containing material unless that person, owner or operator notifies the commissioner in writing. This notification must be postmarked at least 10 calendar days before or delivered to the department at least 5 working days prior to beginning any on-site work, including on-site preparation work. The department may approve a reduction in the number of days required for notification on a case-by-case basis when unforeseeable circumstances or compliance with standard notification procedures may cause a threat to the environment or human health.

Sec. 5. 38 MRSA §1278, sub-§1, as amended by PL 1993, c. 355, §43, is repealed.

Sec. 6. 38 MRSA §1278, sub-§1-A is enacted to read:

1-A. License and certification fees. Fees for each license and certification category are established under section 352. The fees must be paid upon application and annually thereafter.

Sec. 7. 38 MRSA §1278, sub-§2, as amended by PL 1993, c. 355, §44, is further amended to read:

2. Notification fees. Notification of asbestos abatement activities pursuant to section 1273, subsec-

tion 2, must be accompanied by a the notification fee established under section 352 unless the activity occurs in single-unit residential buildings. Notification fees are based on the total linear or square feet of asbestos-containing material involved in the activity.

~~A. The fees are:~~

~~(1) Projects involving more than 100 square feet or 100 linear feet, but less than 1,000 square feet or 5,000 linear feet: \$100; and~~

~~(2) Projects involving more than 1,000 square feet or 5,000 linear feet: \$200.~~

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Maine Environmental Protection Fund 0421

Initiative: Provides funding for increased processing and certification fees and allows asbestos abatement expenditures.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$75,000	\$100,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,000	\$100,000

See title page for effective date.

CHAPTER 375

H.P. 722 - L.D. 1047

**An Act To Amend the Review
and Approval Process of the
Comprehensive Land Use Plan**

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

Whereas, comprehensive land use plans are presented to the Maine Land Use Regulation Commission on a regular basis; and

Whereas, it is important to change the procedure in which the plans are approved as soon as possible; 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 preserva-

tion 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 §685-C, sub-§1, as amended by PL 2007, c. 264, §1, is further amended to read:

1. Comprehensive land use plan. The commission shall adopt an official comprehensive land use plan for the unorganized and deorganized townships of the State.

The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.

The plan may consist of maps, data and statements of present and prospective resource uses that generally delineate the proper use of resources, and recommendations for its implementation.

The commission shall hold public hearings to collect information to be used in establishing the land use guidance plan. The public hearings must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules pursuant to Title 5, chapter 375, subchapter 2.

The commission may, on its own motion or petition of any state agency or regional planning commission, hold such other hearings as the commission considers necessary from time to time for the purpose of obtaining information helpful in the determination of its policies, the carrying out of its duties or the formulation of its land use standards or rules.

The commission may not adopt a plan or portion of a plan, unless:

- A. The tentative plan has been submitted to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;
- B. The tentative plan has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; ~~and~~
- C. The commission has considered all ~~such~~ comments: submitted under paragraphs A and B; and
- D. The commission has submitted the tentative plan to the joint standing committee of the Legislature having jurisdiction over conservation matters and the committee has reviewed the plan at a public meeting. The commission shall brief the committee on any anticipated changes to land use

districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. The tentative plan must be submitted to the committee a minimum of 30 days prior to the commission's final vote.

Upon adoption of the official land use plan by the commission, the commission shall submit the plan to the Governor for approval. The Governor shall approve or disapprove the plan, plans or any portion of a plan within 30 days of receipt. If the Governor fails to act, the plan is deemed approved. This subsection also applies to any alteration in the comprehensive plan.

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

Effective June 12, 2009.

CHAPTER 376

S.P. 397 - L.D. 1063

An Act To Provide Consumer Disclosures and Protect Consumer Options in Life Insurance

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

Sec. 1. 24-A MRSA §6802-A, sub-§6, as amended by PL 2007, c. 543, §1, is further amended to read:

6. Fraudulent viatical or life settlement act. "Fraudulent viatical or life settlement act" includes:

A. Acts or omissions committed by any person who, knowingly or with intent to defraud, for the purpose of depriving another of property or for pecuniary gain, commits, or permits its employees or its agents to engage in, acts including:

(1) Presenting, causing to be presented or preparing with knowledge or belief that it will be presented to or by a settlement provider, settlement producer, financing entity, insurer, insurance producer or any other person false material information, or concealing material information, as part of, in support of or concerning a fact material to one or more of the following:

- (a) An application for the issuance of a settlement contract or insurance policy;
- (b) The underwriting of a settlement contract or insurance policy;