

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

any discharges or releases of hazardous waste, as defined in 40 Code of Federal Regulations, Part 261, Subparts C and D, are contained and cleaned up to the department's satisfaction.

H. A collection site shall ensure that it receives training from the producer or representative organization that implements the paint stewardship program on how to properly inspect and store post-consumer paint and shall maintain training manuals issued by the producer or representative organization.

I. A collection site shall ship post-consumer paint that is a hazardous waste to a universal waste consolidation facility or to a recycling, treatment, storage or disposal facility that is authorized to receive universal waste.

J. A collection site that accepts only post-consumer paint and post-consumer paint that is a hazardous waste under an approved plan from households and from conditionally exempt small quantity generators is not a central accumulation facility and does not require a hazardous waste identification number from the federal Environmental Protection Agency. Nothing in this section is intended to exempt a collection site from being considered a central accumulation facility or from being required to obtain a hazardous waste identification number based on activities unrelated to a paint stewardship program.

Sec. 9. 38 MRSA §2144, sub-§6, as enacted by PL 2013, c. 395, §1, is amended to read:

6. Administration and enforcement of program. The department shall enforce this section and may adopt rules as necessary for the purposes of implementing, administering and enforcing this section. ~~The department shall charge a reasonable fee to be paid by an applicant for approval of a paint stewardship program for review of the plan. The department may establish a reasonable annual fee to cover the actual costs for annual report review, oversight, administration and enforcement. Fees established under this subsection may not exceed the greater of \$82,000 per year and 1% of total program costs as set forth in the independent financial auditing report required under subsection 5.~~

A. Except as may otherwise be required under federal law or by the producer or representative organization under an approved plan, the department may not impose a requirement by rule or otherwise on a collection site regarding the collection, handling, record-keeping, storage or shipping of post-consumer paint that is more stringent than the requirements of this section for collection sites.

B. A collection site that complies with the requirements of this section and that uses environ-

mentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

C. The department shall charge a reasonable fee to be paid by an applicant for approval of a paint stewardship program for review of the plan. The department may establish a reasonable annual fee to cover the actual costs for annual report review, oversight, administration and enforcement. Fees established under this paragraph may not exceed the greater of \$82,000 per year and 1% of total program costs as set forth in the independent financial auditing report required under subsection 5.

Sec. 10. Appropriations and allocations.

The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Remediation and Waste Management 0247

Initiative: Provides funding for rulemaking related to changes in the stewardship program for architectural paint.

GENERAL FUND	2015-16	2016-17
All Other	\$5,000	\$0
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GENERAL FUND TOTAL	\$5,000	\$0

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

Effective July 12, 2015.

CHAPTER 332

H.P. 917 - L.D. 1348

An Act To Protect Older Adults from Financial Exploitation

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

Whereas, senior citizens are often the targets of fraudulent and exploitive financial schemes; and

Whereas, personal financial management assistance for those senior citizens who are no longer able to manage their finances could decrease the number of senior citizens who are taken advantage of financially and allow them to continue to live independently; and

Whereas, this legislation provides such assistance and needs to take effect as soon as possible to prevent further abuse; 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. 22 MRSA §5114, sub-§2, ¶¶F and G as enacted by PL 1973, c. 630, §1, are amended to read:

F. Services designed to assist older persons in avoiding institutionalization, including evaluation and screening and home health services; ~~or~~

G. Any other services; ~~if such services are necessary for the general well-being of older persons; or~~

Sec. 2. 22 MRSA §5114, sub-§2, ¶H is enacted to read:

H. Services designed to assist older persons with maintaining their financial independence and avoiding financial exploitation, including personal financial management assistance.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funding to support personal financial management assistance programs for senior citizens.

GENERAL FUND	2015-16	2016-17
All Other	\$75,000	\$75,000
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GENERAL FUND TOTAL	\$75,000	\$75,000

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

Effective July 12, 2015.

CHAPTER 333

S.P. 553 - L.D. 1451

An Act To Fund the Agreement with Certain Judicial Department Employees

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 Judicial Department has reached collective bargaining agreements with the 4 bargaining units representing Judicial Department employees; and

Whereas, this legislation authorizes funding of the agreements effective at the beginning of the pay week commencing closest to September 1, 2015; 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. Adjustment of salary schedules for fiscal year 2015-16. Effective at the beginning of the pay week commencing closest to September 1, 2015, the salary schedules for the Judicial Department employees in the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and employees referred to in section 4 of this Act must be adjusted upward by 1%.

Sec. 2. Adjustment of salary schedules for fiscal year 2016-17. Effective at the beginning of the pay week commencing closest to July 1, 2016, the salary schedules for the Judicial Department employees in the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and employees referred to in section 4 of this Act must be adjusted upward by 1%.

Sec. 3. Addition of new step for fiscal year 2015-16. Effective at the beginning of the pay period commencing closest to April 1, 2016, the salary schedule for the employees of the Judicial Department in the administrative services bargaining unit, the supervisory bargaining unit, the law enforcement bargaining unit and the professional bargaining unit must be adjusted by eliminating the first step and adding a new top step so that employees are paid at the new rates to which they are assigned in the modified salary schedule, consistent with the terms of the applicable collective bargaining agreements.