

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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Sec. 12. 38 MRSA § 451, 3rd & 4th ¶¶, as last amended by PL 1971, c. 618, § 12, are further amended to read:

The purpose of a mixing zone is to allow a reasonable opportunity for dilution, diffusion or mixture of ~~wastes~~ **pollutants** with the receiving waters before the receiving waters below or surrounding a discharge will be tested for classification violations. In determining the extent of any mixing zone to be by it established under this section, the board may require from the ~~licensee~~ **applicant** testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway; the size of the waterway and the rate of flow therein; any relevant seasonal, climatic, tidal and natural variations in such size, flow, nature and rate; the uses of the waterways in the vicinity of the discharge, and such other and further evidence as in the board's judgement will enable it to establish a reasonable mixing zone for such discharge. An order establishing a mixing zone may provide that the extent thereof shall vary in order to take into account seasonal, climatic, tidal and natural variations in the size and flow of, and the nature and rate of, discharges to the waterway.

Where no mixing zones have been established by the board, it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any sewage, ~~industrial or other waste~~ **pollutants**, either alone or in conjunction with another or others, into any classified surface waters, tidal flats or sections thereof, in such manner as will, after reasonable opportunity for dilution, diffusion, mixture or heat transfer to the atmosphere, lower the quality of any significant segment of said waters, tidal flats or sections thereof, affected by such discharge, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 415 ~~414-B~~.

Effective September 14, 1979

CHAPTER 445

H. P. 1003 — L. D. 1237

AN ACT Relating to Withdrawal Penalties under the Tree Growth Tax Law.

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

Sec. 1. 36 MRSA § 581, 2nd sentence, as amended by PL 1973, c. 308, § 12, is further amended to read:

The owner of land subject to this subchapter may at any time request withdrawal of any parcel, or portion thereof, from taxation under this subchapter by certifying to the assessor that the land is no longer used ~~primarily for growth of~~

forest products to be classified under this subchapter.

Sec. 2. 36 MRSA § 581, 3rd ¶, as amended by PL 1973, c. 308, § 12, is further amended by adding at the end the following new sentence:

Fair market value at the time of withdrawal is the assessed value of comparable property in the municipality adjusted by the municipality's certified assessment ratio.

Effective September 14, 1979

CHAPTER 446

H. P. 1260 — L. D. 1521

AN ACT to Improve the Administration of the Second Injury Fund under the Workers' Compensation Laws.

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

39 MRSA § 57-A, sub-§ 3 is enacted to read:

3. Exemption for liability. The State is not liable for any claim against the Second Injury Fund that is in excess of the fund's current ability to pay.

Effective September 14, 1979

CHAPTER 447

H. P. 1276 — L. D. 1555

AN ACT to Require Disclosure of Certain Information to Prospective Purchasers of Life Insurance.

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

24-A MRSA § 2152-A is enacted to read:

§ 2152-A. Life insurance solicitation

It shall be an unfair practice under this chapter for any insurer, agent or broker to solicit, negotiate or procure the purchase of life insurance within this State,