

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 267

H.P. 961 - L.D. 1382

AN ACT Relating to Municipal Regulation of Hazardous Waste and Chemical Substances.

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

Sec. 1. 26 MRSA §1719, sub-§3, as enacted by PL 1983, c. 823, §2, is amended to read:

3. Cooperation with other agencies. The director shall obtain the assistance of the Bureau of Health and other state agencies in the administration of this chapter. The director shall provide by rule appropriate procedures for transferring to other state and municipal agencies information provided by employers which is subject to confidential treatment. The director shall, upon request, provide a list of hazardous chemicals in use at specific locations in a municipality and related available information to municipal officials of that municipality for use in the performance of their public duties. This information shall be treated by the municipal officials as confidential.

Sec. 2. 38 MRSA §1310-B, sub-§2, as enacted by PL 1979, c. 699, §17, is amended to read:

2. Hazardous waste information. Information relating to hazardous waste submitted to the department under this subchapter may be designated by the person submitting it as being only for the confidential use of the department and the board, their agents and employees, the Department of Agriculture and the Department of Human Services and their agents and employees, other agencies of State Government, as authorized by the Governor, employees of the United States Environmental Protection Agency and the Attorney General and employees of the municipality in which the hazardous waste is located. The designation shall be clearly indicated on each page or other portion of information. The department shall establish procedures to insure that information so designated is segregated from public records of the department. The department's public records shall include the indication that information so designated has been submitted to the department, giving the name of the person submitting the information and the general nature of the information. Upon a request for information,

the scope of which includes information so designated, the department shall notify the submittor. Within 15 days after receipt of the notice, the submittor shall demonstrate to the satisfaction of the commissioner that the designated information should not be disclosed because the information is a trade secret, production, commercial or financial information, the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available. Unless such a demonstration is made, the information shall be disclosed and shall become a public record. The commissioner may grant or deny disclosure for the whole or any part of the designated information requested and within 15 days shall give written notice of his decision to the submittor and the person requesting the designated information. A person aggrieved by a decision of the commissioner may appeal to the Superior Court in accordance with the provisions of section 346. All information provided by the department to the municipality under this subsection shall be confidential and shall not be a public record under Title 1, chapter 13. In the event a request for such information is submitted to the municipality, the municipality shall submit that request to the department to be processed by the department as provided in this subsection.

Effective September 19, 1985.

CHAPTER 268

H.P. 1066 - L.D. 1548

AN ACT to Clarify and Correct Certain Laws
Relating to Marine Resources
Laws.

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

Whereas, ambiguities exist in the marine resources laws; and

Whereas, these ambiguities create uncertainties and confusion in interpreting legislative intent; and

Whereas, inadvertent omissions of certain provisions of marine resources laws occurred during the last regular session; and