

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1398

H.P. 1027

House of Representatives, April 4, 2011

### **An Act To Amend the Laws Administered by the Department of Environmental Protection**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Environment and Natural Resources suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HAMPER of Oxford.  
Cosponsored by Representatives: DUCHESNE of Hudson, LONG of Sherman, PARKER of  
Veazie.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§22-B**, as enacted by PL 1991, c. 804, Pt. C, §1,  
3 is amended to read:

4 **22-B.**

5 Environment: Pollution Prevention ~~Expenses Only Not~~ 38 MRSA §343-D  
6 Natural Resources and Small Business Authorized  
7 Assistance Advisory  
8 Committee Panel

9 **Sec. 2. 32 MRSA §4174**, as amended by PL 1989, c. 890, Pt. A, §§4 and 40, is  
10 further amended by adding at the end a new paragraph to read:

11 The Department of Environmental Protection may allow an operator to review with  
12 department staff an operator certification test that the operator has completed in order to  
13 identify subject areas for which questions were answered incorrectly and further study is  
14 advisable.

15 **Sec. 3. 32 MRSA §10010-A**, as amended by PL 1997, c. 364, §11, is repealed.

16 **Sec. 4. 38 MRSA §342-B, sub-§4-A** is enacted to read:

17 **4-A. Exemption from liability for discharges during approved site investigation**  
18 **work.** Notwithstanding subsection 3, paragraph A and subsection 4, paragraph A, a  
19 fiduciary or lender is exempt from liability under subsection 2 if the fiduciary or lender  
20 causes, contributes to or exacerbates a discharge, release or threat of release while  
21 undertaking investigations in accordance with a voluntary response action plan approved  
22 by the commissioner under section 343-E.

23 **Sec. 5. 38 MRSA §343-D**, as amended by PL 2009, c. 121, §2 is further amended  
24 to read:

25 **§343-D. Pollution Prevention and Small Business Assistance Advisory Panel**

26 The Pollution Prevention and Small Business Assistance Advisory Committee Panel,  
27 established by Title 5, section 12004-I, subsection 22-B and referred to in this section as  
28 the "committee the panel," serves as a review body to assess the progress in the reduction  
29 of toxics use, toxics release and hazardous waste and implementation of the provisions of  
30 chapter 26, the Office of Pollution Prevention and the Technical and Environmental  
31 Assistance Program and may render advisory opinions to the commissioner on the  
32 effectiveness of each.

33 **1. Appointment; composition.** The ~~committee~~ panel consists of 16 voting  
34 members.

35 A. The Governor shall appoint 2 representatives from the business community, 2  
36 elected or appointed municipal officials who are not owners or representatives of

1 owners of small business stationary sources, ~~and~~ 2 representatives of organized labor,  
2 2 representatives of public health organizations, 2 representatives of environmental  
3 organizations and 2 representatives from the department.

4 B. The President of the Senate shall appoint ~~one member from a public health~~  
5 ~~organization, one member from an environmental organization~~ and one public  
6 member who is an owner or represents an owner of a small business stationary  
7 source.

8 C. The Speaker of the House of Representatives shall appoint ~~one member from a~~  
9 ~~public health organization, one member from an environmental organization~~ and one  
10 public member who is an owner or represents an owner of a small business stationary  
11 source.

12 ~~D. The commissioner shall appoint a designee to represent the department.~~

13 E. The Senate Minority Leader and the House Minority Leader shall each appoint  
14 one member who is an owner or represents an owner of a small business stationary  
15 source.

16 ~~F. The Director of the Bureau of Air Quality Control shall appoint a designee to~~  
17 ~~represent the bureau.~~

18 The Commissioner of Labor and the Director of the Maine Emergency Management  
19 Agency serve as ex officio members and do not vote on ~~committee panel~~ matters.

20 As used in this subsection, unless the context otherwise indicates, a "small business  
21 stationary source" means a source that meets the eligibility requirements of 42 United  
22 States Code Annotated, Section 7661f.

23 **2. Terms.** Except for the commissioner, who ~~shall serve~~ serves a term coincident  
24 with that person's appointment as the commissioner, all members are appointed for  
25 staggered terms of 4 years. A vacancy must be filled by the same appointing authority  
26 that made the original appointment. ~~Appointed members may not serve more than 2, 4-~~  
27 ~~year terms.~~ There is no limit on the number of terms an individual may serve.

28 ~~**3. Compensation.** Members are entitled to compensation for expenses according to~~  
29 ~~Title 5, section 12004-I, subsection 22-B.~~

30 **4. Quorum; actions.** A quorum is a majority of the voting members of the  
31 ~~committee panel~~. An affirmative vote of the majority of the members present at a  
32 meeting is required for any action. Action may not be considered unless a quorum is  
33 present.

34 **5. Chair.** The Governor shall appoint one member to serve as chair.

35 **6. Meetings.** The ~~committee panel~~ shall meet at least 4 times per year and at any  
36 time at the call of the chair or upon written request to the chair by 4 of the voting  
37 members.

38 **7. Staff support.** The commissioner shall provide the ~~committee panel~~ with staff  
39 support.

1           **8. Duties; powers.** The ~~committee~~ panel may review and may render advisory  
2 opinions to the commissioner on the operation and effectiveness of the following  
3 programs:

4           A. Toxics Use, Toxics Release and Hazardous Waste Reduction Program,  
5 established in chapter 26. The ~~committee~~ panel may:

6                   (1) Review program priorities for toxics use, toxics release and hazardous waste  
7 reduction and may identify user groups as priorities for department technical  
8 assistance activities;

9                   (2) Review the criteria for the submission of toxics use, toxics release and  
10 hazardous waste reduction plans;

11                   (3) Study and evaluate the practicability of achieving reductions in the use or  
12 release of specific substances through the use of substitutes, alternate procedures  
13 or processes or other means of achieving toxics use, toxics release and hazardous  
14 waste reduction;

15                   (4) Recommend revisions to the department, if appropriate, to toxics use, toxics  
16 release and hazardous waste reduction goals and to the Toxics Use, Toxics  
17 Release and Hazardous Waste Reduction Program; and

18                   (5) Evaluate existing programs related to chemical production and use,  
19 hazardous waste generation, industrial hygiene, worker safety and public  
20 exposure to toxics and toxics releases and recommend coordination of  
21 information and program changes or development;

22           B. The Technical and Environmental Assistance Program established under section  
23 343-B. In reviewing that program, the ~~committee~~ panel may:

24                   (1) Review information developed or distributed by the Technical and  
25 Environmental Assistance Program to ensure that the information is  
26 understandable to the general public; and

27                   (2) Prepare periodic reports to the Governor on the compliance status of the  
28 Technical and Environmental Assistance Program. The reports must be  
29 forwarded to the federal Environmental Protection Agency complying with the  
30 requirements of the federal Paperwork Reduction Act of 1980, Public Law 96-  
31 511, as amended; the federal Regulatory Flexibility Act, 5 United States Code,  
32 Sections 601 to 612; and the federal Equal Access to Justice Act, Public Law 96-  
33 481, as amended; and

34           C. The Office of Pollution Prevention established under section 342, subsection 4,  
35 paragraph B.

36 In conducting its review under paragraphs A to C, the ~~committee~~ panel may submit  
37 recommendations for statutory changes to the joint standing committee of the Legislature  
38 having jurisdiction over energy and natural resources matters.

39           **Sec. 6. 38 MRSA §343-D**, as amended by PL 2009, c. 579, Pt. B, §§6 and 7 and  
40 affected by §13, is further amended to read:

1           **§343-D. Pollution Prevention and Small Business Assistance Advisory Panel**

2           The Pollution Prevention ~~and Small Business Assistance~~ Advisory ~~Committee Panel~~,  
3 established by Title 5, section 12004-I, subsection 22-B and referred to in this section as  
4 the "~~committee the panel~~," serves as a review body to assess the progress in the reduction  
5 of toxic chemicals and implementation of the provisions of chapter 27, the Office of  
6 Pollution Prevention and the Technical and Environmental Assistance Program and may  
7 render advisory opinions to the commissioner on the effectiveness of each.

8           **1. Appointment; composition.** The ~~committee panel~~ consists of 16 voting  
9 members.

10           A. The Governor shall appoint 2 representatives from the business community, 2  
11 elected or appointed municipal officials who are not owners or representatives of  
12 owners of small business stationary sources, ~~and~~ 2 representatives of organized labor,  
13 2 representatives of public health organizations, 2 representatives of environmental  
14 organizations and 2 representatives from the department.

15           B. The President of the Senate shall appoint ~~one member from a public health~~  
16 ~~organization, one member from an environmental organization and~~ one public  
17 member who is an owner or represents an owner of a small business stationary  
18 source.

19           C. The Speaker of the House of Representatives shall appoint ~~one member from a~~  
20 ~~public health organization, one member from an environmental organization and~~ one  
21 public member who is an owner or represents an owner of a small business stationary  
22 source.

23           ~~D. The commissioner shall appoint a designee to represent the department.~~

24           E. The Senate Minority Leader and the House Minority Leader shall each appoint  
25 one member who is an owner or represents an owner of a small business stationary  
26 source.

27           ~~F. The Director of the Bureau of Air Quality Control shall appoint a designee to~~  
28 ~~represent the bureau.~~

29           The Commissioner of Labor and the Director of the Maine Emergency Management  
30 Agency serve as ex officio members and do not vote on ~~committee panel~~ matters.

31           As used in this subsection, unless the context otherwise indicates, a "small business  
32 stationary source" means a source that meets the eligibility requirements of 42 United  
33 States Code Annotated, Section 7661f.

34           **2. Terms.** Except for the commissioner, who ~~shall serve~~ serves a term coincident  
35 with that person's appointment as the commissioner, all members are appointed for  
36 staggered terms of 4 years. A vacancy must be filled by the same appointing authority  
37 that made the original appointment. ~~Appointed members may not serve more than 2, 4-~~  
38 ~~year terms.~~ There is no limit on the number of terms an individual may serve.

39           ~~**3. Compensation.** Members are entitled to compensation for expenses according to~~  
40 ~~Title 5, section 12004-I, subsection 22-B.~~

1           **4. Quorum; actions.** A quorum is a majority of the voting members of the  
2 ~~committee~~ panel. An affirmative vote of the majority of the members present at a  
3 meeting is required for any action. Action may not be considered unless a quorum is  
4 present.

5           **5. Chair.** The Governor shall appoint one member to serve as chair.

6           **6. Meetings.** The ~~committee~~ panel shall meet at least 4 times per year and at any  
7 time at the call of the chair or upon written request to the chair by 4 of the voting  
8 members.

9           **7. Staff support.** The commissioner shall provide the ~~committee~~ panel with staff  
10 support.

11           **8. Duties; powers.** The ~~committee~~ panel may review and may render advisory  
12 opinions to the commissioner on the operation and effectiveness of the following:

13           A-1. The reduction of toxic chemicals pursuant to chapter 27;

14           B. The Technical and Environmental Assistance Program established under section  
15 343-B. In reviewing that program, the ~~committee~~ panel may:

16                   (1) Review information developed or distributed by the Technical and  
17 Environmental Assistance Program to ensure that the information is  
18 understandable to the general public; and

19                   (2) Prepare periodic reports to the Governor on the compliance status of the  
20 Technical and Environmental Assistance Program. The reports must be  
21 forwarded to the federal Environmental Protection Agency complying with the  
22 requirements of the federal Paperwork Reduction Act of 1980, Public Law 96-  
23 511, as amended; the federal Regulatory Flexibility Act, 5 United States Code,  
24 Sections 601 to 612; and the federal Equal Access to Justice Act, Public Law 96-  
25 481, as amended; and

26           C. The Office of Pollution Prevention established under section 342, subsection 4,  
27 paragraph B.

28 In conducting its review under paragraphs A-1 to C, the ~~committee~~ panel may submit  
29 recommendations for statutory changes to the joint standing committee of the Legislature  
30 having jurisdiction over energy and natural resources matters.

31           **Sec. 7. 38 MRSA §420-D, sub-§4**, as enacted by PL 1995, c. 704, Pt. B, §2 and  
32 affected by PL 1997, c. 603, §§8 and 9, is amended to read:

33           **4. Degraded, sensitive or threatened regions or watersheds.** The department shall  
34 establish by rule a list of degraded, sensitive or threatened regions or watersheds. These  
35 areas include the watersheds of surface waters that:

36           A. ~~Are~~ Have been degraded or are susceptible to degradation of water quality or  
37 fisheries because of the cumulative effect of past or reasonably foreseeable levels of  
38 development activity within the watershed of the affected surface waters; and

39           B. Are not classified as "watersheds of bodies most at risk" under subsection 3.

1           **Sec. 8. 38 MRSA §420-D, sub-§5**, as amended by PL 2005, c. 602, §2, is further  
2 amended to read:

3           **5. Relationship to other laws.** A storm water permit pursuant to this section is not  
4 required for a project requiring review by the department pursuant to any of the following  
5 provisions but the project may be required to meet standards for management of storm  
6 water adopted pursuant to this section: article 6, site location of development; article 7,  
7 performance standards for excavations for borrow, clay, topsoil or silt; article 8-A,  
8 performance standards for quarries; ~~and~~ sections 631 to 636, permits for hydropower  
9 projects; and section 1310-N, 1319-R or 1319-X, waste facility licenses. When a project  
10 requires a storm water permit and requires review pursuant to article 5-A, the department  
11 shall issue a joint order unless the permit required pursuant to article 5-A is a  
12 permit-by-rule or general permit, or separate orders are requested by the applicant and  
13 approved by the department.

14 A storm water permit pursuant to this section is not required for a project receiving  
15 review by a registered municipality pursuant to section 489-A if the storm water  
16 ordinances under which the project is reviewed are at least as stringent as the storm water  
17 standards adopted pursuant to section 484 or if the municipality meets the requirements  
18 of section 489-A, subsection 2-A, paragraph B.

19           **Sec. 9. 38 MRSA §420-D, sub-§7, ¶F**, as enacted by PL 1995, c. 704, Pt. B, §2  
20 and affected by PL 1997, c. 603, §§8 and 9, is repealed.

21           **Sec. 10. 38 MRSA §420-D, sub-§11**, as amended by PL 2007, c. 593, §1, is  
22 further amended to read:

23           **11. Compensation project or fee.** The department may establish a nonpoint source  
24 reduction program to allow an applicant to carry out a compensation project or pay a  
25 compensation fee in lieu of meeting certain requirements, as provided in this subsection.

26 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
27 chapter 375, subchapter ~~H-A~~ 2-A.

28           A. The department may allow an applicant with a project in the direct watershed of a  
29 lake to address certain on-site phosphorus reduction requirements through  
30 implementation of a compensation project or payment of a compensation fee as  
31 provided in this paragraph. The commissioner shall determine the appropriate  
32 compensation fee for each project. The compensation fee must be paid either into a  
33 compensation fund or to an organization authorized by the department and must be a  
34 condition of the permit.

35           (1) The department may establish a storm water compensation fund for the  
36 purpose of receiving compensation fees, grants and other related income. The  
37 fund must be a nonlapsing fund dedicated to payment of the costs and related  
38 expenses of compensation projects. Income received under this subsection must  
39 be deposited with the Treasurer of State to the credit of the fund and may be  
40 invested as provided by statute. Interest on these investments must be credited to  
41 the fund. The department may make payments from the fund consistent with the  
42 purpose of the fund.



1 (2) The department may enter into a written agreement with a public, quasi-  
2 public or private, nonprofit organization for purposes of receiving compensation  
3 fees and implementing compensation projects. If the authorized agency is a state  
4 agency other than the department, it shall establish a fund meeting the  
5 requirements specified in subparagraph (1). The authorized organization shall  
6 maintain records of expenditures and provide an annual summary report to the  
7 department. If the organization does not perform in accordance with this section  
8 or with the requirements of the written agreement, the department may revoke the  
9 organization's authority to conduct activities in accordance with this paragraph.  
10 If an organization's authorization is revoked, any remaining funds must be  
11 provided to the department.

12 (3) The commissioner may set a fee rate of no more than \$25,000 per pound of  
13 available phosphorus.

14 (4) Except in an urbanized part of a designated growth area, best management  
15 practices must be incorporated on site that, by design, will reduce phosphorus  
16 export by at least 50%, and a phosphorus compensation project must be carried  
17 out or a compensation fee must be paid to address the remaining phosphorus  
18 reduction required to meet the parcel's phosphorus allocation. In an urbanized  
19 part of a designated growth area, an applicant may pay a phosphorus  
20 compensation fee in lieu of part or all of the on-site phosphorus reduction  
21 requirement. The commissioner shall identify urbanized parts of designated  
22 growth areas in the direct watersheds of lakes most at risk, in consultation with  
23 the State Planning Office.

24 (5) Projects carried out or funded through compensation fees as provided in this  
25 paragraph must be located in the same watershed as the project with respect to  
26 which the compensation fee is paid.

27 ~~(6) As an alternative to paying a compensation fee, the department may allow an~~  
28 ~~applicant to meet a municipally required mitigation option if the department~~  
29 ~~determines that the local mitigation option will provide at least as much long-~~  
30 ~~term reduction in phosphorus loading to the lake as likely would have occurred~~  
31 ~~under payment of the compensation fee.~~

32 B. The department may allow an applicant with a project within the direct  
33 watershed of a coastal wetland, river, stream or brook to address all or part of the  
34 storm water quality standards for the project through implementation of a  
35 compensation project or payment of a compensation fee as provided by rules adopted  
36 pursuant to this subsection.

37 **Sec. 11. 38 MRSA §469**, as amended by PL 2009, c. 163, §22, is further amended  
38 to read:

39 **§469. Classifications of estuarine and marine waters**

40 ~~All estuarine and marine waters lying within the boundaries of the State and which~~  
41 ~~are not otherwise classified are Class SB waters.~~

1           **1. Cumberland County.** All estuarine and marine waters lying within the  
2 boundaries of Cumberland County and that are not otherwise classified are Class SB  
3 waters.

4           A. Cape Elizabeth.

5           (1) Tidal waters of the Spurwink River system lying north of a line at latitude  
6           43°-33'-44" N. - Class SA.

7           B. Cumberland.

8           (1) Tidal waters located within a line beginning at a point located on the  
9           Cumberland-Portland boundary at approximately latitude 43°41'-18"N., longitude  
10           70° - 05'-48"W. and running northeasterly to a point located on the Cumberland-  
11           Harpswell boundary at approximately latitude 43° - 42'-57"N., longitude 70° -  
12           03'-50" W.; thence running southwesterly along the Cumberland-Harpswell  
13           boundary to a point where the Cumberland, Harpswell and Portland boundaries  
14           meet; thence running northeasterly along the Cumberland-Portland boundary to  
15           point of beginning - Class SA.

16          C. Falmouth.

17          (1) Tidal waters of the Town of Falmouth located westerly and northerly, to  
18          include the Presumpscot estuary, of a line running from the southernmost point of  
19          Mackworth Island; thence running northerly along the western shore of  
20          Mackworth Island and the Mackworth Island Causeway to a point located where  
21          the causeway joins Mackworth Point - Class SC.

22          D. Harpswell.

23          (1) Tidal waters located within a line beginning at a point located on the  
24          Cumberland-Harpswell boundary at approximately latitude 43° - 42'-57" N.,  
25          longitude 70° - 03'-50" W. and running northeasterly to a point located at latitude  
26          43° - 43'-08" N., longitude 70° - 03'-36"W.; thence running southeasterly to a  
27          point located at latitude 43° - 42'-02" N., longitude 70° - 00'-00" W.; thence  
28          running due south to the Harpswell-Portland boundary; thence running  
29          northwesterly along the Harpswell-Portland boundary to a point where the  
30          Cumberland, Harpswell and Portland boundaries meet; thence running  
31          northwesterly along the Cumberland-Harpswell boundary to point of beginning -  
32          Class SA.

33          E. Portland.

34          (1) Tidal waters located within a line beginning at a point located on the  
35          Cumberland-Portland boundary at approximately latitude 43° - 41'-18" N.,  
36          longitude 70° - 05'-48" W. and running southeasterly along the Cumberland-  
37          Portland boundary to a point where the Cumberland, Harpswell and Portland  
38          boundaries meet; thence running southeasterly along the Harpswell-Portland  
39          boundary to longitude 70° - 00'-00" W.; thence running due south to a point  
40          located at latitude 43° - 38'-21" N., longitude 70° - 00'-00" W.; thence running  
41          due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06"  
42          W.; thence running northeasterly to point of beginning - Class SA.

- 1 (2) Tidal waters of the City of Portland lying northwesterly of a line beginning at  
 2 Spring Point Light in South Portland to the easternmost point of Fort Gorges  
 3 Island, thence running northerly to the southernmost point of Mackworth Island -  
 4 Class SC.
- 5 E-1. Scarborough.
- 6 (1) Tidal waters of the Scarborough River system lying north of a line running  
 7 easterly from a point where the old Boston and Maine Railroad line intersects the  
 8 marsh at latitude 43°-33'-06" N., longitude 70°-20'-58" W. to a point of land north  
 9 of Black Rock at latitude 43°-33'-06" N., longitude 70°-19'-25" W., excluding  
 10 those tidal waters of Phillips Brook lying upstream of a point 500 feet south of  
 11 U.S. Route 1 - Class SA.
- 12 (2) Tidal waters of the Spurwink River system lying north of a line extending  
 13 from Higgins Beach at latitude 43°-33'-44" N. to the town line - Class SA.
- 14 F. South Portland.
- 15 (1) Tidal waters of the City of South Portland lying westerly of a line beginning  
 16 at Spring Point Light to the easternmost point of Fort Gorges Island in Portland -  
 17 Class SC.
- 18 **2. Hancock County.** All estuarine and marine waters lying within the boundaries of  
 19 Hancock County and that are not otherwise classified are Class SB waters.
- 20 A. Bar Harbor.
- 21 (1) Tidal waters, except those lying within 500 feet of privately owned shoreline,  
 22 lying northerly of latitude 44° - 16'-36" N., southerly of latitude 44° - 20'-27" N.,  
 23 and westerly of longitude 68° - 09'-28" W. - Class SA.
- 24 A-1. Brooksville.
- 25 (1) Tidal waters of the Bagaduce River lying southerly of Young's Island - Class  
 26 SA.
- 27 B. Bucksport.
- 28 (1) All tidal waters - Class SC.
- 29 C. Cranberry Isles.
- 30 (1) Tidal waters, except those lying within 500 feet of privately owned shoreline,  
 31 lying within 0.5 mile of the shore of Baker Island - Class SA.
- 32 D. Mount Desert.
- 33 (1) Tidal waters, except those lying within 500 feet of privately owned shoreline,  
 34 lying northerly of latitude 44° - 16'-36" N. and easterly of longitude 68° - 13'-08"  
 35 W. - Class SA.
- 36 (2) Tidal waters of Somes Sound lying northerly of a line beginning at a point  
 37 located at the Acadia National Park boundary at latitude 44° - 18'-18" N.,  
 38 longitude 68° - 18'-42" W. and running northeasterly to a point located at the  
 39 Acadia National Park boundary at latitude 44° - 18'-54" N., longitude 68° - 18'-

- 1 22" W., except those waters of Broad Cove lying west of a line running from the  
2 point of land immediately south of the cove northerly to Navigation Can #7 and  
3 those waters lying within 500 feet of overboard discharges licensed as of January  
4 1, 1999 - Class SA.
- 5 (3) Tidal waters of Somes Sound lying within 500 feet of overboard discharges  
6 licensed as of January 1, 1999 - Class SA.
- 7 E. Orland.
- 8 (1) Tidal waters lying northerly of the southernmost point of land on Verona  
9 Island - Class SC.
- 10 E-1. Penobscot.
- 11 (1) Tidal waters of the Bagaduce River lying southerly of Winslow Island and  
12 easterly of the westernmost point of Young's Island - Class SA.
- 13 E-2. Sedgewick.
- 14 (1) Tidal waters of the Bagaduce River - Class SA.
- 15 F. Southwest Harbor.
- 16 (1) Tidal waters lying northerly of latitude 44° - 12'-44" N., southerly of  
17 latitude 44° - 14'-13" N. and westerly of longitude 68° - 18'-27" W. - Class SA.
- 18 (2) Tidal waters of Somes Sound lying northerly of a line beginning at a point  
19 located at the Acadia National Park boundary at latitude 44° - 18'-18" N.,  
20 longitude 68° - 18'-42" W. and running northeasterly to a point located at the  
21 Acadia National Park boundary at latitude 44° - 18'-54" N., longitude 68° - 18'-  
22 22" W. - Class SA.
- 23 G. Tremont.
- 24 (1) Tidal waters lying northerly of latitude 44° - 12'-44" N., southerly of  
25 latitude 44° - 14'-13" N. and easterly of longitude 68° - 20'-30" W. - Class SA.
- 26 H. Verona Island.
- 27 (1) Tidal waters lying northerly of the southernmost point of land on Verona  
28 Island - Class SC.
- 29 I. Winter Harbor.
- 30 (1) Tidal waters lying south of a line running west from the northernmost tip of  
31 Frazer Point to longitude 68°-05'-00" W. and east of longitude 68°-05'-00" W. -  
32 Class SA.
- 33 **3. Knox County.** All estuarine and marine waters lying within the boundaries of  
34 Knox County and that are not otherwise classified are Class SB waters.
- 35 A. Isle Au Haut.
- 36 (1) Tidal waters, except those lying within 500 feet of privately owned shoreline,  
37 lying northerly of latitude 44° - 00'-00" N., southerly of latitude 44° - 03'-06" N.,

- 1 easterly of longitude 68' - 41'-00" W. and westerly of longitude 68' - 35'-00" W.  
2 - Class SA.
- 3 B. Owls Head.
- 4 (1) Tidal waters lying westerly of a line running between the southernmost point  
5 of land on Jameson Point and the northernmost point of land on Battery Point -  
6 Class SC.
- 7 C. Rockland.
- 8 (1) Tidal waters lying westerly of a line running between the southernmost point  
9 of land on Jameson Point and the northernmost point of land on Battery Point -  
10 Class SC.
- 11 **3-A. Lincoln County.** All estuarine and marine waters lying within the boundaries  
12 of Lincoln County and that are not otherwise classified are Class SB waters.
- 13 A. Boothbay.
- 14 (1) Tidal waters lying south of the northernmost point of Damariscove Island  
15 and west of longitude 69' -36'-00" W. - Class SA.
- 16 **4. Penobscot County.** All estuarine and marine waters lying within the boundaries  
17 of Penobscot County and that are not otherwise classified are Class SB waters.
- 18 A. Hampden.
- 19 (1) Tidal waters lying southerly of a line extended in an east-west direction from  
20 the outlet of Reed Brook in the Village of Hampden Highlands - Class SC.
- 21 B. Orrington.
- 22 (1) Tidal waters lying southerly of a line extended in an east-west direction from  
23 the outlet of Reed Brook in the Village of Hampden Highlands - Class SC.
- 24 **5. Sagadahoc County.** All estuarine and marine waters lying within the boundaries  
25 of Sagadahoc County and that are not otherwise classified are Class SB waters.
- 26 A. Georgetown.
- 27 (1) Tidal waters located within a line beginning at a point on the shore located at  
28 latitude 43' - 47'-16" N., longitude 69' -43'-09" W. and running due east to  
29 longitude 69' -42'-00" W.; thence running due south to latitude 43' - 42'-52" N.;  
30 thence running due west to longitude 69' -44' -25" W.; thence running due north  
31 to a point on the shore located at latitude 43' - 46'-15" N., longitude 69' -44'-25"  
32 W.; thence running northerly along the shore to point of beginning - Class SA.
- 33 B. Phippsburg.
- 34 (1) ~~Tidal~~ Offshore waters east of longitude 69' -50'-05" W. and west of longitude  
35 69' -47'-00" W., including the tidal waters of the Morse River and the Sprague  
36 River. - Class SA.
- 37 (2) Tidal waters of The Basin, including The Narrows east of a line drawn  
38 between 69' -51'-57" W. and 43' -48'-14" N. - Class SA.

1                   (3) Tidal waters of the Kennebec River in Phippsburg within 500 feet of shore,  
2                   beginning at a point of land at the head of Atkins Bay located at longitude 69°-  
3                   48'-14" W. and latitude 43°-44'-40.4" N. and extending along the southeast shore  
4                   of Atkins Bay to a point 500 feet off Fort Popham located at longitude 69°-47'-  
5                   00" W. and latitude 43°-45'-23.89" N. - Class SA.

6                   **6. Waldo County.** All estuarine and marine waters lying within the boundaries of  
7                   Waldo County and that are not otherwise classified are Class SB waters.

8                   A. Frankfort.

9                   (1) All tidal waters - Class SC.

10                  B. Prospect.

11                  (1) All tidal waters - Class SC.

12                  C. Searsport.

13                  (1) Tidal waters located within a line beginning at the southernmost point of land  
14                  on Kidder Point and running southerly along the western shore of Sears Island to  
15                  the southernmost point of Sears Island; thence running due south to latitude 44`-  
16                  25'-25" N.; thence running due west to latitude 44`-25'-25" N., longitude 68`-54'-  
17                  30" W.; thence running due north to the shore of Mack Point at longitude 68`-54'-  
18                  30" W.; thence running along the shore in an easterly direction to point of  
19                  beginning - Class SC.

20                  D. Stockton Springs.

21                  (1) Tidal waters lying northerly of the southernmost point of land on Verona  
22                  Island - Class SC.

23                  E. Winterport.

24                  (1) All tidal waters - Class SC.

25                  **7. Washington County.** All estuarine and marine waters lying within the  
26                  boundaries of Washington County and that are not otherwise classified are Class SB  
27                  waters.

28                  A. Beals.

29                  (1) Tidal waters lying east of the line extending from the westernmost point of  
30                  Three Falls Point to the easternmost point of Crumple Island; thence south along  
31                  longitude 67`-36'-47" W. - Class SA.

32                  (2) Tidal waters lying south of a line extending from the easternmost point of the  
33                  southern shore of the Mud Hole; thence extending along latitude 44`-29'-00" N.  
34                  to the town line - Class SA.

35                  B. Calais.

36                  (1) Tidal waters of the St. Croix River and its tidal tributaries lying westerly of  
37                  longitude 67`-14'-28" W. - Class SC.

38                  C. Cutler.

- 1 (1) All tidal waters except those waters in Machias Bay and Little Machias Bay  
2 north of a line running from the town line due east to the southernmost point of  
3 Cross Island; thence running northeast to the southeasternmost point of Cape  
4 Wash Island; thence running northeast to the westernmost point of Deer Island;  
5 thence running due north to the mainland; and those waters lying northwest of a  
6 line running from the easternmost point of Western Head to the easternmost point  
7 of Eastern Knubble - Class SA.
- 8 D. Eastport.
- 9 (1) Tidal waters lying southerly of latitude 44°-54'-50" N., easterly of longitude  
10 67°-02'-00" W. and northerly of latitude 44°-53'-15" N. - Class SC.
- 11 E. Edmunds.
- 12 (1) All tidal waters - Class SA.
- 13 F. Lubec.
- 14 (1) Tidal waters, except those lying within 500 feet of West Quoddy Head Light,  
15 south of a line beginning at a point located on the northern shore of West Quoddy  
16 Head at latitude 44°-49'-22" N., longitude 66°-59'-17" W. and running northeast  
17 to the international boundary at latitude 44°-49'-45" N., longitude 66°-57'-57" W.  
18 - Class SA.
- 19 (2) Tidal waters west of a line running from the easternmost point of Youngs  
20 Point to the easternmost point of Leighton Neck in Pembroke - Class SA.
- 21 G. Milbridge.
- 22 (1) Tidal waters south of a line running from the Steuben - Milbridge town line  
23 along latitude 44°-27'-39" N. to the northernmost point of Currant Island; thence  
24 running easterly to a point 1,000 feet from mean high tide on the northernmost  
25 point of Pond Island; thence along a line running 1,000 feet from mean high tide  
26 along the east side of Pond Island to the southernmost point of the island; thence  
27 running due south - Class SA.
- 28 H. Pembroke.
- 29 (1) Tidal waters west of a line running from the easternmost point of Leighton  
30 Neck to the easternmost point of Youngs Point in Lubec - Class SA.
- 31 I. Steuben.
- 32 (1) Tidal waters southeast of a line beginning at Yellow Birch Head at latitude  
33 44°-25'-05" N.; thence running to longitude 67°-55'-00" W.; thence running due  
34 south along longitude 67°-55'-00" W. - Class SA.
- 35 (2) Tidal waters southwest of a line beginning at a point located south of  
36 Carrying Place Cove at latitude 44°-26'-18" N., longitude 67°-53'-14" W.; thence  
37 running along latitude 44°-26'-18" N. east to the town line - Class SA.
- 38 J. Trescott.
- 39 (1) All tidal waters - Class SA.
- 40 K. Whiting.

1 (1) Tidal waters of the Orange River - Class SA.

2 **8. York County.** All estuarine and marine waters lying within the boundaries of  
3 York County and that are not otherwise classified are Class SB waters.

4 A. Biddeford.

5 (1) Tidal waters of the Saco River and its tidal tributaries lying westerly of  
6 longitude 70°-22'-54" W. - Class SC.

7 B. Kennebunk.

8 (1) Tidal waters of the Little River system lying north of latitude 43°-20'-10" N. -  
9 Class SA.

10 C. Kittery.

11 (1) Tidal waters of the Piscataqua River and its tidal tributaries lying westerly of  
12 longitude 70°-42'-52" W., southerly of Route 103 and easterly of Interstate Route  
13 95 - Class SC.

14 (2) Tidal waters lying northeast of a line from Sisters Point; thence south along  
15 longitude 70°-40'-00" W. to the Maine-New Hampshire border; thence running  
16 southeast along the Maine-New Hampshire border to Cedar Ledge beyond the  
17 Isles of Shoals, except waters within 500 feet of the Isles of Shoals Research  
18 Station - Class SA.

19 D. Old Orchard Beach.

20 (1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of  
21 longitude 70°-23'-08" W. - Class SC.

22 E. Saco.

23 (1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of  
24 longitude 70°-23'-08" W. - Class SC.

25 (2) Tidal waters of the Saco River and its tidal tributaries lying westerly of  
26 longitude 70°-22'-54" W. - Class SC.

27 F. Wells.

28 (1) Tidal waters of the Little River system lying north of latitude 43°-20'-10" N. -  
29 Class SA.

30 G. York.

31 (1) Tidal waters lying southwest of a line from Seal Head Point east along  
32 latitude 43°-07'-15" N. - Class SA.

33 **Sec. 12. 38 MRSA §542, sub-§6**, as amended by PL 1977, c. 375, §2, is further  
34 amended to read:

35 **6. Oil.** "Oil" means oil, petroleum products and their by-products of any kind and in  
36 any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed  
37 with other wastes, crude oils and all other liquid hydrocarbons regardless of specific  
38 gravity. "Oil" does not include liquid natural gas.



1           **Sec. 13. 38 MRSA §562-A, sub-§15**, as amended by PL 1995, c. 361, §3, is  
2 further amended to read:

3           **15. Oil.** "Oil" means oil, oil additives, petroleum products and their by-products of  
4 any kind and in any form, including, but not limited to, petroleum, fuel oil, sludge, oil  
5 refuse, oil mixed with other nonhazardous waste, crude oils and all other liquid  
6 hydrocarbons regardless of specific gravity. "Oil" does not include liquid natural gas.

7           **Sec. 14. 38 MRSA §563, sub-§1, ¶A**, as amended by PL 2001, c. 626, §12, is  
8 further amended to read:

9           A. A person may not install, or cause to be installed, a new or replacement  
10 underground oil storage facility ~~without first having registered~~ unless the facility with  
11 ~~the commissioner is registered~~ in accordance with the requirements of subsection 2,  
12 ~~and having paid the registration fee in accordance with the requirements of~~  
13 ~~subsection 4,~~ at least 10 business days but no more than one year prior to installation  
14 and the registration fee is paid in accordance with subsection 4. If compliance with  
15 this time requirement is impossible due to an emergency situation, the owner or  
16 operator of the facility at which the new or replacement facility is to be installed shall  
17 inform the commissioner as soon as the emergency becomes known.

18           The owner or operator shall make available a copy of the facility's registration at that  
19 facility for inspection by the commissioner and authorized municipal officials.

20           **Sec. 15. 38 MRSA §566-A, sub-§2**, as repealed and replaced by PL 1991, c. 66,  
21 Pt. A, §27, is amended to read:

22           **2. Notice of intent.** The owner or operator of an underground oil storage facility or  
23 tank or, if the owner or operator is unknown, the current owner of the property where the  
24 facility or tank is located shall provide written notice of an intent to abandon an  
25 underground oil storage facility or tank to the commissioner and the fire department in  
26 whose jurisdiction the underground oil facility or tank is located ~~at least 30 days~~ prior to  
27 abandonment.

28           **Sec. 16. 38 MRSA §568-A, sub-§1, ¶B-2**, as enacted by PL 1997, c. 374, §4, is  
29 amended to read:

30           B-2. An applicant is not eligible for coverage for any discharge discovered or  
31 reported to the commissioner after October 1, 1998 if the discharge is from an  
32 underground oil storage facility or tank that is not constructed of fiberglass,  
33 cathodically protected steel or other noncorrosive material approved by the  
34 department or from an aboveground oil storage facility that has underground piping  
35 that is not constructed of fiberglass, cathodically protected steel or other noncorrosive  
36 material approved by the department. ~~An applicant who would otherwise not be~~  
37 ~~eligible for coverage pursuant to this paragraph is not subject to this exclusion from~~  
38 ~~coverage for such a discharge discovered or reported to the commissioner on or~~  
39 ~~before October 1, 1999 if the facility or tank was not operated or used to store oil~~  
40 ~~after the applicable compliance date under section 563-A and the applicant: This~~  
41 ~~exclusion from coverage does not apply to a discharge from an aboveground oil~~  
42 ~~storage facility if the facility is used exclusively to store home heating oil, consists of~~

1 tanks with a capacity of 660 gallons or less and has an aggregate tank capacity of  
2 1,320 gallons or less.

3 ~~(1) Can not secure financing to remove the facility or tank as evidenced by~~  
4 ~~letters from 3 financial institutions; or~~

5 ~~(2) Can not obtain the services of a certified underground oil storage tank~~  
6 ~~installer or remover required pursuant to section 566-A as evidenced by letters~~  
7 ~~from 3 certified underground oil storage tank installers or removers.~~

8 **Sec. 17. 38 MRSA §568-A, sub-§2-B** is enacted to read:

9 **2-B. Failure to pay deductibles.** An order issued under subsection 1, paragraph F-1  
10 may be conditioned on payment of the applicable deductibles. If an applicant fails to pay  
11 the deductible amounts as determined under subsection 2 within 180 days of receipt of a  
12 bill from the department or within 180 days of a decision by the review board or an  
13 appellate court upholding the determination, whichever is later, the commissioner may  
14 seek reimbursement from the applicant or any other responsible party of all costs incurred  
15 by the State in the removal, abatement and remediation of the discharge for which  
16 coverage was sought.

17 **Sec. 18. 38 MRSA §569-C** is enacted to read:

18 **§569-C. Limited exemption from liability for state or local governmental entities**

19 **1. Limited exemption from liability.** Liability under section 570 does not apply to  
20 the State or any political subdivision that acquired ownership or control of an oil storage  
21 facility through tax delinquency proceedings pursuant to Title 36, or through any similar  
22 statutorily created procedure for the collection of governmental taxes, assessments,  
23 expenses or charges, or involuntarily through abandonment, or in circumstances in which  
24 the State or political subdivision involuntarily acquired ownership or control by virtue of  
25 its function as a sovereign. The exemption from liability provided under this subsection  
26 does not apply if:

27 A. The State or political subdivision causes, contributes to or exacerbates a discharge  
28 or threat of discharge from the facility; or

29 B. After acquiring ownership of the facility and upon obtaining knowledge of a  
30 release or threat of release, the State or political subdivision does not:

31 (1) Notify the department within a reasonable time after obtaining knowledge of  
32 a discharge or threat of discharge;

33 (2) Provide reasonable access to the department and its authorized  
34 representatives so that necessary response actions may be conducted; and

35 (3) Undertake reasonable steps to control access and prevent imminent threats to  
36 public health and the environment.

37 **2. Reimbursement for department expenses.** Notwithstanding the exemption from  
38 liability provided in subsection 1, the State or any political subdivision that acquires or  
39 has acquired ownership of property that encompasses an oil storage facility pursuant to

1 any of the proceedings referred to in subsection 1 is liable for any costs incurred by the  
2 department pursuant to this chapter during the period in which the State or political  
3 subdivision had ownership of the property, up to the amount of the proceeds from the sale  
4 or disposition of the property minus any unpaid taxes on the property and the out-of-  
5 pocket costs of the sale or disposition.

6 **Sec. 19. 38 MRSA §584-A**, as amended by PL 2009, c. 121, §15, is repealed and  
7 the following enacted in its place:

8 **§584-A. Ambient air quality standards**

9 For purposes of statutory interpretation, rules, licensing determinations, policy  
10 guidance and all other actions by the department or the board, any reference to an  
11 ambient air quality standard is interpreted to refer to the national ambient air quality  
12 standard established pursuant to Section 109 of the federal Clean Air Act, 42 United  
13 States Code, Section 7409, as amended.

14 **Sec. 20. 38 MRSA §1393, sub-§1, ¶B**, as enacted by PL 2007, c. 569, §6, is  
15 amended to read:

16 B. After September 30, 2008, a person may not install in a wellhead protection zone:

- 17 (1) An aboveground oil storage facility;
- 18 (2) An automobile graveyard as defined in Title 30-A, section 3752, subsection 1  
19 or an automobile recycling business as defined in Title 30-A, section 3752,  
20 subsection 1-A;
- 21 (3) An automobile body shop or other ~~commercial~~ automobile maintenance and  
22 repair facility;
- 23 (4) A dry cleaning facility that uses perchloroethylene;
- 24 (5) A metal finishing or plating facility; or
- 25 (6) A commercial hazardous waste facility as defined under section 1303-C,  
26 subsection 4.

27 **Sec. 21. 38 MRSA §1393, sub-§2, ¶A**, as enacted by PL 2007, c. 569, §6, is  
28 amended to read:

29 A. A facility in existence ~~or under construction~~ on the effective date of the  
30 prohibition established under subsection 1. ~~As used in this paragraph, "under~~  
31 ~~construction" means that a substantial amount of money or effort has been expended~~  
32 ~~toward completion of the facility as determined by the commissioner. The test of~~  
33 ~~substantiality involves an assessment of the amount of money or effort expended in~~  
34 ~~relation to the amount required to complete the facility;~~

35 **Sec. 22. 38 MRSA §1661-C, sub-§11** is enacted to read:

36 **11. Mercuric oxide batteries.** A person may not sell, distribute or offer for sale in  
37 this State a consumer mercuric oxide button cell battery. The sale and use of all other  
38 types of mercuric oxide batteries is subject to the requirements of section 2165.

1           **Sec. 23. 38 MRSA §1661-C, sub-§12** is enacted to read:

2           **12. Alkaline manganese and zinc-carbon batteries.** A person may not sell,  
3 distribute or offer for sale in this State the following batteries:

4           A. An alkaline manganese battery that contains any added mercury; or

5           B. A zinc carbon battery that contains any added mercury.

6           **Sec. 24. 38 MRSA §1665-A, sub-§5, ¶B,** as repealed and replaced by PL 2005,  
7 c. 561, §9, is amended to read:

8           B. Pay for each mercury switch brought to the consolidation facilities as partial  
9 compensation for the removal, storage and transport of the switches a minimum of \$4  
10 if the vehicle identification number or year, make and model of the source vehicle is  
11 provided. If the vehicle identification number or year, make and model of the source  
12 vehicle is not provided, no payment is required;

13           **Sec. 25. 38 MRSA §1665-B, sub-§1, ¶D,** as enacted by PL 2009, c. 277, §4, is  
14 amended to read:

15           D. "Wholesaler" means a business that the department determines is primarily  
16 engaged in the distribution and selling of ~~electrical supplies or large quantities of~~  
17 heating, ventilation and air conditioning components to contractors that install  
18 ~~electrical or~~ heating, ventilation and air conditioning components.

19           **Sec. 26. 38 MRSA §1665-B, sub-§2, ¶A,** as amended by PL 2009, c. 277, §6, is  
20 further amended to read:

21           A. Establish and maintain a collection and recycling program for out-of-service  
22 mercury-added thermostats. The collection and recycling program must be designed  
23 and implemented to ensure that:

24                   (1) A maximum rate of collection of mercury-added thermostats is achieved;

25                   (2) Handling and recycling of mercury-added thermostats are accomplished in a  
26 manner that is consistent with section 1663, with other provisions of this chapter  
27 and with the universal waste rules adopted by the board pursuant to section  
28 1319-O;

29                   (3) Authorized bins for mercury-added thermostat collection are made available  
30 at a reasonable one-time fee not to exceed \$25 to all ~~heating, ventilation and air~~  
31 ~~conditioning supply, electrical supply and plumbing supply distributor~~ wholesaler  
32 locations that sell thermostats and to all retailers and electrical supply  
33 wholesalers who volunteer to participate in the program; and

34                   (4) By January 1, 2007, authorized bins for mercury-added thermostat collection  
35 are made available at a reasonable one-time fee not to exceed \$25 to  
36 municipalities and regions requesting bins for mercury-added thermostat  
37 collection at universal waste collection sites or at periodic household hazardous  
38 waste collection events, as long as the collection sites or events are approved by  
39 the department for mercury-added thermostat collections;

1           **Sec. 27. 38 MRSA §1665-B, sub-§2, ¶E**, as enacted by PL 2005, c. 558, §1, is  
2 amended to read:

3           E. Within 3 months after the department develops phase one of the plan required by  
4 subsection 4, provide a financial incentive with a minimum value of \$5 for the return  
5 of each mercury-added thermostat ~~by a contractor or service technician, with or~~  
6 without a cover, to an established wholesaler recycling collection point;

7           **Sec. 28. 38 MRSA §1665-B, sub-§2, ¶F**, as amended by PL 2009, c. 277, §7, is  
8 further amended to read:

9           F. Within 3 months after the department develops phase 2 of the plan required by  
10 subsection 4, provide a financial incentive with a minimum value of \$5 for the return  
11 of each mercury-added thermostat ~~by a homeowner, with or without a cover~~, to an  
12 established retail recycling collection point;

13           **Sec. 29. 38 MRSA §1665-B, sub-§6**, as enacted by PL 2005, c. 558, §1, is  
14 amended to read:

15           **6. Report.** By March 15, 2007 and annually thereafter, the department shall submit  
16 a report on the collection and recycling of mercury-added thermostats in the State to the  
17 joint standing committee of the Legislature having jurisdiction over natural resources  
18 matters. The report due in 2007 must include a description and discussion of the financial  
19 incentive plan established under this section and recommendations for any statutory  
20 changes concerning the collection and recycling of mercury-added thermostats.  
21 Subsequent reports must include an evaluation of the effectiveness of the thermostat  
22 collection and recycling programs established under this section, information on actual  
23 collection rates and recommendations for any statutory changes concerning the collection  
24 and recycling of mercury-added thermostats. Beginning in 2012, the department may  
25 submit this information as part of the product stewardship program report under section  
26 1772.

27           **Sec. 30. 38 MRSA §1771, sub-§6**, as enacted by PL 2009, c. 516, §1, is amended  
28 to read:

29           **6. Product stewardship program.** "Product stewardship program" means a  
30 program financed ~~without a visible fee at purchase and~~ either managed or provided by  
31 producers ~~and~~ individually or collectively that includes, but is not limited to, the  
32 collection, transportation, reuse and recycling or disposal, or both, of unwanted products.  
33 "Product stewardship program" includes a program financed through an assessment paid  
34 by the producers to a stewardship organization.

35           **Sec. 31. 38 MRSA §1771, sub-§8-A** is enacted to read:

36           **8-A. Stewardship organization.** "Stewardship organization" means a corporation,  
37 nonprofit organization or other legal entity created by a producer or group of producers to  
38 implement a product stewardship program.

39           **Sec. 32. 38 MRSA §2165, sub-§6**, as amended by PL 2009, c. 86, §2, is repealed.



1 program to allow an applicant to pay a compensation fee in lieu of meeting certain  
2 requirements, by adding the alternative of allowing an applicant to carry out a  
3 compensation project in lieu of meeting such requirements. It also deletes a related  
4 provision that authorizes the department to allow an applicant to meet a municipally  
5 required mitigation option in certain circumstances as an alternative to paying a  
6 compensation fee.

7 9. It amends Title 38, section 469 to add text consistent with the first paragraph of  
8 section 469, to correct the structure of section 469 and to aid the ease of use of the  
9 section.

10 10. It amends the laws governing the classification of estuarine and marine waters in  
11 Phippsburg to specify missing coordinates.

12 11. It amends the oil spill prevention laws to make it clear that liquid natural gas is  
13 not oil.

14 12. It amends the laws on registration of underground oil storage tanks to require that  
15 such tanks be registered within the year preceding installation.

16 13. It amends the laws governing abandonment and removal of oil storage facilities  
17 to allow flexibility in providing notice to the department in advance of removal work.

18 14. It amends the oil spill remediation laws to make it clear that the costs of cleaning  
19 up discharges from aboveground home heating oil tanks are eligible for coverage by the  
20 Ground Water Oil Clean-up Fund whether or not the tank is constructed of fiberglass,  
21 cathodically protected steel or other noncorrosive material. It also deletes obsolete  
22 language related to eligibility for fund coverage of discharges that were discovered before  
23 October 1, 1999.

24 15. It amends the oil spill remediation laws to provide that oil cleanup costs from  
25 leaking storage tanks are eligible for coverage by the Ground Water Oil Clean-up Fund if  
26 the applicant for coverage such as the tank owner or operator pays the applicable  
27 statutory deductibles.

28 16. It limits the liability of municipalities that acquire oil storage facilities through  
29 tax delinquency proceedings.

30 17. It repeals and replaces Title 38, section 584-A to provide that references to  
31 ambient air quality standards refer to national ambient air quality standards.

32 18. It amends the wellhead protection laws to extend the siting restrictions on  
33 automobile maintenance shops to public works garages and other noncommercial  
34 facilities where motor vehicles are serviced.

35 19. It amends the wellhead protection laws to eliminate language regarding the  
36 applicability of wellhead siting restrictions to development under construction. The  
37 language has been rendered obsolete by the passage of time.

1           20. It amends the mercury products laws to consolidate restrictions on the sale of  
2 mercury-added batteries.

3           21. It amends the mercury products laws to clarify that automakers must pay the  
4 minimum \$4 amount for mercury switches from motor vehicles if the year, make and  
5 model of the vehicle are provided.

6           22. It amends the laws governing recycling of mercury thermostats to clarify the  
7 requirements for distribution of collection bins to recycling locations. It also amends the  
8 provisions requiring thermostat manufacturers to pay a \$5 bounty on each mercury  
9 thermostat returned for recycling by clarifying that the bounty is owed whether or not the  
10 thermostat is returned with the exterior cover intact.

11           23. It consolidates reporting requirements under the thermostat recycling and product  
12 stewardship laws.

13           24. It amends the product stewardship laws to make explicit that product  
14 manufacturers may create a stewardship organization to implement their responsibilities  
15 for managing the environmental impacts of their products.