

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 207

AN ACT Relating to the Payments of Retirement Pay of State Police Officers.

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

25 MRSA § 1593, last sentence is repealed.

Effective October 1, 1975

CHAPTER 208

AN ACT Relating to the State Police Retirement System.

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

Sec. 1. 25 MRSA § 1591, as last repealed and replaced by PL 1973, c. 625, § 165, is repealed.

Sec. 2. **Applicability.** The repeal of Title 25, section 1591, shall not affect the benefits of those retired under that section prior to the effective date of this Act.

Effective October 1, 1975

CHAPTER 209

AN ACT to Allow the Board of Environmental Protection to Grant Variances to Statutory Time Schedules.

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

38 MRSA § 451-A, as enacted by PL 1973, c. 423, § 8, is repealed and the following enacted in place thereof:

§ 451-A. Time schedule variances

1. Power to grant variances. The Board of Environmental Protection shall grant a variance from any statutory water pollution abatement time schedule to any municipality or quasi-municipal entity, hereinafter called the "municipality," upon application by it. The board shall grant a variance only upon a finding that:

A. Federal funds for the construction of municipal waste water treatment facilities are not available for the project; and

B. The municipality has demonstrated that it has completed preliminary plans acceptable to the Department of Environmental Protection for the treatment of municipal wastes and for construction of that portion of the municipal sewage system intended to be served by the planned municipal treatment plant when that plant first begins operations; and

C. Beginning on October 1, 1976, the municipality shall collect, from each discharger into its sewage system and each discharger not connected to the sewage system which has signed an approved agreement with the municipality pursuant to subsection 2, a fee sufficient to equal their proportionate share of the actual current cost of operating the sewage system for which preliminary plans have been completed and approved pursuant to paragraph B. Actual current costs shall include but not be limited to preliminary plans, final design plans, site acquisition, legal fees, interest fees, sewer system maintenance and rehabilitation and other administrative costs. A municipality may provide, when permitted under the federal construction grant program, that in lieu of such annual fees paid by dischargers, the municipality may apportion an appropriate amount from general revenues to cover that share of fees to be paid by dischargers.

The funds collected or apportioned pursuant to this paragraph and interest collected thereon shall be invested and expended pursuant to Title 30, chapter 241.

Any funds paid by a discharger or discharger not connected to the sewage system pursuant to this paragraph may be credited to the account of the discharger if the municipality is subsequently reimbursed by the federal construction grant program. The credit arrangement shall be determined by agreement between the municipality and the discharger.

Variances shall be issued for a term certain not to exceed 3 years, and may be renewed, except that no variance shall run longer than the time specified for completion of the municipal waste treatment facility. Upon notice of the availability of federal funds, the municipality shall present to the Department of Environmental Protection for approval an implementation schedule for designing, constructing and placing the waste collection and treatment facilities in operation.

Variances may be conditioned upon reasonable and necessary terms relating to appropriate interim measures to be taken by the municipality to maintain or improve water quality.

2. Exemptions. Any person, other than a municipality, maintaining a discharge subject to the requirements of sections 413, 414 and 414-A shall be exempt from the requirements of section 414-A, subsection 1, paragraph D, Effluent Limitations and Best Practicable Treatment, if, within 120 days of the effective date of this Act or on the commencement of a licensed discharge, whichever occurs later, such discharger presents to the Department of Environmental Protection and receives approval of a contract agreeing to connect to the existing or planned municipal sewage system immediately upon completion of construction and commencement of operation of such treatment plant. Such contract must insure that, in the case of a new discharge, such new discharge will not cause serious water quality problems, including but not limited to downgrading the receiving waters so as to make them unsuitable for currently existing uses. For the purpose of this section, a "new discharge" is a discharge which commences or a discharge which changes

characteristics or increases licensed volume by more than 10% on or after the effective date of this Act.

3. Failure to comply with agreement. Failure to comply with any of the terms of an agreement approved pursuant to subsection 2 shall immediately render such agreement null and void and discharges included in such an agreement shall immediately cease or shall only discharge in accordance with the standards of best practicable treatment specified in section 414-A, subsection 1, paragraph D, and all other requirements of sections 414 and 414-A.

4. Pretreatment systems. Where a discharger otherwise exempted from constructing treatment facilities pursuant to this section will be required to pretreat effluents before discharge into the municipal system pursuant to any requirement of state or federal law, such pretreatment system shall be installed not later than October 1, 1976.

5. Fees. Municipalities and quasi-municipal entities shall assess and collect the fees to be charged pursuant to this section in accordance with the provisions of chapter 11, and Title 30, chapters 235 and 237.

Effective October 1, 1975

CHAPTER 210

AN ACT Relating to Service Retirement for the Chief and Deputy Chief of State Police and Payment of Benefits to State Police Retirees.

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

5 MRSA § 1121, sub-§ 1, ¶ C, first ¶, as last amended by PL 1973, c. 412, § 3, is further amended to read:

Any member of the State Police who became a member of that department subsequent to July 9, 1943 may retire upon completion of 20 years of creditable service as a state police officer, but must retire upon attainment of age 55, except that any member who is a state police officer on January 1, 1967 and who will not have 20 years of creditable service at the time age 55 is attained may continue in said service until 20 years is attained and forthwith shall be retired. ~~Except that military~~ **Military** service credits as allowed under section 1094 shall not be considered as part of the creditable service necessary for the 20 years service as a state police officer, but ~~that any~~ military service creditable under section 1091 shall be considered to be part of the creditable service necessary for the 20 years as a state police officer provided that ~~he the member~~ was a state police officer at the time of entrance into said military service and upon separation from military service again became a state police officer. Notwithstanding anything to the contrary, a state police officer appointed as the chief, deputy chief or as Commissioner of Public Safety shall be permitted to continue in said position beyond attained age 55 or after completion of 20 years of creditable service until the end of the term for which he was appointed, and ~~such the chief, deputy chief or~~ Commissioner of Public Safety may be appointed and reappointed regardless of attained age or length of creditable service. The total amount of the service retirement allowance of a member retired in