

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Sec. 72. **Effective date.** Sections 2 to 71 of this Act shall become effective ~~April~~ **May 1, 1976.**

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 30, 1976

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## CHAPTER 700

### AN ACT to Temporarily Exempt Property Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements.

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

Whereas, the mandatory waste discharge license requirements embodied in Title 38, Section 141-A, pose a severe hardship for Casco Bay Island residents; and

Whereas, compliance with waste discharge license requirements will necessitate the purchase and installation of costly private sewage treatment facilities for those residents; and

Whereas, the installation costs of private treatment facilities on islands are especially expensive because of the extra transportation costs associated with water transport of such facilities; and

Whereas, the average household income of Casco Bay Island residents is below the state average for Maine households; and

Whereas, these statutory waste discharge license requirements must be complied with by October 1, 1976; and

Whereas, a feasibility study and plan for the development of municipal sewerage treatment facilities in Casco Bay will be completed within 2 years; and

Whereas, the eventual construction of these facilities may eliminate the future need for installing private sewerage treatment facilities; and

Whereas, a temporary exemption from the applicable provisions of this statute for all island residents for a period of approximately 2 years is necessary to afford islanders of limited income additional time to finance the purchase and installation of private sewerage facilities; and

Whereas, a permanent exemption from the applicable provisions of this statute for island residents to be served by planned municipal sewerage facilities is also necessary; 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. 38 MRSA § 451-A, sub-§ 2, first sentence, as repealed and replaced by PL 1975, c. 209, is amended to read:

Any person, other than a municipality, maintaining a discharge subject to the requirements of section 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~~ by July 1, 1976 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.

Sec. 2. 38 MRSA § 451-A, sub-§ 6 is enacted to read:

6. Power to grant variances to owners of private dwellings. The Board of Environmental Protection may grant a variance from any statutory water pollution abatement time schedule for a time certain terminating on or before June 1, 1977 to the owner of a structure which:

- A. Is located on any Maine coastal island not connected to the mainland by a bridge, road or causeway;
- B. Has been used as his dwelling place either year round or seasonally prior to the effective date of this Act; and
- C. Is maintaining a discharge subject to the requirements of sections 413, 414 and 414-A if the following conditions exist and requirements are met:
  - (1) compliance will cause an undue economic burden;
  - (2) the water quality of the receiving waters will not be seriously impaired;
  - (3) the discharge will not differ in kind or be greater in quantity from that which occurred prior to the effective date of this Act on a year round basis or seasonally;
  - (4) the applicant presents to the department and receives approval of a written contract for installation of an alternate system providing best practicable treatment; and
  - (5) the approved system in subparagraph (4) shall be completed and operating prior to June 1, 1977.

An application for a variance under this subsection must be submitted prior to September 1, 1976. No applicant for a variance under this subsection shall be in violation of any time schedule during the period following application and prior to the Board of Environmental Protection's final action on the application.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 30, 1976

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## CHAPTER 701

AN ACT to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act.

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

Sec. 1. 4 MRSA § 5, 2nd ¶, as last amended by PL 1969, c. 469, § 1, is further amended to read:

If such justice dies in office, or has heretofore died in office, ~~his widow~~ his or her surviving spouse, as long as ~~she remains unmarried~~ he or she is not the dependent of another person, or if he or she leaves no ~~widow~~ surviving spouse, or at ~~her~~ his or her death or ~~remarriage~~ at the time he or she becomes the dependent of another person, then his or her child or children under the age of 18 years and until they respectively reach their 18th birthday, shall annually be entitled to  $\frac{3}{8}$  of the currently effective annual salary of a Justice or Chief Justice of the Supreme Judicial Court, as the case may be. In case there is more than one child, the compensation shall be divided equally among them.

Sec. 2. 4 MRSA § 5, last ¶, as last amended by PL 1969, c. 469, § 2, is further amended to read:

If such justice dies having terminated his or her service and having become entitled to compensation as provided in this section, ~~his widow~~ his or her surviving spouse, as long as ~~she remains unmarried~~ he or she is not the dependent of another person, or if he or she leaves no ~~widow~~ surviving spouse, or at ~~her~~ his or her death or ~~remarriage~~ at the time he or she becomes the dependent of another person, then his or her child or children under the age of 18 years and until they respectively reach their 18th birthday, shall annually be entitled to  $\frac{3}{8}$  of the currently effective annual salary of a Justice or Chief Justice of the Supreme Judicial Court, as the case may be. In case there is more than one child, the compensation shall be divided equally among them.

Sec. 3. 4 MRSA § 103, 2nd and last ¶¶, as last amended by PL 1969, c. 469, §§ 3 and 4, are repealed and the following enacted in place thereof:

If such justice dies in office, or has heretofore died in office, his or her surviving spouse, as long as he or she is not the dependent of another person, or if he or she leaves no surviving spouse, or at his or her death or at the